



China

2 March 2011

Release on medical parole and re-arrest of Ms. Mao Hengfeng - CHN 001 / 0310 / OBS 034.1

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.

Brief description of the situation:

The Observatory has been informed by reliable sources about the release for medical reasons and the subsequent re-arrest of Ms. **Mao Hengfeng**, a Shanghai activist who has been active in defending the right to housing and opposing forced evictions. She has also been active in promoting women's reproductive rights.

According to the information received, on February 22, 2011, Ms. Mao Hengfeng was released, on medical parole, from the Anhui Reeducation Through Labor (RTL) facility [\[1\]](#), where she had been detained on the charge of "disturbing social order" (see background information).

On February 22, 2011, the authorities of the Anhui RTL facility granted Ms. Mao Hengfeng medical parole because her blood pressure was at "Level III" - the highest-risk level according to the Chinese Ministry of Health. Ms. Mao Hengfeng's medical exams also showed that the left side of her head and her lower back are badly injured. She has been allegedly subjected to ill-treatments at the Anhui RTL facility, including beatings by the RTL guards and by the persons in charge of the facility, in order to make her admit that she had said "Down with the Communist Party" outside the Beijing court, where Mr. Liu Xiaobo, a prominent human rights activist and scholar, co-author of the "Charter 08", a petition calling for political reforms and the protection of human rights in the People's Republic of China, was sentenced on December 25, 2009.

According to the same information, on the morning of February 23, 2011, more than ten police officers blocked the entrance of Ms. Mao Hengfeng's home and did not allow her to leave. The police officers stayed in front of the house until February 24, 2011. That day, at 3:30pm, the head of the Anhui RTL facility, along with a dozen Shanghai and Anhui police officers, entered Ms. Mao Hengfeng's home and took her away. The Anhui RTL facility authorities gave a copy of the "Notice Terminating RTL Personnel Medical Release" to her husband, Mr. Wu Xuwei. They cited Ms. Mao Hengfeng's "illegal activities inconsistent with [the stipulations of] medical parole" as the basis of the decision, but did not specify what those activities were. The document indicates that Ms. Mao Hengfeng would be brought back to the Anhui RTL facility, but no confirmation of her whereabouts has been received to date.

The Observatory deplores the cancellation of Ms. Mao Hengfeng's medical parole in spite of her alarming health situation, and fears for her physical and psychological integrity. The Observatory calls upon the Chinese authorities to take prompt action in order to immediately and unconditionally release Ms. Mao Hengfeng, and to put an end to the harassment against her, which seem to merely aim at sanctioning her human rights activities. The Observatory

further calls upon the authorities in China to conform with the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, and other international human rights instruments ratified by China.

Background information:

On February 23, 2010, at 2:00 am, Ms. Mao Hengfeng was arrested at her hotel in Beijing by Beijing and Shanghai police officers, and placed in administrative detention for ten days for "disturbing social order", because of the slogans she shouted outside the Beijing Municipal No. 1 Intermediate People's Court on December 25, 2009 to denounce the arbitrary sentencing of Mr. Liu Xiaobo.

On February 25, 2010, Ms. Mao Hengfeng's husband, Mr. Wu Xuwei, who was at their home in Shanghai, received a notice from the Daqiao Public Security Substation in Shanghai's Yangpu District, informing him of Ms. Mao Hengfeng's ten-day administrative detention.

On March 8, 2010, Mr. Wu Xuwei went to the Daqiao Substation to inquire about Ms. Mao Hengfeng's situation, as she had not been released at the end of her detention period, and he then came to know that on March 4, 2010 she had been ordered by the Shanghai Municipal Committee for the Management of RTL to serve one and a half year of RTL.

The Observatory recalls that Ms. Mao Hengfeng has been detained several times and subjected to ill-treatment in the past years due to her human rights activities.

Actions requested:

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

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Mao Hengfeng;
- ii. Release Ms. Mao Hengfeng immediately and unconditionally since her detention is arbitrary as it only aims at sanctioning her human rights activities;
- iii. Put an end to all forms of harassment, including at the administrative and judicial level, against Ms. Mao Hengfeng as well as against all human rights defenders in China;
- iv. Conform with the provisions of the UN Declaration on Human Rights Defenders, 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 12.1 which provides that "everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedom";
 - and its Article 12.2, which states 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";

v. 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 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

· 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.

Geneva - Paris, March 2, 2010

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

[1] RTL is an administrative detention measure according to which, without any proper legal procedures or court proceedings, the Public Security Bureau can send individuals to detention facilities for a maximum of four years. Detainees sent to RTL are deprived of their rights to legal counsel and appeal.