

URGENT ACTION



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UA 189/09

Unfair trial/prisoner of conscience

PEOPLE'S REPUBLIC
OF CHINA

Dhondup Wangchen (m), a Tibetan documentary-maker

Dhondup Wangchen, a Tibetan documentary-maker, is awaiting trial for “inciting separatism” in Xining city, the capital of Qinghai province in western China. The authorities have forced his lawyers to stop representing him, casting doubts over the fairness of his trial proceedings. He is a prisoner of conscience, detained for his peaceful exercise of the right to freedom of expression

Dhondup Wangchen was detained on 26 March 2008. After about three months in custody, he escaped while held in an unofficial place of detention, but was re-detained and is now held in Xining City No.1 Detention Center. He was tortured and ill-treated while being interrogated in 2008. He suffers from Hepatitis B, for which he is not being treated. His family received no official notification of his whereabouts or reason for his detention until April 2009.

In early 2009, Dhondup Wangchen’s family appointed two lawyers to defend him but police prohibited their meetings with Dhondup Wangchen on the grounds that his case involved state secrets. They were only allowed to meet him once, in April. On 13 July, Beijing judicial authorities told his lawyers, who are based in Beijing, to drop the case because of a new rule that only permits lawyers based in the province where a case has been filed to take it up. Violations of the rule will be punished by revoking lawyers’ professional license. There is however no such limitation in China’s law on lawyers. Only a few lawyers in China take the risk of representing victims of human rights violations. Recently, six well-known human rights lawyers had their licenses revoked and at least 14 more are awaiting the final results of an annual assessment of their licenses.

Prior to his detention, Dhondup Wangchen made a documentary in which Tibetans criticized the Chinese authorities.

BACKGROUND INFORMATION

Dhondup Wangchen was detained in the wake of widespread unrest in the Tibet Autonomous Region and other Tibetan-populated areas in 2008. He is said to have first been detained on suspicion of “illegal journalism”, an offense not stipulated in Chinese law on criminal liabilities or administrative punishment. He was then held on suspicion of “inciting subversion of state power” but the prosecuting authorities returned the case to the police for further investigation due to insufficient evidence.

After Dhondup Wangchen was first detained, the police questioned him for several weeks. During this time, he was beaten, punched in the head, and often deprived food and sleep and kept tied to a chair. As a consequence, he still suffers from headaches and pain in his arms at times. His family has never been allowed to meet him.

The documentary Dhondup Wangchen made, “Leaving Fear Behind”, was first screened to foreign journalists in a Beijing hotel just two days before the opening ceremony of the Beijing Olympics. It features interviews with Tibetans skeptical about the Chinese authorities’ promises of greater freedom in the run-up to the Beijing Olympics. Those

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interviewed also express their adoration of the Dalai Lama, and are highly critical of the Chinese authorities. Police interrupted the film's screening and stopped it.

According to official statistics, the Chinese authorities detained 4,434 people in connection with the 2008 unrest. While most have been released, the names, current legal status and whereabouts of more than 1,000 individuals remain unknown.

Over 100 people have been sentenced in connection with the unrest in 2008. Those convicted have received sentences ranging from three years fixed term imprisonment to life imprisonment or the death penalty. In April 2008, dozens of lawyers offered voluntary legal assistance to Tibetans detained in connection with the unrest. The authorities later warned these lawyers not to get involved in such cases and placed them under police surveillance. The authorities also threatened them with holding up the process of the renewal of their individual practicing licenses and the licenses of the law firms where they were employed. If they fail to pass the annual review, lawyers will not be able to practice as lawyers and law firms cannot continue their operation.

The authorities have issued similar threats in the wake of riots in that broke out in the Xinjiang Uighur Autonomous Region on 5 July 2009 and that to date have left more than 190 people dead, more than 1,600 injured and more than 1,000 detained.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- release Dhondup Wangchen immediately and unconditionally, as he has been detained solely for his peaceful exercise of the right to freedom of expression;
- guarantee that while he remains in custody, he is not tortured or otherwise ill-treated, and has access to family, legal assistance of his choosing and any medical care he may require;
- ensure that Dhondup Wangchen's trial is in line with international fair trial standards;
- conduct a prompt and impartial investigation into the allegations that Dhondup Wangchen has been tortured and otherwise ill-treated, with a view to bringing those responsible to justice.

APPEALS TO:

Director of the Xizang Autonomous Regional Bureau of Justice

Juzhang
Xizang Zizhiqu Sifaju
10 Duodilu
Lasashi 850000
Xizang Zizhiqu
PEOPLE'S REPUBLIC OF CHINA
Salutation: Dear Director

Minister of Justice of the People's Republic of China

WU Aiyang Buzhang
Sifabu
10 Chaoyangmen Nandajie
Chaoyangqu
Beijingshi 100020
PEOPLE'S REPUBLIC OF CHINA
Fax: 011 86 10 65292345
Email: pfmaster@legalinfo.gov.cn
Salutation: Dear Minister

Prime Minister of the People's Republic of China
WEN Jiabao Guojia Zongli
The State Council General Office
2 Fuyoujie
Xichengqu
Beijingshi 100017
PEOPLE'S REPUBLIC OF CHINA
Fax: 011 86 10 65961109 (c/o Ministry of Foreign Affairs)
Salutation: Your Excellency

COPIES TO:

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PLEASE SEND APPEALS IMMEDIATELY.

Check with the AIUSA Urgent Action office if sending appeals after 28 July 2009.