URGENT ACTION

42 MONTHS IN PRISON FOR FORCIBLY RETURNED ACTIVIST

According to a Chinese media report, Dong Guangping was sentenced to 42 months in prison almost one year after his trial in July 2017. No notification about the trial or sentencing has been communicated with his family and lawyer. Held incommunicado since being forcibly returned from Thailand in 2015, he remains at grave risk of torture.

Dong Guangping was sentenced on 13 July 2018 to 42 months in prison, according to the local branch of a state media outlet in Chongqing Municipality, southwest China, almost one year after his trial. Neither Dong Guangping's family nor his family-appointed lawyer received any notification about either the trial or the recent sentencing. Though the news report indicated that more than 40 representatives from different communities attended the trial, there was no indication about why these various attendees were gathered there.

Dong Guangping was convicted of "inciting subversion" and "crossing the national border illegally" on 26 July 2017. According to state media, Dong Guangping's conviction of "inciting subversion" was based on his attendance at two gatherings in Thailand that the Chinese government considered to be aimed at "subverting state power" and "overthrowing the socialist system". Undisclosed sources have told his family that Dong Guangping pleaded not guilty at his trial and has filed an appeal.

At varying times throughout his detention, Dong Guangping has had three different family lawyers. The government has refused to recognize any of them as legitimate and has consequently prevented all from any access to the case documents filed by the government. Physical access to Dong Guangping by his lawyers has also been consistently denied by the detention centre. In light of these ongoing incidents, his current lawyer wrote to the judge in May 2018 and the detention centre in June 2018. No replies from the authorities have yet been received.

Ever since Dong Guangping was detained 32 months ago, his family have yet to receive any official notification from the authorities about his whereabouts, arrest, indictment, trial or sentencing. Held in incommunicado detention, Dong Guangping remains at grave risk of torture and other ill-treatment.

1) TAKE ACTION
Write a letter, send an email, call, fax or tweet:

- Ensure that Dong Guangping is either released or tried in line with international fair trial standards, and not for the peaceful exercise of his human rights;
- Ensure that, while in detention, Dong Guangping is not subjected to torture or other ill-treatment and has regular, unrestricted access to his family, lawyers of his choice and medical care on request or as necessary;
- Cease requesting other countries to return individuals to China in violation of international law.

Contact these two officials by 11 September, 2018:

Chief Procurator of Chongqing Municipal People's Procuratorate
He Hengyang Jianchazhang
Chongqing Shi Renmin Jianchayuan
270 Jinlong Lu, Longxi
Yubei Qu, Chongqing Shi 400020
People's Republic of China
Salutation: Dear Chief Procurator

Ambassador Cui Tiankai,
Embassy of the People's Republic of China
3505 International Place NW,
Washington, DC 20008
Phone: 202 495 2266 | Fax: 202 495 2138
Email: chinaembpress_us@mfa.gov.cn
(If you receive an error message, please try calling instead!)
Salutation: Dear Ambassador

2) LET US KNOW YOU TOOK ACTION
Click here to let us know if you took action on this case! *This is Urgent Action 259.15*
Here's why it is so important to report your actions: we record the actions taken on each case—letters, emails, calls and tweets—and use that information in our advocacy.

AMNESTY INTERNATIONAL

URGENT ACTION

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ADDITIONAL INFORMATION

When the Thai government forcibly returned activists Dong Guangping and Jiang Yefei to China on 13 November 2015, they had already been recognized as refugees by the United Nations High Commission for Refugees (UNHCR), accepted for rapid resettlement in a third country and scheduled to depart on 18 November. The UNHCR and the Office of the UN High Commissioner for Human Rights (OHCHR) voiced strong concern about the forced return of Dong and Jiang and their risk of torture and other ill-treatment.

Jiang Yefei confessed to the charges of "subverting state power" and "crossing the national border illegally" and was sentenced on the same day as Dong Guangping, 13 July 2018, to a total of six years and six months for the two crimes.

On 26 November 2015, the two men appeared on state media news agency CCTV "confessing" to human-trafficking offences and "admitting" that Jiang had helped Dong to cross the border "illegally" into Thailand. After viewing the footage, the men's families observed that the two men's facial expressions and tone of voice were suspiciously different from usual, showing signs of pain and stress, and alleged that they may have been subjected to torture or other ill-treatment.

Dong had a court hearing scheduled for April 2017, but that was cancelled by authorities with no reason provided. The government-appointed lawyer, who replaced one hired by Dong's family in August 2016, quit on 14 July 2017 due to difficulties in handling the case. The lawyer first appointed by his family repeatedly visited the detention centre in Chongqing. All requests by the family-appointed lawyer to meet Dong were rejected, as the authorities did not recognize him as legitimate. The lawyer was also not allowed to review any documents in the government's case file against Dong.

Dong Guangping was a policeman in China before his employment was terminated in 1999 after co-signing a public letter and distributing articles in different cities commemorating the 10th anniversary of the 1989 Tiananmen Square crackdown. He had previously been detained in China several times for his peaceful activism. He was imprisoned for three years in 2001 for "inciting subversion of state power" and was detained by Chinese authorities from May 2014 to February 2015 after participating in a commemoration for the victims of the 1989 Tiananmen Square crackdown. He arrived in Thailand with his wife and daughter in September 2015 to escape harassment.

Dong's family, who are now resettled in a third country, believe that they would be harassed or even detained if they returned to China. His wife has even ceased contacts with her parents after the police visited their home in September 2016 saying that she was in contact with "foreign hostile forces". A stranger, believed to have links to the government, called Dong's wife in 2016 to persuade her to return to China from the country where they have been resettled. He threatened them by saying that Dong would be imprisoned for more than 10 years and possibly would not be able to meet his wife again unless she and her daughter returned to China.

Southeast Asian countries are increasingly violating the non-*refoulement* principle due to pressure from the Chinese government. This principle prohibits the transfer of people to any country or jurisdiction where they would be at real risk of serious human rights violations or abuses. It is enshrined in numerous international instruments and has achieved the status of customary international law, binding on all states regardless of whether they have ratified the relevant treaties, such as the UN Refugee Convention, the International Covenant on Civil and Political Rights or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Name: Dong Guangping
Gender: m

Further information on UA: 259/15 Index: ASA 17/8845/2018 Issue Date: 31 July 2018