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HU JIA: Hintergrundinformationen zur Person und dem Gerichtsverfahren, das zum heutigen Urteil führte

Quelle: AI-Bericht „People’s Republic of China: The Olympics Countdown – crackdown on activists threatens Olympics legacy“ vom 02.04.2008

The formal police detention of **Hu Jia** on 27 December 2007 illustrates broader patterns of repression of activists in China in the run-up to the Olympics. As detailed in previous Olympics Countdown reports, Hu Jia had been held under ‘house arrest’ or ‘residential surveillance’ for most of the time since he was released from a previous period of police detention on 28 March 2006. Police failed to provide formal documents clarifying the reasons for ‘house arrest’ and he was beaten on several occasions for trying to leave his home without permission.¹ Hu Jia had established numerous contacts with foreign journalists, embassy staff and other international figures and his formal detention just after Christmas appeared to be timed to minimise international publicity. The police formally charged him with ‘inciting subversion’ on 28 January 2008, an accusation which continues to be used regularly to silence and imprison peaceful activists in China.



Foto: ai

Hu Jia is currently detained at the Municipal Public Security Bureau (PSB) Detention Centre in Dougezhuang, Chaoyang district, Beijing. He was denied access to members of his family and lawyers for several weeks after his formal detention. He suffers from liver disease resulting from Hepatitis B infection and is in need of daily medication. The police reportedly allowed him to take medicine provided by his family after his first week in detention. On 4 January 2008, the police rejected an application from his lawyer to visit on the grounds that his case apparently involved ‘state secrets’, but such charges were not levelled at the time of trial. On 14 January 2008, his lawyer submitted an application for bail on medical grounds, but this was formally rejected by the police at the end of the month.

In apparent reaction to international concern on his case, Hu Jia was eventually given access to lawyers and members of his family. After their first meeting with him on 31 January 2008, monitored closely by the police, his family expressed concern that he seemed pale, under stress and speaking as if he were rehearsing a play. He later told his lawyers that he had been subjected to lengthy periods of interrogation 47 times during the first two months of his detention for periods of between 6-14 hours, usually at night. While there are concerns that he has been placed under considerable psychological pressure during under interrogation, he is not believed to have been physically abused by the police.

Police passed his files to the procurator ate (prosecuting authorities) on 19 February 2008, and the case was transferred to Beijing No.1 Intermediate People’s Court on 10 March 2008. He was tried on 18 March 2008 on charges of ‘inciting subversion’ under Article 105 of the Chinese Criminal Law. While his mother was allowed to attend, his wife and father were prevented from attending the trial. Several other associates of Hu Jia, including fellow activists, were reportedly prevented from attending or forcibly moved out of Beijing at the time of his trial.

¹ See Amnesty International Urgent Action on Hu Jia and Zeng Jinyan, UA 01/08 (ASA 17/035/2008) and update, ASA 17/047/2008.

A diplomatic source told Amnesty International that on 14 March 2008, the day the trial date was announced, eight foreign government representatives had applied to attend the trial. They were told that all seats had been 'allocated' and there was no space. On 18 March 2008, the same morning of the trial, they were given the contradictory information that seats had been 'allocated' to those that had arrived earlier the same day. Many seats were reportedly filled by court officials and police officers.

Hu Jia's lawyers had previously expressed concern that they had only been given one week to prepare his defence with access to his case files.² During the trial, which lasted just over four hours, Hu Jia's lawyer was reportedly given less than 30 minutes to present his defence, and was repeatedly interrupted by the judge. The prosecution presented articles written by Hu Jia as 'evidence' for his 'crimes'. Hu Jia pleaded 'not guilty', but the trial concluded with no immediate verdict.

Amnesty International considers Hu Jia's trial to be unfair and politically motivated. The organization considers him to be a prisoner of conscience detained solely in violation of his fundamental human rights to freedom of opinion and expression. He should be released immediately and unconditionally.

As a co-founder of the Beijing Aizhixing Institute of Health Education, Hu Jia began as an activist on HIV/AIDS issues, but his focus has broadened over recent years to include a variety of other human rights concerns. Despite intrusive 'house arrest', he publicly expressed concerns over police abuses during their 'clean up' of Beijing in the run-up to the Olympics, including the arrest of petitioners and activists without the necessary legal procedures. In September 2007, he published an article together with fellow activist Teng Biao about human rights violations in the run-up to the Olympics (see below). In November 2007, Hu Jia participated via web-cam in a European Union parliamentary hearing in Brussels in which he stated that China had failed to fulfil its promises to improve human rights in the run-up to the Olympics.

Hu Jia was among a group of activists who had been showcased by many in the international media as evidence that official policy had changed and that the authorities were adopting a more enlightened approach by tolerating at least some degree of local human rights activism with global links, rather than resorting to immediate arrest and prosecution. However, his formal detention in December 2007 was clearly intended to put an end to his role in uncovering and exposing human rights violations, often through his contacts with the media, including foreign journalists. It also sends a clear message to others in China that they should not follow his lead. Such practices call into serious question official commitments to improve human rights and ensure 'complete media freedom' in the run up the Olympics.

In September 2007, Hu Jia and his wife **Zeng Jinyan** were nominated for the Sakharov prize for freedom of thought. Since her husband's detention, Zeng Jinyan has herself been placed under 'house arrest' together with their new-born baby daughter.³ She is not permitted to leave their home without permission, and her telephone line and Internet connection have been cut. On 2 January 2008, dozens of municipal and district police officers in more than ten vehicles surrounded their home in the Tongzhou district of Beijing to prevent her from meeting visitors. The following month it was reported that the number of police officers guarding her home had increased to about fifty, including several who had moved into the apartment directly above hers to conduct surveillance.⁴



Foto: ai

² Under international fair trial standards, including Article 14 of the International Covenant on Civil and Political Rights (ICCPR) which China has signed and declared an intention to ratify, one essential criterion of a fair hearing is the principle of 'equality of arms', which must be observed throughout the trial process. In criminal trials, where the prosecution has all the machinery of the state behind it, the principle of 'equality of arms' is an essential guarantee of the right to defend oneself. Under this principle, both parties must be treated in a manner which ensures they have procedurally equal position during the course of the trial and are given equal opportunity to present their case. This includes ensuring that the defence has a reasonable opportunity to prepare and present its case on a footing equal to that of the prosecution. Its requirements include the right to adequate time and facilities to prepare a defence, including disclosure by the prosecution of material information, and the right to call and examine witnesses.

³ Zeng Jinyan had previously been allowed to leave the home while being kept under tight police surveillance.

⁴ See *China Human Rights Briefing: On eve of 6-month countdown to the Olympics, police stepped up harassment on Zeng Jinyan*, Chinese Human Rights Defenders (CHRD), 7 February 2008.