



freedom to write... freedom to read

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H.E. Mr ZHANG Junsai
Ambassador
Embassy of the People's Republic of China
15 Coronation Drive, Yarralumla, ACT 2600

cc: The Hon Julia Gillard MP, Prime Minister
cc: The Hon Stephen Smith MP, Minister for Foreign Affairs and Trade

Dear Ambassador,

Sydney PEN is deeply concerned about several recent cases in China where writers and journalists appear to have been persecuted for exercising their right to freedom expression.

In particular, Sydney PEN is appalled by the fifteen-year prison sentence handed down to Uyghur journalist and editor Hailaite Niyazi (aka Hairat or Gheyret Niyaz) on 23 July 2010. Niyazi, who was arrested in October 2009, was convicted on state security charges for his reporting on the July 2009 riots in Urumqi. According our information, he was taken from his home in Tianshan District, Tacheng Prefecture, Xinjiang Uyghur Autonomous Region (XUAR), on 1 October 2009. It is believed that his arrest stems from critical interviews given to foreign media following the unrest which broke out in Urumqi. The prosecution reportedly used as evidence essays written by Niyazi highlighting mounting ethnic tension in the region prior to the riots, and interviews he gave to Hong Kong media after the violence. Niyazi was convicted by the Urumqi Intermediate People's Court on charges of 'endangering national security' on 23 July 2010. Niyazi is currently detained in Tianshan Detention Centre, Urumqi, XUAR.

Three other Uyghur webmasters arrested in August 2009 were also reportedly given lengthy sentences in late July 2010 for material published on their Uyghur-language websites following the July 2009 unrest. They are: Dilsha Perhat, webmaster and owner of Diyarim, Nureli, webmaster of Salkin, and Nijat Azat, webmaster of Shabnam. According to our information, the men were sentenced to five, three and ten years respectively for "endangering national security" in closed trials at the Urumqi Intermediate People's Court. All three websites have been blocked.

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Sydney PEN is also alarmed by the renewed detention of Mr. Zuo Xiaohuang. Mr Zou has already spent two years (2006-08) in a detention centre (“reeducation through labor”) on charges of “inciting subversion of the state power” for his online writings and reports on local rights defenders. According to our information, he was formally arrested on 28 May 2010 on suspicion of “inciting subversion of the state power”. He has since been held in the Detention Center of Santai County, Mianyang City, Sichuan Province.

We are also troubled by the case of Ms. Fan Yanqiong who has been detained since 26 June 2009. According to our information, Ms. Fan was recently sentenced to two years imprisonment on defamation for writing and posting online an article based on a testimony of a petitioner Lin Xiuying that highlighted the efforts of local police officers and prosecutors to cover up the criminal acts related to the death of her daughter, Yan Xiaoling, in Mingqing County, Fujian Province. Yan Xiaoling had allegedly been gang-raped before her death. Among eight suspects detained for defamation, Ms. Fan and two activists were prosecuted for the same charge of false accusations, but convicted on defamation. Ms. Fan has been held at No. 2 Detention Center of Fuzhou City, Fujian Province. It has been reported that she was tortured while in detention. Ms. Fan also suffers from kidney, high blood pressure and heart diseases but has been denied medical parole and forced to appear in court in a wheelchair and with oxygen supply.

Finally, we would like to reiterate our deepest concerns about the case of Mr. Liu Xianbin, a freelance writer and honorary member of the Independent Chinese PEN Centre. According to our information, he was detained in late June this year on suspicion of “inciting subversion of the state power”. A week later on 5 July 2010, Mr. Liu was formally arrested, and on 21 July 2010, his case was handed over to the Procuratorate with a police recommendation for prosecution on inciting subversion of the State power. The accusation is based only on his alleged publication of eight articles on several overseas e-journals.

Sydney PEN fears that the above writers and journalists are detained and persecuted solely for peacefully exercising their right to free expression. We therefore call for their immediate and unconditional release. We also call on the Government of the People’s Republic of China to respect the right of freedom of expression which is guaranteed under Article 19 of the International Covenant on Civil and Political Rights, to which China is a signatory. Furthermore, we call on the Government of the People’s Republic of China to respect the absolute prohibition on torture and other forms of ill-treatment. This prohibition forms part of both customary international law and treaty law and also constitutes a strictly binding peremptory norm of international law.

Sincerely,