



FREEDOM NOW

April 29, 2013

Juan E. Méndez
Special Rapporteur on Torture
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
CH-1211 Geneva 10
Switzerland

Urgent Appeal Request: Situation of Chen Kegui / People's Republic of China

Dear Mr. Méndez,

I submit this urgent appeal request on behalf of Chen Guangcheng and as international *pro bono* counsel to his nephew, Chen Kegui, who is being denied adequate medical treatment while in detention at Linyi Prison in the People's Republic of China.

Chen Kegui is currently suffering from appendicitis, and although prison authorities may have administered intravenous antibiotics, he is in severe pain, has been denied access to a doctor, and has not been taken to a hospital despite reports that his appendix has begun to rupture.

Chen Kegui, 33, was detained by Chinese authorities shortly after his uncle, a prominent human rights advocate, escaped from illegal house arrest and sought refuge at the United States Embassy in Beijing. On April 27, 2012, police, local party officials, and government thugs stormed the family's home and arrested Chen Kegui's father, Chen Guangfu, beating and interrogating him about Chen Guangcheng's whereabouts. Authorities returned to the home and savagely beat Chen Kegui and his mother, Ren Zongju. When Chen Kegui attempted to defend himself from the intruders, a local party official was injured. After disappearing Chen Kegui for a number of days, the government formally arrested him in early May and ultimately sentenced him to three years and three months in prison on November 30, 2012, after a trial that failed to meet international standards for due process.

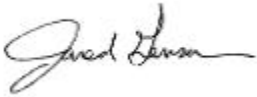
In addition to the severe beatings suffered by Mr. Kegui, the government continues to subject him to cruel, inhuman, and degrading treatment that may amount to torture through the denial of urgently needed medical treatment. In light of the life-threatening nature of Chen Kegui's illness, the denial of adequate medical treatment in this case presents an urgent threat to his wellbeing.

The denial of medical treatment in this case comes at a time when authorities in the People's Republic of China are increasing the pressure against other members of Chen Kegui's family. As the anniversary of Chen Kegui's arrest approached, police arrested and interrogated his mother

and another uncle. Dead birds and rocks have been thrown at the family's home. His father, who traveled to the jail to demand that Chen Kegui be given access to adequate medical treatment, was turned away. Enclosed is a news article from the *New York Times* detailing the intensifying pressure on Chen Guangcheng's family.

In light of the serious beatings suffered by Chen Kegui and the government's continued refusal to allow him access to desperately needed medical treatment, the family is extremely anxious regarding this very real threat to his life. As such, I respectfully request that you transmit this urgent appeal to the Government of the People's Republic of China as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Genser". The signature is fluid and cursive, written in a professional style.

Jared Genser, Esq.
Founder
Freedom Now

Enclosures

Model questionnaire to be completed by persons alleging torture or their representatives

I. Identity of the person(s) subjected to torture

A. Family Name: Chen

B. First and other names: Kegui

C. Sex: Male

D. Birth date or age: June 10, 1979

E. Nationality: Chinese

F. Occupation: Farmer

G. Identity card number (if applicable): Not applicable, but available if helpful.

F. Activities (trade union, political, religious, humanitarian/ solidarity, press, etc.):

Nephew of prominent Chinese rights advocate Chen Guangcheng

G. Residential and/or work address

Dongshigu Village, Shuanghou Town, Yinan County, Shandong Province, China

SECTION II

A. Date and place of arrest and subsequent torture:

The initial arrest was on April 29, 2012. Chen Kegui was taken to the Yinan County Detention Center, by Criminal Police. Later, after his trial on November 30, 2012, he was taken to the Linyi Prison. In both the detention center and in prison it is believed that he has sustained multiple beatings, threats, and other forms of torture.

B. Identity of forces carrying out the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other)

Jinan County police and prison officials and/or workers.

C. Were any person, such as a lawyer, relatives or friends, permitted to see the victim during detention? If so, how long after the arrest?

Chen Kegui was not permitted to see anyone - neither family, friends, nor the lawyer hired by the family - during his stay in detention. Since he was moved to the prison, he has been allowed one visit per month by one family member, beginning in January. Each visit lasts no more than 20 minutes.

D. Describe the methods of torture used.

The most pressing issue related to his torture is that the family believes he has been diagnosed with appendicitis in prison and is being denied proper treatment and access to trained medical professionals. Chen Kegui's father, Chen Guangfu, went to the prison on April 25, 2013, for the

monthly visit permitted by the prison. The visit had been scheduled for the morning of the 25th, but when Guangfu arrived at the prison he was told that he could not see Kegui, as Kegui was receiving a round of antibiotics via IV for what the prison officials said was appendicitis. When Guangfu was able to see Kegui later in the afternoon, Kegui reported extreme pain in his abdomen and said he had been given antibiotics. Kegui had also been told he had appendicitis.

On the morning of April 29, 2013, Chen Guangfu again went to the prison to see Kegui and to demand that his son be taken to a hospital and given proper medical treatment. His request was denied and he was not allowed to see Kegui. He was through a prison contact that the authorities at the prison believe the appendix is in the process of rupturing.

In addition to this urgent situation, Chen Kegui sustained beatings on an ongoing basis in the detention center, and likely has continued to be beaten in prison. The family has seen signs of the abuse he has been suffered. He has lost about twenty pounds and shows symptoms of emotional distress, but due to the tight controls of the prison and the threats Kegui has received to keep him from sharing information (including threatening him that he will never see his family and pre-school aged child again if he does not cooperate with the authorities), the precise details of what he is suffering in detention is not clear.

E. What injuries were sustained as a result of the torture?

Without proper medical care Kegui's abdominal pain relating to what is believed to be appendicitis is intensifying. The prison authorities report his appendix may be rupturing, which can be life-threatening if not treated immediately. Prison authorities have demonstrated no sense of urgency in responding to the situation.

In addition, Kegui has lost about 20 pounds and shows signs of physical and emotional injury and distress. He is pale, seems cowed, and has said "Chinese law is dead."

F. What was believed to be the purpose of the torture?

The beatings and other forms of torture sustained by Kegui throughout his detention and sentence seem to be intended to intimidate him into accepting the demands and conditions of the authorities, including giving up the right to appeal. They also seem to be designed to make him suffer because of the activities of his uncle, Chen Guangcheng, the blind legal activist who escaped from house arrest in April 2012 and fled to the U.S. Embassy in Beijing.

G. Was the victim examined by a doctor at any point during or after his/her ordeal? If so, when? Was the examination performed by a prison or government doctor?

Chen Kegui has not been seen by a doctor at any point, as far as anyone in the family has been told. The person used for medical diagnosis at the prison where Chen Kegui is being held is actually a fellow prisoner and reportedly has some level of medical training, but to what degree no one is sure.

H. Was appropriate treatment received for injuries sustained as a result of the torture?

No. Chen Kegui has reportedly been given intravenous antibiotics, but nothing else as far as the family knows. As far as the family knows he has never been given any treatment for injuries as a result of beatings.

I. Was the medical examination performed in a manner which would enable the doctor to detect evidence of injuries sustained as a result of the torture?

The family has no information relating to any medical examination and believes none have been performed.

III. Were any domestic remedies pursued by the victim or his family? If so, what was the result?

No.

IV. Information concerning the author of the present report:

Jared Genser, Esq.
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April 24, 2013

New York Times

Chinese Officials Order Questioning of Exiled Activist's Relatives

By Chris Buckley

HONG KONG — Chinese prosecutors on Wednesday ordered two relatives of a prominent human rights advocate who lives in exile in the United States to face questioning over allegations that they harbored a criminal, in what one family member considered to be retaliation against the activist's stepped-up criticism of the government.

The activist, Chen Guangcheng, won international fame in 2012 by escaping from house arrest after being held for a year and a half in Dongshigu, in Shandong Province in eastern China. Although blind, he evaded rings of guards and surveillance cameras and clambered over walls to reach supporters.

After his escape, Mr. Chen took refuge in the American Embassy in Beijing. He left after the Chinese government agreed to let him study at a university and to investigate his complaints that officials and their hired guards had brutally abused him and his family. Worried about reprisals, however, Mr. Chen changed his mind and asked to go to the United States; he is now studying in New York, accompanied by his wife and two children.

While Mr. Chen is safe abroad, he has said that Chinese officials and thugs have subjected his relatives in Shandong to retaliation and harassment, including recently throwing rocks and dead poultry at one brother's home. His nephew Chen Kegui was sentenced to three years and three months in jail in November for assaulting and injuring one of the officials who stormed into his home in April searching for the escaped Mr. Chen. Now, a year later, Chen Kegui's mother and an uncle face more interrogation over the episode.

The mother, Ren Zongju, and the uncle, Chen Guangjun — a brother of Chen Guangcheng — were told by prosecutors in Yinan County, which includes Dongshigu, to answer questions about whether they “harbored a criminal” by helping Chen Kegui before his capture.

“I think that this is really about Guangcheng,” said Ms. Ren's husband, Chen Guangfu. “I've heard that he spoke at the U.S. Congress and leveled accusations against officials. In my view, that infuriated them.”

On April 9, Chen Guangcheng testified before a House subcommittee. He said his relatives in China faced persecution, and he called on lawmakers to obtain and disclose details of the deal that the United States and Chinese governments reached about his treatment.

Ms. Ren said prosecutors questioned her for more than an hour, focusing on 1,000 renminbi in cash, equal to \$162, that she handed to her son before he left home. The family says that he was not trying to evade the police and that he was acting in self-defense.

“They were interested only in what suited them,” Ms. Ren said. “I told them I’d done nothing wrong. I noticed that they didn’t take any notes when I described how I was beaten by the guards.”

The uncle, Chen Guangjun, received a telephone call to attend a similar session, but he said that by the time he arrived at the police station, the officials had left for the day, and that he would go back on Thursday. Both he and Ms. Ren were questioned by the police about the case last year and were released.

Ms. Ren and her husband said the prosecutors’ latest step made it likely that she would soon face trial. But Ding Xikui, a Beijing lawyer who represents their jailed son, said being called in for questioning did not amount to a decision to prosecute.

Calls to the Yinan County prosecutors’ office were not answered after working hours, when word of the questioning of Chen Guangcheng’s relatives spread among Chinese human rights advocates.

Mr. Chen, 41, taught himself law and won nationwide attention through campaigns on behalf of farmers and disabled citizens. But officials turned on him after he took up the complaints of thousands of women forcibly sterilized by the family planning authorities. In 2006, he was sentenced to 51 months in jail on charges of wrecking property and assembling a crowd to disrupt traffic, charges that he said were concocted to silence him.

Chen Guangfu and his wife, Ms. Ren, said they had also recently been upset by several threatening acts, including the throwing of dead chickens and ducks at their home — at a time when Chinese people are worried about avian flu — and the lobbing of rocks and bottles onto their roof late in the night. Mr. Chen said that he had reported the episodes to the police, but that no suspects had been caught.

Shi Da contributed research from Beijing.

April 9, 2013

Washington Post

China's Rules of Law: Go After the Lawyers

By Geng He and Chen Guangcheng

Living in the United States, we now enjoy the right to speak freely. We are in Washington this week exercising that right by telling our stories — the stories of rights lawyers and their families who so often face persecution in the People's Republic of China — to anyone who will listen. But we know that our voices alone will not be enough. As the Chinese government continues to punish those inside the country who stand up for the rights of others, we need the United States and President Obama to stand with us and demand that this repression end.

Our stories are flip sides of the same coin. Geng He sought asylum in the United States after Chinese authorities detained and brutally tortured her husband, the rights lawyer Gao Zhisheng. Chen Guangcheng, a legal activist, was a prisoner of conscience for many years before escaping house arrest last spring. Now in America, he is studying at New York University and advocating on behalf of his relatives, who continue to endure persecution in China because of his activism.

While our stories are different, the theme is the same: The Chinese government targets rights advocates and their families.

Gao, who taught himself the law and rose to prominence representing rural, disenfranchised citizens, came under pressure after taking politically sensitive cases, especially those involving religious minority groups. Even though Gao worked within the system to protect people's rights, the government closed his law firm in 2005 and charged him with inciting subversion in 2006.

The years that followed were terrible. Although the court released Gao after imposing a suspended three-year prison term, Chinese authorities prevented him from leaving his home and cut him off from the outside world. The family was under constant surveillance, with officers even stationed inside their apartment. They were followed everywhere. Eventually, Geng He and their children sought asylum in the United States. Gao stayed in China, knowing that his escape would be impossible.

Even though his sentence had been suspended, Gao was again detained and tortured. In December 2011, after Gao had been “disappeared” for 20 straight months, the Chinese government said it would imprison him for three more years for “seriously violating his probation rules.” While the family was relieved to have confirmation that Gao was still alive, their suffering will continue until they can welcome him home.

Like Gao Zhisheng's family, Chen Guangcheng's relatives have suffered merely because of their relationship to an outspoken rights defender. After Chen's escape last spring from illegal house arrest — which followed four years of imprisonment on fabricated charges in response to his legal seeking to end forced abortions and sterilizations resulting from China's coercive “one child” policy — the government set its sights on members of his family who remained in China.

Days after Chen sought refuge at the U.S. Embassy in Beijing last April, police, party officials and government thugs conducted a midnight raid on the home of his brother, Chen Guangfu. After severely beating Guangfu and taking him away, authorities returned armed with clubs and began beating Guangcheng's nephew, Chen Kegui, yelling, "Kill him, kill him." When a party official ordered the thugs to "take him down," Kegui grabbed and swung a kitchen knife in self-defense. Three of the attackers received minor injuries. Kegui was detained, held *incommunicado* and tortured for six months; in November, after a trial that lasted only three hours, the government sentenced him to more than three years in prison, even though he had been defending himself.

Our stories are just two examples of Chinese authorities acting with impunity and complete disregard for the rule of law. But the attacks on our families are especially worrisome because they show that the government targets not only activists and their families but also the lawyers who have an ethical obligation to defend their clients' rights against government abuses. Gao once said that you cannot be a rights lawyer in China without becoming a rights case yourself. And when these essential advocates and their families are targeted by the government, the international community must speak out on their behalf.

President Obama, in particular, has the opportunity to help our families. We have requested a meeting with the president and hope that we will have the opportunity to tell him our stories in person. As a lawyer, father, husband and the leader of the country where we both now reside and are protected, President Obama is, we believe, the best person to bring our message to the Chinese government: Stop persecuting lawyers. Allow them to safely reunite with their families.

Geng He is the wife of the imprisoned Chinese rights lawyer Gao Zhisheng. Chen Guangcheng is a rights lawyer and former Chinese prisoner of conscience.