

URGENT ACTION

被控顛覆的社運人士：黃雪琴和王建兵

2021年9月19日，#MeToo社運人士黃雪琴和勞工社運人士王建兵失蹤。他們因「煽動顛覆國家政權」遭拘留，2人的案件目前都在廣州市人民檢察院。他們因參加王建兵家每週舉辦的私人聚會，討論中國社運人士和公民社會面臨的挑戰而遭受指控。黃雪琴和王建兵僅因行使表達自由和結社自由等權利就遭受拘留，他們應該立即被釋放。在獲釋之前，當局必須確保他們並未遭受酷刑和其他不當對待，並確保他們有管道和家人及自己選擇的律師聯絡。

立即行動：以你的文字寫一封信，也可以抄寫下列範本

廣州市人民檢察院
510600 廣東省廣州市黃埔大道西 66 號
中華人民共和國

親愛的張檢察長：

我來信表達自己對#MeToo社運人士黃雪琴和勞工社運人士王建兵的關切，他們因「煽動顛覆國家政權」而遭受拘留。2人目前拘留在廣州市人民檢察院，他們的案件現在已經由警方提交到您的辦公室進行下一步行動。黃雪琴和王建兵僅因和平行使表達自由和結社自由就遭受拘留，應該立即獲釋。

以下資訊供您參考，黃雪琴和王建兵2人皆於2021年9月19日在廣州被捕，且遭受禁止通訊拘留超過6個月。王建兵直到2022年4月1日才與他的律師在線上第一次會面。我也對黃雪琴仍然無法和律師聯繫感到擔憂。

根據王建兵的律師，他在「指定居所監視居住」期間單獨關押在廣州市第一看守所，那裡的環境惡劣。他的基本飲食不規律，且必須長時間接受審訊。據信黃雪琴在指定居所監視居住期間遭受同樣的不當對待。我更擔心黃雪琴據報在此期間體重明顯下降的情形，尤其在拘留前的體重原本就只有大約50公斤。

黃雪琴和王建兵僅因行使表達和結社自由就遭受拘留，他們不應被起訴。國際人權法和國際標準保障結社和表達自由等權利。因此，我敦促您：

- 立即釋放黃雪琴和王建兵。
- 在他們獲釋前，確保黃雪琴和王建兵有不受限制的管道能定期和家人及自己選擇的律師聯繫，同時不受酷刑及其他不當對待。
- 停止騷擾、逮捕和威脅其他和行使結社自由和其他人權的人權捍衛者。

敬此

ADDITIONAL INFORMATION 背景資訊

黃雪琴是一名記者，長期參與多起#MeToo 倡議行動替性侵害和性騷擾倖存者提供支持和協助。她在先前撰寫關於 2019 年香港大規模示威的文章後，被控「尋釁滋事」而於 2019 年 10 月至 2020 年 1 月遭受拘留。

勞權社運人士王建兵（朋友稱他「煎餅」）長期提供法律支持給身心障礙人士和患有職業病的工人。他也是中國#MeToo 運動的著名支持者。

9 月 19 日，黃雪琴和王建兵在中國廣州被捕，原本黃雪琴計畫在隔天離開中國，前往英國薩塞克斯大學攻讀碩士學位。2021 年 10 月，在他們被捕超過一個月後，黃雪琴和王建兵的家人才收到他們被捕的通知。據信他們在正式被拘留在廣州市第一看守所前，遭「指定居所監視居住」超過 6 個月，期間無法聯繫家人及自己選擇的律師。

他們遭拘留的原因據信和王建兵每週在家舉辦的聚會有關。在他們被捕之前，已經舉辦這樣的聚會將近一年。在這些聚會上，他們討論社運人士在不斷縮小的公民社會空間下所面臨的挑戰。

在王建兵和黃雪琴被捕之後，警方分別突襲他們的住家。當局拿走許多物品，包含黃雪琴的日記。據報警方也登入王建兵的臉書帳號。在王建兵和黃雪琴被捕之後，超過 40 名社運人士遭警方審問。

「指定居所監視居住」這個手段在特定情況之下，允許刑事調查員在正式拘留系統之外關押個人長達 6 個月，相當於一種秘密的禁止通訊拘留。若關押期間沒有管道能聯繫自己選擇的律師、家人或他人，處於這種「居所監視」的嫌犯就有遭受酷刑和其他不當對待的風險。這種形式的拘留一直被用來限制人權捍衛者的行動，包含律師、社運人士和宗教人員。社運人士和人權捍衛者持續遭受系統性的監視、騷擾、恐嚇、逮捕和拘留。

用中文、英文或熟悉的語言寫下信件內容；或是參考訴求範本信照著寫。

請在 2022 年 7 月 14 日前盡快採取行動

URGENT ACTION

ACTIVISTS CHARGED WITH SUBVERSION

#MeToo activist Sophia Huang Xueqin and labour activist Wang Jianbing went missing on 19 September 2021. Detained under “inciting subversion of state power”, both of their cases are now with Guangzhou City People’s Procuratorate. They were charged for joining weekly private gatherings held at Wang’s house where they discussed challenges faced by activists and civil society in China. Detained solely for practicing their rights to freedom of expression and association, Sophia Huang Xueqin and Wang Jianbing should be released immediately. Pending their release, the authorities must ensure that they are not subject to torture and other ill-treatment, and ensure that they have access to family members and lawyers of their choice.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Chief Procurator Zhang Jian
Guangzhou City People’s Procuratorate
66, Huangpu Dadao Xi,
Guangzhou shi, Guangdong Sheng, 510600
People’s Republic of China

Dear Chief Procurator Zhang,

I am writing to express my concern for #MeToo activist Sophia Huang Xueqin (黄雪琴) and labour activist Wang Jiangbing (王建兵) who are detained under the charge of “inciting subversion of state power” (煽动颠覆国家政权). Detained at Guangzhou City No 1 Detention Centre, their case is now submitted to your office by the police for further action. Detained solely for peacefully exercising their freedom of expression and association, Sophia Huang and Wang must be released immediately.

For your information, Sophia Huang Xueqin and Wang Jianbing were both arrested in Guangzhou on 19 September 2021 and detained incommunicado for more than 6 months. Wang could only meet with his lawyer for the first time virtually on 1 April 2022. I am also concerned that Sophia Huang still has no access to a lawyer.

According to Wang’s lawyer, Wang was detained alone at Guangzhou City No.1 Detention Centre during the period of “residential surveillance under a designated location” (RSDL) where the conditions were harsh. His basic meals were not regular, and he was subjected to long hours of interrogation. It is believed that Sophia Huang was also subjected to the same ill-treatment during the period when she was detained under RSDL. I find it further worrying that Sophia Huang reportedly significantly lost weight during this period, especially as she only weighed approximately 50kg before she was detained.

Detained solely for practicing their rights to freedom of expression and association, Sophia Huang Xueqin and Wang Jianbing should not be prosecuted. International human rights laws and standards guarantee the rights to freedom of association and expression. Therefore, I urge you to:

- Release Sophia Huang Xueqin and Wang Jianbing immediately;

- Pending their release, ensure that Sophia Huang Xueqin and Wang Jianbing have regular, unrestricted access to family and lawyers of their choice and are not subjected to torture and other ill-treatment.
- Stop harassing, arresting, and threatening other human rights defenders who peacefully exercise their right to freedom of association and other human rights.

Yours sincerely,

ADDITIONAL INFORMATION

Sophia Huang Xueqin is a journalist who has been involved in several #MeToo campaigns to provide support and assistance to survivors of sexual assault and harassment. She was previously detained between October 2019 and January 2020 and charged with “picking quarrels and provoking trouble” after writing about the 2019 mass protests in Hong Kong.

Labour activist Wang Jianbing (known to friends as “Pancake”) has provided legal support for people with disabilities and workers with occupational diseases. He is also a prominent supporter of the #MeToo movement in China.

Sophia Huang Xueqin and Wang Jianbing were arrested in the Chinese city of Guangzhou on 19 September, the day before Sophia Huang was planning to leave China for the UK to study for a master’s degree at the University of Sussex. Both Sophia Huang and Wang’s family only received the notice of their arrest in October 2021, more than a month after their arrest. It is believed that they were subjected to “residential surveillance at a designated location” (RSDL) (指定居所监视居住) for more than six months without access to their family members and lawyers of their choice prior to being formally detained at Guangzhou City No 1 Detention Centre.

Their detention is believed to be related to the weekly gatherings hosted by Wang at his house. These gatherings had been happening for almost a year before they were arrested. During these gatherings, they discussed the challenges faced by activists under the shrinking space of civil society.

After they were arrested, police raided Wang’s and Sophia Huang’s residences separately. The authorities took away many items including Sophia’s journal. It was also reported that Wang’s Facebook account was logged into by the police. More than 40 activists were questioned by the police after the arrest of Wang and Sophia Huang.

“Residential surveillance in a designated location” is a measure that, under certain circumstances, enables criminal investigators to hold individuals for up to six months outside the formal detention system in what can amount to a form of secret incommunicado detention. When held without access to legal counsel of their choice, their families or others, suspects placed under this form of “residential surveillance” are at risk of torture and other ill-treatment. This form of detention has been used to curb the activities of human rights defenders, including lawyers, activists and religious practitioners. Activists and human rights defenders continue to be systematically subjected to monitoring, harassment, intimidation, arrest and detention.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or Chinese

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 14 July 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Sophia Huang Xueqin (She/her), Wang Jianbing (He/Him)