

撤銷控罪 立即釋放孟晗
DROP THE CHARGES
FREE MENG HAN NOW



Urgent appeal:

Free Meng Han Now!

Drop all charges against Guangdong labor rights activists!

2016.10.25

In July 2016, the Hong Kong labor organizations issued a public statement calling on the international community to support four Guangdong labour activists arrested on December 3, 2015. We demanded that the authorities should respect workers' right to freedom of association and collective bargaining, and drop all political persecution against Chinese labour NGOs, release all arrested activists and curb the power abuse of local authorities.

Three of the activists were put on trial on September 26, 2016 in the Panyu District Court in Guangzhou City. They could not appoint lawyers freely but accept government appointed lawyers, and the concerned citizens were forbidden from entering the court. The court ruled them guilty of "assembling a crowd to disturb social order". Zeng Feiyang was sentenced to 3 years imprisonment, suspended for 4 years, Zhu Xiaomei and Tang Jian (Tang Huanxing) 1.5 year imprisonment, suspended for 2 years. The employers whom violated labor rights and upset social justice were not held responsible, but the labor activists supporting workers defending their lawful rights were punished!

Meng Han is the last activist still in detention. After being detained for nearly 11 months, trial against him will be held on November 3-4, facing the same charges of "suspected of assembling a crowd to disturb social order". Meng Han has stood steadfast to the righteousness of labor NGOs assisting workers to defend labour rights and resolve labour disputes in a rational and civilized manner. He has always refused to plead guilty and the authorities imposed enormous pressure on him in order to break his persistence. His family has been monitored and harassed, even forced to evacuate from their home. In August, Meng Han was made to dismiss the lawyer appointed by his family, and it is unclear if there is a lawyer representing him. His case is also separated from the others. There is a general suspicion that the authorities intend to impose heavy sentences against Meng Han.

The international community will not forget Meng Han, and we solemnly reiterate the followings:

1. Immediately drop all political suppression against labour NGOs and charges against labor activists, release Meng Han now!
2. Protect Meng Han's right to a fair trial in accordance with international conventions and domestic laws!
3. Curb the power abuse of public departments.

Signed:

Asia Monitor Resource Centre

China Labour Bulletin

The editorial committee of Red Balloon Solidarity

Globalization Monitor

Hong Kong Confederation of Trade Unions

Labour Action China

Labour Education and Service Network

Students and Scholars Against Corporate Misbehavior

Workers Empowerment

Appendix:

Statement from Hong Kong labour groups on the prosecution of labour activists in Guangdong

16th July, 2016

Guangdong labour activists Zeng Feiyang, Meng Han, Zhu Xiaomei and Tang Huanxing, who were arrested by Chinese police on 3rd December, 2015, were charged with “disturbing social order” by the People’s Procuratorate of Panyu District, Guangzhou Municipality in June and will be on trial in the near future.

In the December incident, more than 50 activists were interrogated and seven were detained or went missing. This prosecution is part of President Xi’s crackdown on labour activists and gravely threatens the survival of civil society in China. The detained were denied the right to meet with their lawyers. Relatives of the detained appointed lawyers to meet with the activists in detention, but police turned down their requests, either claiming that the activists had already hired their defense lawyers or without providing any reasons or documentary proof at all. Zeng Feiyang was not allowed to see his lawyer for six months and in the meantime was slandered in government controlled media. Worse yet, relatives of activists have been surveilled in their homes, violently harassed or verbally threatened.

We believe that the Guangdong police’s actions trampled on the judicial principles of fairness and justice, violated the basic rights of the activists, and seriously violated domestic Chinese law. Article 11 of the Universal Declaration of Human Rights states that “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense”; Article 14 of International Covenant on Civil and Political Rights states that arrested persons have the right to “defend himself in person or through legal assistance of his own choosing”. “Own choosing” must be an autonomous decision made by the persons involved without threats, coercion or capitulation. The Principles for the Protection of All Persons under Any Form of Detention or Imprisonment expressly stipulate that any detained person “shall be entitled to have the assistance of a legal counsel” and “communicate and consult with his legal counsel.” The Constitution of People’s Republic of China states that “the accused has the right to

defense”. Article 14 of the Criminal Procedure Law of the People’s Republic of China states that “the public security organs shall safeguard the procedural rights to which participants in court proceedings are entitled according to law.” Article 33 states that “he or his close relatives may file an application with the legal aid agency for help.”

International society will not forget the arrested activists. The four labour activists are now going to trial. On account of the violations of the arrested activists’ basic rights and the harassment and surveillance of their families by the Guangdong Police, we make the following public statement:

1. It is legitimate for workers to defend their rights and seek social support when their rights are undermined. Even if this induces losses for a factory, the workers are not guilty of “disturbing public order”. Workers’ have rights to freedom of association and collective bargaining, which should be respected. Their actions to defend their rights should not be considered crimes.
2. The Ministry of Public Security should act on its responsibilities for oversight and ensure Guangdong police protect the four activists’ rights in accordance with the abovementioned international covenants and domestic laws, which are recognized by the PRC government. The arrested persons’ rights to access effective assistance, to freely choose their own legal counsel, and to have the legal counsel appointed by their relatives fully exercise the right to defend them through to the end of the trial must be protected.
3. The People’s Procuratorate of Guangzhou Municipality and the Supreme People's Procuratorate should fulfill their judicial obligations of oversight by refusing to tolerate any illegal behaviour in this case. Anyone abusing their power in this case should be investigated and punished according to law.
4. We, concerned members of civil society, will closely monitor this case. We demand that this politically motivated case be dropped and all labour right activists must be released immediately.

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