

6 March 2017

China: State media releases articles claiming Xie Yang's torture accounts "fabricated"

On 1 March 2017, Chinese state-affiliated media published articles in Chinese and English claiming that allegations of torture perpetrated against lawyer and human rights defender **Xie Yang** were "nothing but cleverly orchestrated lies." Xie Yang has been detained since July 2015, and multiple counts of torture and mistreatment have emerged since that time. The articles accuse **Jiang Tianyong**, a human rights defender and former lawyer currently held in incommunicado detention, of inciting Xie Yang's wife to create these claims to draw the interest of western media.

[Xie Yang](#), a resident of Huaihua City in China's Hunan Province, is a human rights defender who has taken on, as a lawyer with Hunan's Gangwei Law Firm, cases of Chinese activists and petitioners. On 11 July 2015, in the midst of China's "709" crackdown on lawyers and other human rights defenders, Xie Yang was taken from his hotel room and placed under "residential surveillance" in an unidentified location and with no access to his family or legal counsel. Xie Yang was formally arrested on 11 January 2016 on charges of inciting subversion of state power and disrupting court order. During the few meetings he has been granted with lawyers since July 2015, Xie Yang has reported numerous acts of torture and mistreatment, including verbal harassment and threats, hanging from the ceiling, and beating by guards and by inmates instructed to do so by guards. Fellow inmates, Xie Yang stated, beat him with shackles and the guards beat him using their hands, feet, and sometimes their heads. According to the state media report released on 1 March 2017, the Hunan Provincial People's Procuratorate carried out an investigation of the 2016 torture reports, but concluded that no torture had taken place.

[Jiang Tianyong](#) was disbarred from legal practice in 2009, but has continued supporting victims of human rights violations. He has been particularly active in defense of lawyers and other human rights defenders affected by the "709" crackdown. Jiang Tianyong has been missing since November 2016, after attempting to visit Xie Yang at the Changsha Detention Center where he is being held. Following his attempted visit, Jiang Tianyong was taken from the Changsha train station and has been kept in an undisclosed location since that time. No arrest warrant has been issued, but authorities have indicated that Jiang Tianyong is being held under suspicion of disclosing state secrets.

According to the state media reports, Jiang Tianyong, while in detention, has confessed that his accounts of torture reported in late 2016 were based on fabricated information, in an attempt to "cater to the tastes of western institutions and media organizations". Some have expressed concerns that Jiang Tianyong's confessions were themselves forced or fabricated. Jiang Tianyong's wife has stated that she "does not believe a word in the...report", the articles include further confessions by Jiang Tianyong to incite Xie Yang's wife to support his alleged fabrication of information; they also state that Xie Yang's wife has expressed satisfaction with Xie Yang's legal proceedings since 2015. The articles do not mention Xie Yang's more recent allegations of verbal abuse, sleep deprivation, and beatings, reported in a recorded testimony to his lawyers on 4 January 2017.

Front Line Defenders is deeply concerned about the cases of both Xie Yang and Jiang Tianyong, whose detentions have constituted violations of their human rights and of Chinese law. Front Line Defenders further believes that the detention of these two men are solely attempts to obstruct their peaceful and

legitimate work providing advocacy and legal support to other victims of rights infringement in China.

Front Line Defenders urges the authorities in China to:

1. Immediately drop all charges against Xie Yang, as it is believed that they are solely motivated by his legitimate and peaceful work in defence of human rights;
2. Immediately and unconditionally release both human rights defenders;
3. Ensure that the treatment of Xie Yang and Jiang Tianyong, while in detention, adheres to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
4. Conduct an unbiased investigation into reports of torture against Xie Yang through an independent agency unaffiliated with the Changsha or Hunan Procuratorate;
5. Ensure that Jiang Tianyong has not been forced or coerced into making false confessions, and allow him immediate and unfettered access to his lawyers, in accordance with Chinese law;
6. Inform Jiang Tianyong's family of his current location, in accordance with Chinese law;
7. Guarantee in all circumstances that all human rights defenders in China are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.