

Dissident Writer Shi Tao Files for Review of Appeal Decision



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Human Rights in China (HRIC) has received a copy of an application for a trial supervision review filed on behalf of imprisoned dissident writer Shi Tao by his mother, Gao Qinsheng. Supported by a legal brief written by defense attorney Mo Shaoping, Gao is applying on the grounds of "serious procedural defects" in Shi Tao's appeal hearing.

A freelance writer and former reporter at the daily *Dangdai Shangbao* (*Contemporary Business News*), Shi Tao was detained on November 23, 2004, in Taiyuan, Shanxi Province, after providing an overseas Web site with a summary of an official document alerting journalists to possible social instability around the 15th anniversary of the Tiananmen crackdown. He was formally arrested on December 14, 2004 on charges of illegally providing state secrets overseas. On April 30, 2005 the Changsha Municipal Intermediate People's Court in Hunan Province sentenced Shi Tao to 10 years in prison. His appeal to the Hunan Province High People's Court on June 2 was unsuccessful. Under China's trial supervision procedures, a defendant can appeal to a higher court to review a legally effective judgment.

In his legal brief to the Hunan Province High People's Court, Mo Shaoping enumerates the following defects in Shi Tao's appeal hearing:

- 1) The appellate court failed to hear the arguments presented by Shi Tao's legal defense;
- 2) The appellate court did not accept testimony from Shi Tao;
- 3) The appellate court did not offer the defendant the right to appeal provided by law in that it failed to respond to the evidence presented by the defense;
- 4) The appeal hearing was closed to the public; although the Criminal Procedure Law provides that appeal hearings, even for state secrets cases, should be open to the public unless there are enumerated exceptional circumstances.

In addition, Shi Tao's mother has written an open letter to the UN High Commissioner for Human Rights, Louise Arbour, requesting that the High Commissioner take a special interest in Shi Tao's case during her upcoming visit to China scheduled to begin on August 29. The open letter is appended to the Chinese version of this press release.

On the eve of the High Commissioner's visit to China, HRIC urges the international community and the Chinese authorities to ensure that procedural due process protections guaranteed under Chinese law are accorded to Shi Tao and all other criminal defendants. Failure to implement existing protections undermines progress towards rule of law and the legitimacy of China's legal system.

Human Rights in China is an international monitoring and advocacy non-governmental organization based in New York and Hong Kong. Founded in March 1989 by Chinese scientists and scholars, it conducts research, education and outreach programs to promote universally recognized human rights and advance the institutional protection of these rights in the People's Republic of China.