

18 February 2011

ATTENTION:

Mr Hu Jintao, President of the People's Republic of China
Mr Wen Jiabao, Premier of the People's Republic of China
Mr Joseph Deiss, President of the UN General Assembly and convenor of the UN General
Assembly High Level Meeting on HIV/AIDS
Mr Michel Sidibe, Chief Executive Officer, UNAIDS
Mr Michel Kazatchkine, Chief Executive Officer, GFATM
Ms Margaret Chan, Director General, World Health Organisation

IMMEDIATELY RELEASE CHINESE AIDS AND HUMAN RIGHTS ACTIVIST TIAN XI

We the undersigned international AIDS and human rights organizations are deeply concerned by the sentencing of young Chinese HIV/AIDS activist Tian Xi to one year in prison in China. Tian Xi is a courageous advocate for the thousands of people infected with HIV through China's blood disaster, who now demand government accountability. We call for Tian Xi's immediate release and for a national compensation plan for the thousands of victims of the blood disaster.

Tian Xi, age 24 years, contracted HIV and hepatitis as a child from a tainted blood transfusion. He has been imprisoned since August 2010. On February 11th 2011 Tian Xi was convicted of "Intentional damage to property" because he destroyed \$600 worth of office equipment in a confrontation with a hospital doctor who refused to assist him in his pursuit of compensation. For years, Tian Xi has protested the lack of compensation and official redress for the millions of Chinese citizens infected with HIV in the 1990s from

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contaminated blood transfusions. Those tainted transfusions were the product of an illegal blood selling industry fuelled by official corruption and indifference.

Tian Xi had been repeatedly harassed by the police and subjected to house arrest, and has become frustrated and angry over the continued lack of official accountability. He has tried repeatedly to raise his grievances through official channels, including at the inaugural meeting of the Beijing Red Ribbon Forum on Human Rights in July 2010. Weeks later he argued with a hospital director and allegedly damaged hospital office equipment. Several weeks after that, 20 police officers wearing hazmat protective overalls came to his house and arrested him.

Tian Xi has been imprisoned since August 2010 and under the sentence handed down from the People's Court of Xincai County in Henan he will be imprisoned until August 2011.

China's opposition to fundamental human rights

Tian Xi's arrest and conviction are a clear signal from the Chinese government that advocating for basic human rights -- rights that are enshrined in China's own constitution and in international law -- will have dangerous consequences. For Tian Xi, who must take life-saving medications for AIDS, the consequences of this sentence could be deadly, and Chinese activists have already expressed concerns about whether he is getting adequate treatment for HIV and hepatitis while in prison. Amnesty International has said that Tian Xi is at risk of torture.

China has received over one billion dollars from the Global Fund to Fight AIDS, TB and Malaria (GFATM) since 2002. The GFATM states in its 'Framework Document' that its founding principles are "the participation of communities and people, particularly those infected and directly affected by the three diseases" and the "aim to eliminate stigmatization of and discrimination against those infected and affected by HIV/AIDS, especially for women and children and vulnerable groups." Retaliation and persecution of AIDS advocates violates these principles and hampers the government's AIDS response.

However, despite progress in some areas, vulnerable groups, including poor rural farmers who became infected from the blood selling, sex workers, drug users, men who have sex with men, still face police intimidation, harassment and widespread discrimination. The Chinese government is obligated by its own laws, international law, and also by its acceptance of Global Fund money, to respect the rights to life and health, to provide medical services free of discrimination and to allow for civil society and activists to advocate for on behalf of vulnerable groups.

In addition, China has been signatory to UN Declarations on AIDS, including the 2001 'Declaration of Commitment' which recognises that:

"the full realization of human rights and fundamental freedoms for all is an essential element in a global response to the HIV/AIDS pandemic, including in the areas of prevention, care, support and treatment, and that it reduces vulnerability to HIV/AIDS and prevents stigma and related discrimination against people living with or at risk of HIV/AIDS"

The Declaration also commits states to working with civil society.

We believe that Tian Xi's only crime is standing up for his rights. This is not a crime. Indeed, Article 35 of the Chinese Constitution states that "[c]itizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration."

We believe that the Chinese government must follow its own constitutional obligations and adhere to international standards. As a recipient of the Global Fund and a signatory to the UNGASS Declaration, China must release Tian Xi and provide compensation to him and the thousands of victims of the blood disaster.

We therefore call on the UN, UNAIDS, the Global Fund, the WHO and civil society organizations globally to condemn Tian Xi's sentence and demand his **immediate** release. If Tian Xi is still in prison at the time the High Level Meeting on AIDS takes place in New

York on June 8-10 we will make sure that his imprisonment – as well as the harassment of AIDS activists by governments of other countries – is a major issue facing the meeting.

We would appreciate it if you would please acknowledge and reply to this memorandum at the following address:

Free Tian Xi!

Care of Kate Paterson

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Fax: 27 11 339 4911

An injury to one is an injury to all!

Keep the promise on human rights!

Signatories:

AIDS Consortium

Centre for Economic Governance and AIDS in Africa

Dongjen Center for Human Resources Education and Action

Janet Love, National Director of the Legal Rights Centre

Rural Health Advocacy Project

SECTION27

Treatment Action Campaign

ENDS