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Independent Chinese
PEN Center



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An Open Letter to Wang Zheng, Director of Zhejiang Prison Administration, on the protection of Lü Gengsong's human rights and interests

Dear Director Wang Zheng,

Independent Chinese PEN Center (ICPC), PEN America, and PEN International are writing to you to draw your attention to the case of Mr. Lü Gengsong, a member of ICPC. Mr. Lü is serving his sentence in Huzhou Changhu Prison, which is under your administration. Mr. Lü is 67 years old and is serving an 11-year prison sentence. It is reported that he has been repeatedly abused by a prison officer in various ways, his legal rights have been seriously violated, and his physical and mental health is worrying. For this reason, we ask your bureau to investigate and deal with it and ensure Mr. Lü's basic rights and humane treatment in accordance with the law.

The following are a number of facts that we are aware of:

I. Last meeting between Mr. Lü Gengsong and his wife

On March 18, 2023, Mr. Lü Gengsong's wife, Ms. Wang Xue'e, went to Huzhou Changhu Prison for a visit with a prior online appointment, and the family could only meet with him once a month.

During the meeting, Mr. Lü wore a mask, and the two met through the glass and talked on the phone.

Zhang Fan, a police officer from Huzhou Prison, is the deputy warden of the six wards of Changhu Prison. Mr. Lü Gengsong told his wife during the visit that recently Zhang Fan threw out his hot water bag, hot water bottle, and blanket, which he sleeps with to keep warm at night, without consulting him in advance. Officer Zhang claimed the prison should be neat and tidy, and that things should not be left unattended, and that individual beds should be checked frequently. Because of years of suffering from dampness, Mr. Lü Gengsong is old and weak, very afraid of cold in winter, and needs to sleep at night with hot water bags filled with hot water plastic bottles stuffed into the blanket to keep warm, with a blanket outside. The police discarded Mr. Lü's personal belongings in the name of tidiness, which violated Mr. Lü's right to health and the right to be free from torture or cruel, inhuman or degrading treatment or punishment.

During Mr. Lü Gengsong's March 18 visit with his wife, he suddenly turned over his mask and saw only a few words written inside: "Help me". When his wife asked Lü Gengsong to explain what was going on, the caller's microphone suddenly cut off without a sound. The police officer next to Lü Gengsong talked to the police officer outside on his cell phone and then let Lü

Gengsong continue the conversation with his wife. When Lü Gengsong explained, he referred to his difficult situation resulted from Zhang Fan and believed that Zhang Fan's move violated his basic human rights.

II. Police Officer Zhang Fan violated Mr. Lü Gengsong's basic human rights:

1. Mr. Lü personally subscribes to the English version of China Daily at the prison for 600 yuan per year. There is a month's delay in providing him with each issue of the newspaper, which affects timely reading.
2. Mr. Lü is required to file a report and write an IOU before being allowed to use a ballpoint pen to write. Other inmates do not need this approval procedure to use a pen to write.
3. Mr. Lü Gengsong has not been receiving many letters and postcards that have been sent from his friends while in prison.
4. Mr. Lü Gengsong is limited to spending up to 200 RMB per month, while other prisoners are allowed to spend 500 RMB per month. The reason for limiting his spending is said to be the failure to plead guilty.
5. On March 28, 2023, the prison authorities stopped the monthly family meetings with Mr. Lü Gengsong, and it is not known when they will resume.
6. Lü Gengsong's wife Wang Xue'e went to your bureau twice to complain but received no feedback.

In the light of the above facts, we believe that Huzhou Prison's treatment of Mr. Lü Gengsong is in violation of China's Prison Law in several ways:

1. According to Article 7 of China's Prison Law, prisoners' legal property rights are not infringed, and police officer Zhang Fan clearly violated private property rights by discarding Mr. Lü's legal private property.
2. According to Article 47 of the Prison Law, prisoners have the right to correspond with the outside world, and the prison management should have given the letters to Mr. Lü after checking them. Many letters sent from friends outside the prison to Mr. Lü have not been delivered, which is obviously not an accidental loss, but a deliberate act by the prison. Such withholding of correspondence is illegal.
3. According to Article 53 of the Prison Law, the prison cell should be kept warm. Yet Mr. Lü had to use hot water bags to keep warm, indicating that the prison cell was not kept warm. Since the Prison Law does not specific requirements about being "neat" and "tidy," why are prison officials not follow the Prison Law's provision that cells must be kept warm?
4. According to Chapter 5 and Articles 65 and 67 of the Prison Law, the prison should encourage cultural learning among inmates, and Mr. Lü's subscription to the English-language China Daily and his writing are all cultural learning categories. The police officer who managed him, Zhang Fan, made it difficult for him to subscribe to magazines and restricted his use of pens, both of which violate the spirit and provisions of the Prison Law.

Deputy Warden Zhang Fan actions against Mr. Lü are cruel and inhumane. The fact that Mr. Lü was not allowed to meet with his family face-to-face and police officers stood behind them at close range is also contrary to the Chinese government's claims and promises of civilized and lawful management of criminals.

We hope that your office will handle this matter properly and effectively fulfill the relevant provisions of the Chinese Constitution and Chinese government's international human rights obligations as stipulated in the Universal Declaration of Human Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China is party to.

Yours sincerely,

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