

Independent journalist and #MeToo activist Huang Xueqin and labor advocate Wang Jianbing have been held in arbitrary detention for two years on suspicion of “inciting subversion.” Human Rights in China translated the full text of their indictment into English, so that the international community may be aware of how China violates its citizens' rights to freedom of expression and assembly.

The People's Procuratorate of Guangzhou City, Guangdong Province

Indictment

Guangzhou Procuratorate Criminal Prosecution No. Z11 (2022)

Defendant Huang Xueqin, female, born on *[intentionally left blank]*, citizen identification number *[intentionally left blank]*, of Han descent, master's degree holder, registered address *[intentionally left blank]*, was criminally detained by the Guangzhou City Public Security Bureau of Guangdong Province on September 20, 2021, on suspicion of subverting state power. On October 27 of the same year, this Procuratorate approved her formal arrest on charges of inciting subversion of state power, and she was arrested by the Guangzhou City Public Security Bureau of Guangdong Province on the same day.

Defendant Wang Jianbing, male, born on *[intentionally left blank]*, citizen identification number *[intentionally left blank]*, of Han descent, bachelor's degree holder, registered address *[intentionally left blank]*, temporary residence at Room 202, No. 149, Xingang West Road, Haizhu District, Guangzhou. Wang Jianbing was criminally detained by the Guangzhou City Public Security Bureau of Guangdong Province on September 20, 2021, on suspicion of subversion of state power. On October 27 of the same year, this Procuratorate approved his formal arrest on charges of inciting subversion of state power, and he was arrested by the Guangzhou City Public Security Bureau of Guangdong Province on the same day.

The investigation of this case was resolved by the Guangzhou City Public Security Bureau of Guangdong Province. The defendants, Huang Xueqin and Wang Jianbing, were transferred to this Procuratorate for prosecution review on March 25, 2022, on suspicion of inciting subversion of state power. After accepting the case, this Procuratorate informed the defendants on March 28, 2022 that they had the right to appoint a lawyer, questioned the defendants in accordance with the law, listened to the defense attorneys' arguments, and reviewed all case materials. During this period, the case was returned twice to the investigative agency for supplemental investigation.

After review in accordance with the law, it was found that:

Since 2019, defendant Huang Xueqin has repeatedly published articles and remarks on online platforms and social media at home and abroad that misrepresented and attacked China's government, attacked and slandered China's political system, and promoted ideas that subvert state power. In March 2021, while attending an online overseas news conference, defendant Huang Xueqin publicly made inflammatory remarks attacking and slandering China's state power.

From May 2020 to February 2021, defendant Huang Xueqin was recruited by overseas organizations, participated in the "Nonviolent Movement" online course training, and despite knowing that the course contained incitement to subvert China's state power, still recommended and solicited others to participate. Furthermore, during the training she assisted in roll-calling, broadcasting courseware, et cetera., and actively assisted in carrying out the "Nonviolent Movement" training activities.

From December 2020 to May 2021, the defendant Huang Xueqin used overseas video conferencing software to organize and hold the "Ten Lessons" program training, using major events and social movements at home and abroad as the content to incite participants to be dissatisfied with China's state power.

After graduating from university, defendant Wang Jianbing successively joined overseas network groups, such as the "China Jasmine Revolutionary Volunteer Corps" and the "June 4th Massacre Memorial Museum," with the purpose of subverting China's state power, and repeatedly posted or shared false statements and articles attacking China's political system and government on overseas social media and other online platforms. From May to October 2020, while studying in the United Kingdom, defendant Wang Jianbing received training from the "Nonviolent Movement" online course.

Since November 2020, defendants Wang Jianbing and Huang Xueqin, together with co-defendant Chen [*intentionally left blank*] Xiang (to be dealt with in a separate case), have used overseas communication software to post information about gatherings, regularly assembled many people for organized gatherings in defendant Wang Jianbing's rented residence, Room 202, No. 149 Xingang West Road, Haizhu District, Guangzhou, and used the opportunity to discuss social topics and incite participants' dissatisfaction with China's state power.

On September 19, 2021, public security agency arrested defendants Huang Xueqin and Wang Jianbing near the rental residence of defendant Wang Jianbing.

The evidence for establishing the above facts is as follows:

- 1) Cash, bank cards and other physical evidence;
- 2) Documentary evidence such as household registration information and the police report;
- 3) Witness testimony;
- 4) The statements and defenses of defendants Huang Xueqin and Wang Jianbing;
- 5) Guangzhou Haizhu District Public Security Forensic Identification Center (DNA) Forensic Identification Certificate No. 01818 (2021) and other identification materials;
- 6) Records of examination, inspection, identification, et cetera;

and 7) Audio-visual materials and electronic data from the courseware and extracted from the internet.

This Procuratorate holds that the defendants Huang Xueqin and Wang Jianbing ignored national laws and incited subversion of state power and overthrow of the socialist system by spreading rumors, slandering, and other means, and that their acts violated the second paragraph of Article 105 of the Criminal Law of the People's Republic of China. In accordance with the provisions of Article 176 of the Criminal Procedure Law of the People's Republic of China, file a public prosecution and request a sentence according to law.

Respectfully submitted to:

The Intermediate People's Court of Guangzhou City, Guangdong Province

The People's Procuratorate of Guangzhou City, Guangdong Province (stamp)

Prosecutors: Zhu Jialin & Cai Yingying

Assistant Prosecutor: Lu Yingying

August 11, 2022

护人，依法讯问了被告人，听取了辩护人意见，审查了全部案件材料。期间，退回侦查机关补充侦查二次。

经依法审查查明：

自 2019 年以来，被告人黄雪琴多次在境内外网络平台、社交媒体上发布歪曲、攻击我国政府的煽动性文章和言论，攻击、诋毁我国政治制度，宣扬颠覆国家政权的思想。2021 年 3 月，被告人黄雪琴在参加某境外新闻线上会议时，公开发表攻击、诋毁我国国家政权的煽动性言论。

2020 年 5 月至 2021 年 2 月，被告人黄雪琴受境外组织人员纠集，参与“非暴力运动”网课培训，在明知该课程含有煽动颠覆我国国家政权内容的情况下，仍介绍、拉拢他人参加，并在培训过程中协助点名、播放课件等，积极协助开展“非暴力运动”培训活动。

2020 年 12 月至 2021 年 5 月，被告人黄雪琴利用境外视频会议软件组织、开设“十堂课”项目培训，以境内外重大事件、社会运动等为内容，煽动参加人员对我国国家政权的不满。

被告人王建兵大学毕业后，先后加入具有颠覆我国国家政权目的的“中国地茉莉花革命志愿军团中国茉莉花革命志愿军团”“六四大屠杀纪念馆”等境外网络群组，并多次在境外社交媒体和网络平台上发布或转发攻击我国政治制度与政府的不实言论和文章。2020 年 5 月至 10 月，被告人王建兵在英国学习期间接受“非暴力运动”网络课程培训。

2020 年 11 月起，被告人王建兵、黄雪琴伙同同案人陈祥（另案处理）利用境外通联软件发布聚会信息，定期召集多人在被告人王建兵租住处广州市海珠区新港西路 149 号 202 房等地组

织聚会，借讨论社会话题之机，煽动参加人员对我国国家政权的不满。

2021年9月19日，公安机关在被告人王建兵租住处附近将被告人黄雪琴、王建兵抓获。

认定上述事实的证据如下：

1. 现金、银行卡等物证；
2. 户籍材料、到案经过等书证；
3. 等证人证言；
4. 被告人黄雪琴、王建兵的供述和辩解；
5. 穗海公（司）鉴（DNA）字（2021）01818号鉴定书等鉴定意见；
6. 勘验、检查、辨认等笔录；
7. 课件、网络在线提取数据等视听资料、电子数据。

本院认为，被告人黄雪琴、王建兵无视国家法律，以造谣、诽谤及其他方式煽动颠覆国家政权、推翻社会主义制度，其行为触犯了《中华人民共和国刑法》第一百零五条第二款，犯罪事实清楚，证据确实、充分，应当以煽动颠覆国家政权罪追究刑事责任。根据《中华人民共和国刑事诉讼法》第一百七十六条的规定，提起公诉，请依法判处。

此致

广东省广州市中级人民法院

检察官 朱柳琳
检察官助理 李莹莹

2022年8月11日

