



## Chinese Human Rights Defenders (CHRD)

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One World, One Dream: Universal Human Rights

### Silencing Complaints: Human Rights Abuses Against Petitioners in China

A report by Chinese Human Rights Defenders

In its Special Series on Human Rights and the Olympics

#### Abstract

As China prepares to host the Olympics, this report finds that illegal interception and arbitrary detention of petitioners bringing grievances to higher authorities have become more systematic and extensive, especially in the host city of the Olympic Games, Beijing.

“The most repressive mechanisms are now being employed to block the steady stream of petitioners from registering their grievances in Beijing. The Chinese government wants to erase the image of people protesting in front of government buildings, as it would ruin the meticulously cultivated impression of a contented, modern, prosperous China welcoming the world to the Olympics this summer,” said Liu Debo,<sup>1</sup> who participated in the investigations and research for this report.

Petitioners, officially estimated to be 10 million, are amongst those most vulnerable to human rights abuses in China today. As they bring complaints about lower levels of government to higher authorities, they face harassment and retaliation. Officially, the Chinese government encourages petitions and has an extensive governmental bureaucracy to handle them. In practice, however, officials at all levels of government have a vested interest in preventing petitioners from speaking up about the mistreatment and injustices they have suffered. The Chinese government has developed a complex extra-legal system to intercept, confine, and punish petitioners in order to control and silence them, often employing brutal means such as assault, surveillance, harassment of family members, kidnapping, and incarceration in secret detention centers, psychiatric institutions and Re-education through Labor camps.

The interception of petitioners violates a number of basic human rights, such as the rights to freedom of expression, to liberty and security of person, and to freedom from torture and other cruel, degrading or inhumane treatment. Violations are the result of a combination of factors including unchecked state power, a system of incentives which link officials’ careers to their ability to minimize petitions against them, and the higher-level officials’ exchange of registered petitioners for bribes from lower-level officials.

This report identifies the main causes of the human rights abuses committed against the

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<sup>1</sup> Liu Debo is a representative of the authors of the original report in Chinese, *the Road to Petitioning Is Filled with Tears and Blood—an Investigative Report on Petitioning*, on which the current report is based. Liu Debo is a pseudonym, as the authors cannot give their full names as doing so would endanger their safety.

petitioners, traces the legal or official justifications for these practices in relevant laws and regulations, and proposes policy and legal reforms to eradicate these abuses.

In particular, CHRD urges the government to:

- respect the rights exercised by petitioners, which are guaranteed in the Chinese Constitution
- immediately cease all illegal interception of petitioners
- reform the incentive system that encourages interception
- abolish the Re-education through Labor system,
- hold officials and those acting in an official capacity accountable for rights abuses committed against petitioners
- make complaints procedures impartial
- ensure petitioners have unhindered access to legal aid and to the legal system
- strengthen judicial independence and other channels to redress official injustices

This report is based on the first report on the human rights situation of petitioners researched and written by veteran petitioners themselves as well as activists who have assisted them. Key source material includes a survey conducted in 2007 of a total of 3,328 petitioners in Beijing, twenty-eight interviews of petitioners, and the observations and experience of those who carried out the research. CHRD conducted further research on the laws and regulations regarding petitioning for the current report.

#### About Olympics & Human Rights Special Series

This report is part of CHRD's "*Special Series on Human Rights & the Olympics*". In this series, CHRD will issue in-depth studies as part of its campaign to push for human rights improvement, raising international attention to rights abuses related to official preparations for the 2008 Summer Olympics. The first of the series is "["Inciting Subversion of State Power": A Legal Tool for Prosecuting Free Speech in China](#)", published on January 8, 2008.

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## Introduction

Petitioning<sup>2</sup> has become common in reform-era China: Citizens bring grievances about lower levels of government to higher authorities for redress.<sup>3</sup> Typically, petitioners first go to the government unit about which they are complaining. If they find the response unsatisfactory, they can then petition the relevant government units at higher levels higher, going level by level, until they reach the central government in Beijing.

Petitioning is extensive. It is difficult to estimate the number of petitioners in China due to a shortage of accurate official statistics. According to activists who follow trends of petitioning closely, “In China, it seems that all [government] departments with power have Letters and Visits Offices,” the offices responsible for handling petitions. According to *Law Yearbook of China*, between 2002 and 2006, 3.54 to 4.22 million petitions were received at various levels of the People’s Courts every year (see Table 1: Number of petitions received by various levels of the People’s Courts). But the People’s Courts are only one of many government departments where petitioners went to lodge their complaints. Thus, the number of petitioning cases is undoubtedly far higher than 4.22 million. On November 4, 2004, *Southern Weekend*, a reputable, independent-minded newspaper, reported, “According to official statistics, there were over 10 million petitioning cases in China last year.” Considering that the Chinese government has a tendency to adjust downward numbers that may reflect negatively on its performance, there is reason to believe that the number of petitioning cases, and therefore the number of petitioners, could be several tens of millions.

Year	2002	2003	2004	2005	2006
<b>Toto no. of petitions</b>	<b>3 656 102</b>	<b>3 973 357</b>	<b>4 220 222</b>	<b>3 995 244</b>	<b>3 548 504</b>
<b>Visits</b>	<b>2 655 172</b>	<b>3 033 725</b>	<b>3 331 440</b>	<b>3 137 214</b>	<b>2 825 788</b>
<b>Letters</b>	<b>1 000 930</b>	<b>939 632</b>	<b>888 782</b>	<b>858 030</b>	<b>722 716</b>

**Table 1: Number of petitions received by various levels of the People’s Courts<sup>4</sup>**

Petitioners are amongst the social groups most vulnerable to abuses in China, as officials against whom they lodge complaints often wish to silence them and sometimes use drastic, brutal and illegal measures to do so. In October 2007, the authors conducted a survey of 3,328 petitioners from all over the country in Beijing. The survey was carried out in areas frequented by petitioners in Beijing, including the South Train Station, the Petitioners’ Village, and in front of various Letters and Visits Offices. Petitioners willing to take part in the survey filled out

<sup>2</sup> In this report, “petitioning” and “letters and visits” refer to two aspects of the same phenomenon. Whereas the individuals petitioning are called petitioners, the offices that receive these petitioners are called Letters and Visits Offices.

<sup>3</sup> According to the official government definition, petitioners are citizens or organizations that “give information, make comments or suggestions or lodge complaints to the people’s governments at all levels and the relevant departments of the people’s governments at or above the county level through correspondence, e-mails, faxes, phone calls, visits, and so on, which are dealt with by the relevant administrative departments according to law,” Article 2 of the PRC State Council Letters and Visits Regulations (国务院颁布《信访条例》).

<sup>4</sup> *Law Yearbook of China*, China Law Press, 2003, 2004, 2005, 2006, 2007

questionnaires. Interviews were also conducted. The sample selected for survey and interview was random. Petitioners surveyed and interviewed included both sexes of all ages (excluding those under the age of 18).

The surveyed petitioners had been petitioning for at least one year and as many as fifty-one years. Over one-third of surveyed petitioners had experienced one form of abuse or another, including beatings, illegal detentions, convictions on trumped-up charges and Re-education through Labor (RTL), while 3.1% had been sent to psychiatric institutions<sup>5</sup>

During the interviews, petitioners were asked about their experiences. The current report includes twenty-eight stories told by petitioners. The cases chosen are representative of the sample and illustrate the types of human rights violations commonly suffered by petitioners both in Beijing and in their local jurisdictions, including torture, arbitrary detention, collective punishment, and deprivation of the right to life and privacy.

This report is based on information from the survey, interviews and observations of the authors, who are long-time petitioners and activists who have assisted petitioners for many years.<sup>6</sup> The report argues that the violations reported in the survey are not isolated; they are systematic, part of a coordinated effort by numerous law enforcement and administrative departments at all levels of the Chinese government. Not only are all levels of the government equipped with Letters and Visits Offices to receive petitioners, these offices have also played active roles in intercepting and detaining and even beating petitioners to ensure that complaints about local government officials do not reach higher authorities. In this report, “interception” of petitioners refers to all government actions to prevent petitioning as well as government actions to punish persistent petitioners. The information obtained leads to the conclusion that the system of intercepting petitioners has become almost as extensive as the Letters and Visits system itself.

## **Petitioners: An Overview**

### **Why do petitioners petition?**

Individuals become petitioners when they take action to deliver complaints to government authorities at higher levels about injustices they have experienced at the hands of local government after they judge they have no reasonable prospect of seeking redress at the local level. The most common reasons for petitioning are:

1. Promised benefits or entitlements are not delivered, or legal and/or human rights are violated due to official corruption, government decisions or actions. Common examples include:
  - Loss of farmland through appropriation by officials and commercial developers, often in the name of development
  - Loss of employment and corresponding benefits
  - Forced eviction and demolition of home or property without proper compensation,

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<sup>5</sup> It is not uncommon for Chinese authorities to confine dissidents or “troublemakers” to psychiatric institutions.

<sup>6</sup> One limitation of this report is that due to the recent crackdown on petitioners, some of the authors of this report have been sent to RTL, forcibly returned to their home areas or scattered in other ways so they could not be reached when CHRDR was assisting in the editing and translation of the report. As a result, CHRDR was unable to access some of the primary research data.

- often to make way for development
  - Failure of government to make arrangements for the resettlement and livelihood of discharged soldiers
  - Political persecution over the past half century
2. Judicial decisions that are perceived as unfair.
  3. Official abuse of power or misconduct, such as corruption.

### Who are the petitioners?

Petitioners are more likely to be women, old people and the disabled. Often, petitioners bring their children with them when they petition. In recent years, the causes of rights violations have changed to some extent. More rights violations are related to official corruption and the negative impact of economic development. Correspondingly, the demographics of those affected and responding by petitioning has also changed, with more young and well-educated petitioners than previously.<sup>7</sup>

Some of the surveyed petitioners have petitioned longer than 10 years, some even for decades. Petitioners who go to Beijing are often veteran petitioners. As we shall see from their stories in the appendices, the petitioners first started to petition when they perceived they had been wronged by the local government. First they petitioned the local government. Then, failing to gain redress and often suffering more abuses for petitioning, they took their grievances to higher authorities, eventually reaching Beijing. As they continued to appeal, they suffered ever more abuses, their original complaints snowballing to include a wide range against various levels of government.

### How do petitioners live in Beijing?

In Beijing, most petitioners find accommodation close to the South Train Station as it is convenient to travel from there to Letters and Visits Offices at the Supreme People's Court, the Supreme People's Procuratorate, the Standing Committee of the National People's Congress and the State Council. In addition, accommodation near the South Train Station is relatively cheap. However, many petitioners cannot even afford that and resort to constructing makeshift shacks. Some become homeless. Some visit the Letters and Visits Offices during part of the day and spend the rest collecting trash from the city streets to sell for food. At night they live on the streets and under bridges. In the Beijing winter, when temperatures can dip to minus 10 degrees Celsius, they suffer from the cold. Some petitioners have reportedly died during snowstorms. On November 22, 2003, when a number of Beijing Institute of Technology students visited an area where petitioners congregate at South Train Station, one petitioner told them, "Seven died in the last snowstorm; if there is another snowstorm, we really won't know what to do!"<sup>8</sup>



Picture 1: A petitioner from Heilongjiang Province. Often, petitioners don outfits with writings detailing their complaints. This man's shirt says "injustice" on it and details his complaints against the government and the CCP.

<sup>7</sup> This information is based on the observations of the authors, who are long time petitioners and activists who have assisted petitioners for many years.

<sup>8</sup> This is a quote from a petitioner in Beijing petitioners' village, from the report by Xueyu Xingfeng (雪羽星枫,

### Why do petitioners persist?

A major reason is because they believe so strongly that their rights have been violated, that they are willing to leave home to lodge complaints and seek redress at government facilities in far-away cities. But many soon find their rights further violated because they often become targets of official repression. Enduring violence and abuse might be worth it if the chance of obtaining justice were high. However, in a *Southern Weekend* article of November 4, 2004, a scholar at the Chinese Academy of Social Sciences, Yu Jianrong (于建嵘), says, “according to a survey...only 0.2% of petitioners solve their problems through petitioning.”

Why do petitioners continue to press their claims, despite being subjected to various government abuses and enduring a harsh living environment, especially when their chances of obtaining justice appear remote, to say the least?

One reason is that they firmly believe that they can attain justice through petitioning.<sup>9</sup> Petitioners may also find that the longer they petition, the more their options diminish. Returning home might expose them to official retaliation.<sup>10</sup> In addition, the Letters and Visits system has survived as a result of the fact that for much of the modern era, the Chinese political system of government has provided virtually no fair, effective remedies for official malfeasance. An aspect of this is the weakness and lack of independence of the judiciary. Even where limited legal avenues for redress do exist, these may be difficult for people to use or judicial corruption may render them ineffective. In the eyes of petitioners, petitioning is often the only option for redress.

### Petitioning: History, Legal Basis and Structure

#### History and Legal Basis

While the practice of petitioning has historical roots in pleas to the emperor, its modern incarnation dates back to 1949 when the Chinese Communist Party (CCP) took power and established the People’s Republic of China (PRC). In August 1949, the CCP leadership set up the Office of the Political Secretary at the Secretariat of the central government as the first government agency to deal specifically with petition letters from citizens. Before long, the volume of petitions overwhelmed the capacity of the office, and a number of offices in the Central Committee took over the responsibility of processing petitions.<sup>11</sup> By 1954, departments

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pseudonym), a member of the Beijing Institute of Technology Rural Development Research Society, entitled *Moving Unhindered in the Society: Whose tears are flying? The sad lives of Beijing petitioners*. (available [here](#) in Chinese). Other reports of petitioners being frozen to death in Beijing are “Petitioners Living on the Streets, One After Another Frozen to Death,” Zhao Zifa (赵子法), *Dajiyuan Newspaper* (available [here](#) in Chinese on *Boxun*) and “Beijing East Village Petitioners’ Village Secret Enquiries and Report” by Xu Zhiyong (许志永, available [here](#) in Chinese on *China Labor Bulletin*).

<sup>9</sup> Susan Jakes, “the Time Magazine Office of Letters and Visits,” *Time: the China Blog*, January 23, 2007. An excerpt from this article illustrates well the persistent faith petitioners have in the Letters and Visits system. “How shall I put it,” [the veteran petitioner] replied bowing his head slightly, “If China is a rule of law country, then there must be a way to win justice.” “And after all of this, you still really believe China is a rule of law country,” [the author] asked, surprised. He bowed his head again for a moment and then looked back up at me. “If China doesn’t have the rule of law,” he said, “Then what’s the point of petitioning?”

<sup>10</sup> (Human Rights Watch 2005)

<sup>11</sup> These include the Central Committee People’s Government Committee Office, Central Committee People’s Government Affairs Office Secretariat and Office of the Premier. Later on, the Standing Committee of the National People’s Congress Office Secretariat established “People’s Reception” which specializes in dealing with petitioning



directly under the central government had established Letters and Visits Offices. Many Letters and Visits Offices were also established at provincial, county and city levels. Between 1954 and 1957, due to agricultural collectivization and other revolutionary events, the volume of petitions increased, and the number of agencies dealing with petitions increased correspondingly.

In September and October 1963, the State Council released the first regulations on Letters and Visits.<sup>12</sup> In the Chinese Constitution of 1982, petitioning was made a constitutionally-protected right. Article 41 of the Constitution stipulates that citizens have the right to “criticize and make suggestions” to the government.<sup>13</sup> In 1995, the State Council promulgated the “Regulations on Letters and Visits” (国务院信访条例), which corresponded with a variety of regulations and practices on Letters and Visits at various government levels and created a more systematic and coherent framework. On January 5, 2005, the State Council revised the 1995 rules, issuing new “Regulations on Letters and Visits” (国务院颁布《信访条例》, hereafter referred to as “the Regulations”) which define the current system.

Both the 1995 and 2005 Regulations on Letters and Visits define the scope of petitioning, outline the mechanisms for processing petitions, and describe acceptable and unacceptable behavior of both petitioners and Letters and Visits staff. However, the two sets of regulations differ in a number of areas. The 2005 Regulations stipulate in greater detail the procedures for handling petitions. They also expand on what constitutes unacceptable behavior by both petitioners and Letters and Visits staff and the corresponding punishments for such behaviors. The 2005 Regulations also link an official’s or a government unit’s performance in handling petitions to official performance reviews. As described below, certain aspects of the 2005 Regulations actually result in greater persecution of petitioners (see *Vagueness of the Regulations on Letters and Visits*).

The volume of petitions has varied over time. In addition to the aforementioned increase between 1954 and 1957, the volume of petitions also rose twice after the start of economic reforms in 1979. The first peak was between 1979 and 1982 after the Cultural Revolution, when the CCP rehabilitated individuals purged from the CCP or reinstated officials demoted or sent into internal exile. This triggered petitions from tens of thousands of people persecuted during the Cultural Revolution. The second peak was reached after 2003, when the Custody and Repatriation system that controlled population movement by detention and forced return to their places of household registration was abolished, thus allowing people to travel more freely.<sup>14</sup>

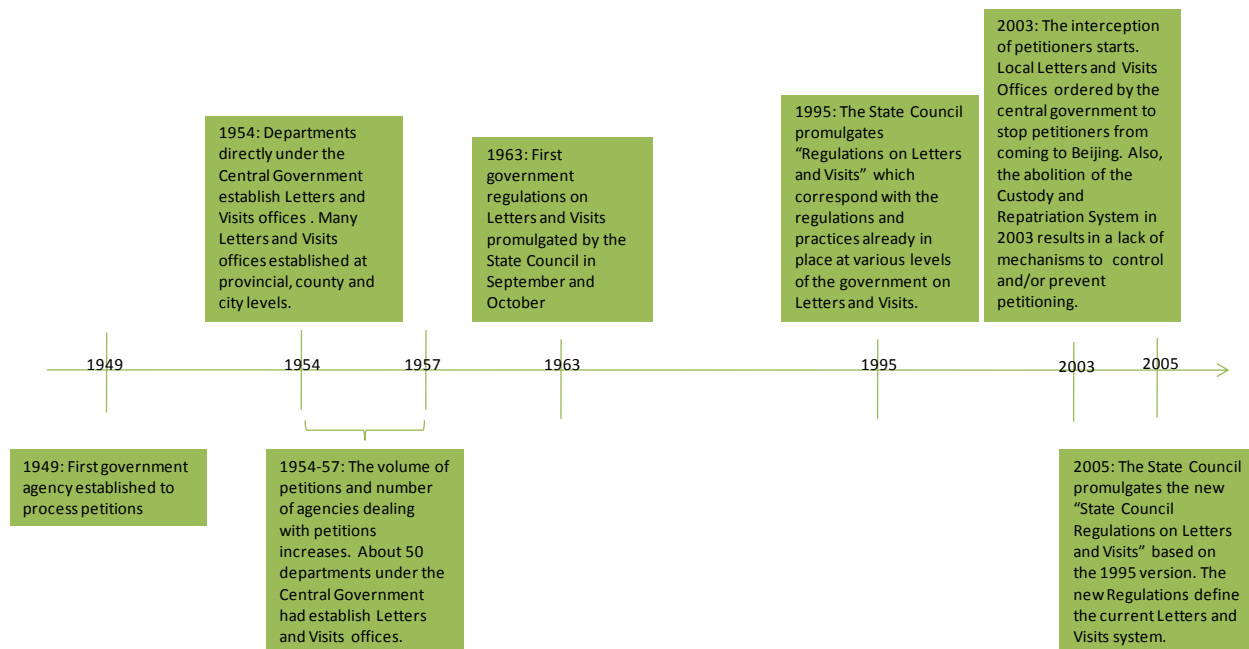
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affairs.

<sup>12</sup> The two regulations released were, “Notice Regarding the Strengthening of the Work of Letters and Visits” (关于加强人民来信来访工作的通知), released on September 20, 1963, by the CCP Central Committee and the State Council; and “Draft Regulations Concerning the processing of Letters and Visits by the country’s agencies” (国家机关处理人民来信和接待人民来访工作条例 (草稿)), released on October 15, 1963 by the State Council Secretariat.

<sup>13</sup> Although Article 2 of the “Temporary Regulations Concerning the Work of Party and Government Agencies on Letters and Visits” (关于党政机关信访工作的暂行条例) published by the State Council in 1982 states that petitioning is a constitutional right, reference to the Constitution was removed in the 1995 and 2005 Regulations on Letters and Visits.

<sup>14</sup> Wang Debang, “From Recovering Power to Protecting Rights: A Comparison between the two upsurges of petitioning”, *Democratic China*, February 1, 2008, available [here](#) in Chinese.



**Figure 1: Timeline of Letters and Visits System**

## Structure

As the regulatory framework for Letters and Visits system becomes more formalized, more and more Letters and Visits Offices are being established at various levels and departments of the Chinese government. Article 6 of the Regulations indicates the potential extent of the system:

“Any people’s government at or above the county level shall set up a department for letters and visits. The relevant department of the people’s government at or above the county level and the people’s government of the town or township shall...respectively assign a unit responsible for the work regarding letters and visits...or individuals with specific responsibility for work in this field.”

Figure 1 shows the five administrative divisions in China and the number of units under each division. If we assume that each administrative unit at township level or above runs one Letters and Visits Office, that makes at least 44,866 Letters and Visits Offices stretching from the local to the central government levels. (See Figure 2.) This is undoubtedly an underestimate because in practice, as Article 6 of the regulations indicates, there can be more than one Letters and Visits Office in each unit, as any relevant department can have one and the central government has many Letters and Visits Offices for its separate ministries and commissions.

In recent years, the number of Letters and Visits Offices and of their staff has rapidly increased. Letters and Visits Offices are not only found within the government; even the All-China Federation of Labor Unions and the All-China Women’s Federation and their lower level entities have established Letters and Visits departments.

In addition, top local Party and government leaders have also become directly involved in processing petitions in order to preserve an image of “harmony” and quell simmering conflicts at the grassroots level.

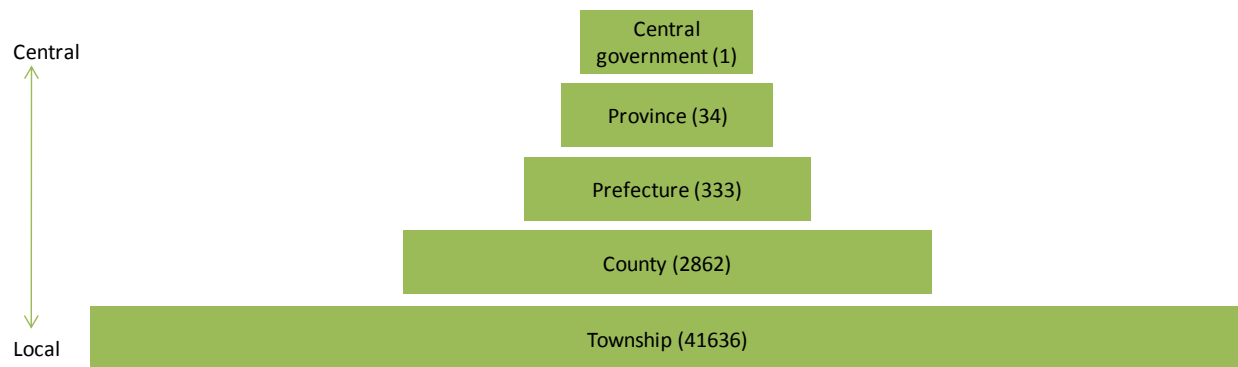


Figure 2: Administrative divisions in China as of 2005 (with number of units under each division)<sup>15</sup>

## **Interception of petitioners: History, Mechanism and Methods**

### **Interception: History**

As the Letters and Visits system has grown, so has the number of means of preventing petitioning and punishing persistent petitioners. To prevent information about rights abuses committed at the local level from reaching higher authorities, local authorities have always been motivated to intercept petitioners. However, the phenomenon of large-scale and systematic interception of petitioners is relatively new. In 2003, fearing protests at the time of sensitive political events in Beijing, such as the annual session of the National People's Congress, CCP Congresses, and international events, officials in the central government began ordering local Letters and Visits Offices to prevent petitioners from going to Beijing. Then the Custody and Repatriation System was abolished. It had previously been one of the main mechanisms used to detain people who were away from their places of registered residence and return them to their hometowns, and in its absence, other means had to be found to remove people from cities where they were not wanted. The new, shadowy system of "interception" (jiefang) emerged as a result of the combination of these two factors.

Local Letters and Visits Offices took on the additional responsibility of intercepting petitioners who intended to go to Beijing. They often employed violence to do so and were assisted by local branches of the Public Security Bureau (PSB). In recent months, as the Olympics approach, intercepting operations have become increasingly systematic, especially in Beijing.

Although Article 3 of the Regulations on Letters and Visits states that the government at all levels shall "keep free-flowing channels for letter-writers and visitors and provide convenience for the letter-writers" and that "no organization or individual may retaliate against letter-writers or visitors," in practice, government agencies, which run the intercepting system, have used a variety of methods to impede petitioners and punish them for complaining about official misconduct and social ills.

### **Interception: Offices**

Interception does not exist legally or publicly, but evidence points to a rapidly expanding operation, extensive in scope. In recent years, because the number of petitions has kept rising, interception has become a major area of responsibility for various local governments, and many

<sup>15</sup> The Administrative Divisions Net, [www.xyqh.org](http://www.xyqh.org)

departments at different levels are involved. Local CCP organs and government agencies mobilize substantial resources to intercept petitioners. Amongst administrators in some localities in China, there is a saying: “Guard against flood, guard against fire, guard against petitioners.” Petitioners are treated as a threat to the image of “a harmonious and stable society” which the Party wishes to promote.

The following are agencies specifically focused on interception:

- All local (i.e. non-central government) Letters and Visits Offices  
All local Letters and Visits offices are responsible for intercepting petitioners. If the staff fail to appease the petitioners and persuade them to drop their complaints, they often resort to forcibly preventing the petitioners from proceeding to higher authorities in provincial capitals or in Beijing. Thus, all intercepting activities involve the participation of the relevant local Letters and Visits Offices.
- The PSB, the Procuratorate, the judiciary, the armed police and criminal gangs  
The “judicial agencies” (*sifa jiguan*) engaged in law enforcement often collaborate to suppress petitioners. Especially as the number of collective petitions has increased, stopping such groups from petitioning has become one of their routine responsibilities. Sources indicate that the agencies often hire criminal gangs and thugs to intimidate, beat and even kill petitioners on their behalf.
- The local “liaison offices”  
Liaison offices are offices of local governments located in provincial capitals and in Beijing. They handle general affairs between different levels of government. With the expansion and systematization of the interception of petitioners, one of the new major responsibilities of the liaison offices is to intercept petitioners. To strengthen their ability to do this, they have added staff from their local Letters and Visits Offices and local PSBs. A problem for many liaison offices has been what to do when they catch petitioners, and one answer has been to find places to incarcerate them. Some of the liaison offices have been turned into temporary detention facilities. Others have rented gloomy and remote basements or inns, which have become known as “black jails” in Beijing to detain petitioners.<sup>16</sup> (see Arbitrary detention) All of these forms of detention are entirely illegal.
- The government units directly responsible for the alleged rights violations described in the petitions  
The units about which petitioners complain have an added incentive to prevent them from furthering their petitions; for example, township authorities who have expropriated and sold rural land for profit, leaving farmers impoverished and unemployed. Having wronged the petitioners, they are especially motivated to prevent them from exposing such wrongdoing.

### **Interception: Staff**

The individual “interceptors” are staff from diverse government units at various levels. They can

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<sup>16</sup> See CHRDR, “ ‘Black Jails’ in the Host City of the ‘Open Olympics’: Secret detention facilities in Beijing are illegally incarcerating petitioners”, September 21, 2007, available here: [http://www.crd-net.org/Article/Class9/class97/200709/20070921161949\\_5739.html](http://www.crd-net.org/Article/Class9/class97/200709/20070921161949_5739.html)

be categorized into two groups, regular and temporary interceptors.

- Regular interceptors
  - From all Letters and Visits Offices and liaison offices, they patrol various government offices and bus and train stations where petitioners congregate, intercepting petitioners upon orders or when encountering perceived “troublemakers.”
  - Police officers are allocated the duty of interception or assisting interception under the circumstances described above.
  - Government units directly responsible for alleged rights violations allocate some staff to intercepting petitioners complaining about their units.
  
- Temporary interceptors

When organized, collective petitioning occurs, or when there are important or politically-sensitive events, lower-level government authorities temporarily re-assign staff to form “Interception Working Committees” (jiefang gongzuo zu). The committees are usually led by leaders of the local PSB, Procuratorate, Judiciary and Committee on Politics and Law (zhengfa weiyuanhui). Sometimes, the working committees are led by the heads of the local Letters and Visits Offices.

For example, every March when the annual sessions of the National People’s Congress and the Chinese People’s Political Consultative Conference (CPPCC) are held in Beijing, the local officials lead their Interception Working Committees to Beijing to round up and return petitioners to their local areas.

### **Harassment, Intimidation and Interception of Petitioners**

In Beijing, petitioners live in constant fear of persecution by interceptors from their home areas and the Beijing police. After they are intercepted, some are beaten, even to death in several documented cases. They are often detained in Beijing or in their home areas after being forcibly returned. They may be placed in psychiatric institutions, RTL camps, “black jails” or “educational classes” without charge or trial. Especially during important political events and holidays, the Beijing police and interceptors scour areas frequented by petitioners. The most frequent forms of harassment and intimidation of petitioners and methods of interception are described below.

#### **Harassment of petitioners’ families**

Interceptors contact petitioners’ families and relatives and threaten them that if they do not stop the petitioning, they will lose their jobs (at state agencies or private or state-controlled companies). For example, in June 2007, while four elderly women, representing 338 other dismissed workers at a former crane factory in Qiqihaer, Heilongjiang Province, were petitioning in Beijing, their homes were monitored by local police and their children were threatened by the local government that if they didn’t call their mothers and ask them to return, they would be fired from their jobs. Pressure on families is applied in various ways. Because of their petitioning, Li Guirong’s (李桂荣, see Appendix I: Cases of petitioners violently beaten and tortured) 5-year-old daughter is currently being detained at a “welfare home” and Gu Xiangqin’s (顾相芹, see Appendix II: Cases of petitioners sent to psychiatric institutions) parents and brothers were tied up and badly beaten by the head of her local production team.

## Surveillance

Officials wishing to intercept petitioners enlist neighbors, thugs and local government officials to monitor petitioners 24 hours a day. Technology is also employed: monitoring and wire-tapping devices and surveillance video cameras are used to monitor petitioners. The aim of surveillance is to monitor the activities of petitioners and keep track of their whereabouts. Research indicates that almost all petitioners, including those whose cases are included in this report, have experienced various forms of surveillance.



Picture 2: a petitioner showing her bruises after she was beaten by interceptors



## Kidnapping

Interceptors are dispatched to forcibly kidnap and return petitioners to their home areas. Research shows that most petitioners returned home were kidnapped by interceptors.

## Assault

Interceptors often violently beat petitioners, sometimes until they are unconscious. (See Appendix I: Cases of petitioners violently beaten and tortured)

## Murder

There is evidence to suggest that in some cases, interceptors have beaten or tortured petitioners to death. Official interceptors are either directly involved or hire others to carry out the killings. Staff at Letters and Visits Offices have also been found to have participated in the use of sometimes deadly violence.

In June 2001, Liu Jie, a Heilongjiang petitioner, was threatened with murder by staff from the Letters and Visits Office at the Supreme People's Procuratorate in Beijing. In a car into which she was dragged, an official, angered by Liu Jie's resistance, pointed a gun at Liu's head several times, and, threatening to kill her, shouted in rage, "Every year, we kill about 200 petitioners!" (see Appendix I: Cases of petitioners violently beaten and tortured).

At the start of 2005, six corpses were found when the moat near the State Council and National People's Congress was cleaned. Petitioning materials, well-preserved in plastic bags, were found on the bodies.<sup>17</sup> Petitioners interviewed believe that these corpses were petitioners killed near the central government Letters and Visits Offices.

An eyewitness, Mr. R (whose name is withheld for his safety), regularly helped petitioners at the Letters and Visits Office at the Supreme People's Court to draft appeals. Mr. R reported, "Between June and December 2005, I saw five people beaten to death at the Letters and Visits Office at the Supreme People's Court. Two were killed by interceptors banging their heads on the walls. It was really horrible to see!"

<sup>17</sup> According to a petitioner who witnessed the incident and who told this story to one of the authors of this report.

There are well-documented cases of petitioners who died as a result of torture. Shanghai petitioners Duan Huimin (段惠民, see Case Study 1) and Chen Xiaoming (陈小明)<sup>18</sup> were allegedly tortured to death while in detention in 2007.

### **Case Study 1: Petitioner Beaten to Death**

Shanghai petitioner Duan Huimin (段惠民) was laid-off from a state owned company when the company was privatized. Duan began petitioning for appropriate compensation for his job loss.

While petitioning in Beijing with his sister, he was intercepted and severely beaten by a dozen Shanghai police on November 3, 2006. The day after, Duan was sent back to Shanghai and criminally detained at Shanghai PSB Huangpu District Detention Center for “provoking and making trouble.” While in detention, Duan became seriously ill—he had been bleeding and vomiting blood. Duan and his family had repeatedly requested that he be allowed to see a doctor, but their requests were denied by the head of the Detention Center. On November 29, Duan was sent to one year of RTL for “disturbing social security and order.”

Duan was finally allowed medical treatment on December 28, about 60 days after he suffered severe injuries from police beatings. However, by then he was so seriously ill that he died soon after on January 2, 2007.

### **Arbitrary detention**

Arbitrary detention is a frequent fate of petitioners (see Appendix III: Cases of petitioners arbitrarily detained). The various forms of arbitrary detention are outlined below.

- *Re-education through Labor (RTL)*  
RTL is an administrative measure, meaning that it occurs outside of any judicial process and is “administered” directly and arbitrarily by law enforcement officials. It is clearly in contravention of international human rights laws on free and fair trials and is one of the human rights abuses for which China is most often criticized (see Arbitrary detention). Without access to legal counsel or judicial trial, individuals can be detained for a maximum of four years. Sending petitioners to RTL is one of the most common means of preventing them from petitioning. Of the surveyed petitioners, 35.2% had been formally detained or sent to RTL. There is evidence that local governments actively encourage sending petitioners to RTL. A leaked document from Jiangyong County government in Hunan Province, dated May 16, 2007, says that the county government gives a RMB 6,000 (US\$844) reward to the county PSB for every petitioner sent to RTL camp.<sup>19</sup> (For more cases of petitioners sent to RTL camps, see Appendix IV)
- *Psychiatric facilities*  
In our survey, 3.1% of petitioners had been imprisoned in psychiatric institutions. Many had

<sup>18</sup> CHRD, “Shanghai Life and Death: Human Rights Defender Chen Xiaoming Tortured to Death,” July 24, 2007, available [here](#) in Chinese

<sup>19</sup> The document is entitled “Regulations Regarding the Investigation of Responsibilities of the Implementation of the Work of Letters and Visits” (关于实行信访工作责任追究的若干规定).

suffered this fate more than once. The mental health of the petitioners is generally not evaluated. There is no evidence to suggest that the petitioners are mentally ill or pose any threat to society. In the psychiatric institutions, they are often forced to take unknown medication that could be harmful to them. (see Appendix II: Cases of petitioners sent to psychiatric institutions)

Detaining political dissidents, including petitioners, in psychiatric institutions is a long-standing practice in China, according to the 2003 report, *Dangerous Minds*, by Human Rights Watch:

“the most important categories of alleged mentally ill people listed above as being targets for Ankang-style<sup>20</sup> custody and treatment are, first, ‘political maniacs,’ namely those displaying ‘dangerously’ political dissident-like behavior, including ‘expressing opinions on important domestic and international affairs’; and second, those accused of disrupting ‘the normal work of Party and government offices,’ since in practice this category is often taken to include the kinds of persistent petitioners and complainants whom the police regard as suffering from ‘litigious mania’.”<sup>21</sup>

The report asserts that such detention is in violation of international ethical standards for psychiatry:

“Most of these people should not have been arrested or brought for forensic psychiatric evaluation (formal or otherwise) in the first place, since in the overwhelming majority of recorded cases their only ‘offense’ was to have expressed views or beliefs which served to offend the political sensitivities of the Chinese Communist Party... The Chinese authorities’ frequent imposition of this extreme measure on individuals (mentally normal or otherwise) whom they regard as posing only a ‘political threat’ to society stands in clear and direct violation both of the World Psychiatric Association’s 1996 Declaration of Madrid and of the U.N.’s 1991 Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care.”<sup>22</sup>

- “Black jails”. “Black jails” are illegal and secret detention facilities set up by local governments in Beijing and in local areas to detain petitioners for an undefined period of time without charge or trial.

A recent CHRDR report<sup>23</sup> identified a number of “black jails” in Beijing established by local governments; for example, the two-story building behind the Jingyuan Inn in Fengtai District

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<sup>20</sup> Ankang hospitals are “China’s police-run network of institutes for the criminally insane”, according to the Human Rights Watch report, “‘Dangerous Minds: Political Psychiatry in China Today and its Origins in the Mao Era’”, (Preface, available here: [http://www.hrw.org/reports/2002/china02/china0802.htm#P224\\_20396](http://www.hrw.org/reports/2002/china02/china0802.htm#P224_20396))

<sup>21</sup> Human Rights Watch, “Dangerous Minds: Political Psychiatry in China Today and its Origins in the Mao Era”, available here: [http://www.hrw.org/reports/2002/china02/china0802-08.htm#P892\\_322630](http://www.hrw.org/reports/2002/china02/china0802-08.htm#P892_322630)

<sup>22</sup> Human Rights Watch, “Dangerous Minds: Political Psychiatry in China Today and its Origins in the Mao Era”, available here: [http://www.hrw.org/reports/2002/china02/china0802.htm#P224\\_20396](http://www.hrw.org/reports/2002/china02/china0802.htm#P224_20396)

<sup>23</sup> See CHRDR, “‘Black Jails’ in the Host City of the ‘Open Olympics’: Secret detention facilities in Beijing are illegally incarcerating petitioners”, September 21, 2007, available here: [http://www.crd-net.org/Article/Class9/class97/200709/20070921161949\\_5739.html](http://www.crd-net.org/Article/Class9/class97/200709/20070921161949_5739.html)



(run by Nanyang City, Henan Province government Beijing Liaison Office, see Case Study 2), the Yihua Inn (run by Zhejiang Province), and the basement of the Mongolian Inn at the back of the Beijing Arts Museum (run by Jixi City, Heilongjiang Province authorities). Other black jails can be found in Beijing as well as in other areas.

**Case Study 2: "Black jail" managed by the Nanyang City, Henan Province Beijing Liaison Office**



The detention facility managed by the Nanyang City, Henan Province government Beijing Liaison Office is located behind the Jingyuan Inn in Wulidian, Fengtai District, Beijing. The jail is in a two-storey building with 19 bunks (38 beds) and 25 single beds. The building is guarded by seven to eight guards at all times, and its doors, corridors and windows are fitted with iron gates and bars.

Detainees were caught by interceptors from Henan Province or from the Beijing Liaison Office of Henan Province at the following locations: Majia Reception and Management Station (the Supervision Office for the Reception of Petitioners by the State Council's Letters and Visits Office), Beijing PSB, Beijing South Station, Beijing City PSB Xi City Sub-division Fuyou Street Police Station, areas surrounding the State Council Office of Letters and Visits, and the National People's Congress Office of Letters and Visits, as well as at restaurants and inns regularly frequented by petitioners.

Upon arrival at the facility, detainees' mobile phones and identification cards are confiscated. The petitioners do not go through any process of documentation or registration. They are threatened: "Unless someone comes to pick you up, don't think you can get out of here. You have to bear the consequences yourself." According to a doctor who examines patients at this black jail, in 2006 there was one person who was detained for more than two months.

Many are elderly and some have children, while significant numbers have medical conditions or are disabled. Medical treatment can be sought at a local clinic after sick petitioners obtain permission from those detaining them.

The guards tell detainees that the facility is operated by the government and assure them that issuing no detention warrants and leaving no registration records are actually in their best interests since their incarceration will therefore not appear on their official records.

A recent CHRDR report<sup>24</sup> identified a number of “black jails” in Beijing established by local governments; for example, the two-story building behind the Jingyuan Inn in Fengtai District (run by Nanyang City, Henan Province government Beijing Liaison Office, see Case Study 2), the Yihua Inn (run by Zhejiang Province), and the basement of the Mongolian Inn at the back of the Beijing Arts Museum (run by Jixi City, Heilongjiang Province authorities). Other black jails can be found in Beijing as well as in other areas.

Petitioners are also sent to black jails in their hometowns. For example, in Yunxi County, Hubei Province, the Sigou Tobacco purchasing station has been used as a “black jail” to detain petitioners on the orders of the Yunxi Party Secretary, Lu Fuchang (卢富昌). The jail is managed by Lei Xianchao (雷显朝), Vice-Secretary of the Yunxi Committee on Politics and Law. The jail’s 4-meter-high walls are topped by barbed wire and shards of glass and bear the inscription, “Yunxi County Education in Respect of the Law Class for Unusual Petitioners.” Petitioners are secretly detained and held incommunicado. Detainees eat the guards’ leftover food, mosquitoes are plentiful and petitioners are often subjected to beatings by the guards.

- *“Law education classes”*

There are many reported cases of illegal detention in local “law education classes” (xuefaban or xuexiban). According to our sources, such “education classes” are found nationwide.<sup>25</sup> On CHRDR’s website alone, thirteen such classes have been documented by petitioners who were forced to attend (see Figure 3).

The classes are similar to “black jails” in that petitioners are detained in secret and well-guarded locations. They are usually held incommunicado and their families have no knowledge of their whereabouts.<sup>26</sup>

There are some differences between black jails and education classes. Detainees in the classes often have to guarantee in writing that they will never petition again and they are often detained until they sign such a document. Detainees are often required to pay fees for the classes<sup>27</sup> and to learn the relevant regulations that they have “broken” or simply listen to lectures stating that petitioning in Beijing is illegal and wrongful behavior.<sup>28</sup>

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<sup>24</sup> See CHRDR, “‘Black Jails’ in the Host City of the ‘Open Olympics’: Secret detention facilities in Beijing are illegally incarcerating petitioners”, September 21, 2007, available here: [http://www.crd-net.org/Article/Class9/class97/200709/20070921161949\\_5739.html](http://www.crd-net.org/Article/Class9/class97/200709/20070921161949_5739.html)

<sup>25</sup> In an interview, Huang Qi, founder of 64tianwang.com, one of China’s prominent human rights information websites, said: “We know that there are too many of this kind of ‘classes’—they are innumerable.” See “Yang Xianhong Interviews 7-year-old Girl: Eating Leftovers”, 64tianwang.com, January 20, 2007, available [here](#) in Chinese on CHRDR website.

<sup>26</sup> See CHRDR, “A Look at how Hunan’s Jiangyong County Forcibly Detains Petitioners in ‘Education Classes’”, February 12, 2008, available [here](#) in Chinese on CHRDR website.

<sup>27</sup> See for example, Radio Free Asia, “Liu Qinfang, who Petitioned Because of her Husband Yao Baohua, was Sent to an Education Class”, available [here](#) in Chinese on CHRDR website.

<sup>28</sup> See CHRDR, “A Look at how Hunan’s Jiangyong County Forcibly Detains Petitioners in ‘Education Classes’”, available [here](#) in Chinese on CHRDR website.

<sup>28</sup> RFA, “Compensation for Several Thousand Hectares Land Loss Appropriated, Over Ten Thousand Petitioners Have Nowhere to Lodge Complaints,” May 24, 2007, available [here](#) in Chinese.

It is unclear how long petitioners are usually held in the classes, but one 7-year-old detainee was held in a class for 65 days. Reports of the size of these classes vary from one to 500.<sup>29</sup> Detainees are often mistreated and beaten.<sup>30</sup>

There is evidence to suggest that, as the Olympics approaches, more such classes have been set up to keep petitioners out of the international community's spotlight.<sup>31</sup>

**Figure 3: "Education Classes" documented on CHRD's website**



- ***Imprisonment***

In China, the judiciary lacks independence, and the government routinely uses the judiciary to control and punish petitioners.

Petitioner, Cao Fulin ((曹福林), was sentenced to two years' imprisonment for "hindering official business" (Appendix III: Cases of petitioners arbitrarily detained). Petitioner, Li Yufeng (李玉凤), was sentenced to one and a half years' for the same crime (See Case Study 3: Li Yufeng and Appendix IV: Cases of petitioners sent to RTL or sentenced). There is little evidence to suggest that Cao or Li committed any crime. It is suspected that the two are being punished for complaining about the government.

<sup>29</sup> Petitioner Yang Donglin was detained alone in an "education class" (see "Hubei Villager Escaped from Education Class, Yicheng City Government Level Farmland Today," 64tianwang, available [here](#) in Chinese) whereas 500 were detained in the same class in Haerbin (see "Haerbin Detains Over 500 Petitioners in an Education Class", CHRD, available [here](#) in Chinese)

<sup>30</sup> See for example, 64tianwang, "7-year-old Chinese girl detained for 65 days in an education class," available [here](#) in Chinese on CHRD website.

<sup>31</sup> RFA, "One Hundred Petitioners Escorted Away from Tiananmen Square", January 16, 2008, available [here](#) in Chinese; RFA, "Over a Hundred Uighurs Detained for Petitioning Collectively," May 31, 2007, available [here](#) in Chinese.

See Appendix IV: Cases of petitioners sent to RTL or sentenced for more cases of imprisoned petitioners.

**Case Study 3: Li Yufeng**

Li Yufeng, 49, is a petitioner from Jiaozuo City, Henan Province. Li began petitioning in 2002 after her home was forcibly demolished without proper compensation. For her petitioning activities, she has been repeatedly detained, beaten and imprisoned.

On March 9, 2007, Li was petitioning in Beijing while two important state meetings were being held. She happened to pass through an area not far from the meeting venues and without showing her petitioning materials, was identified by a plainclothes officer as a petitioner. Shortly after the encounter, unidentified men accosted her, confiscated documents Li was carrying that were associated with her petition, photographed her, and brought her to Beijing PSB Xihu District sub-division, where they accused her of openly waving her petitioning materials and shouting slogans in front of a government office. Li refused to sign papers confessing to the men's accusations.

The next day, Li was administratively detained (a form of "administrative" sanction that can be imposed by public security officials) for 7 days by the Beijing PSB Xihu District sub-division for "disrupting social and public order." Immediately after her detention, she was sent to Jiaozuo City by Jiaozuo City PSB and criminally detained on suspicion of "hindering official business." On March 23, she was arrested, and on May 16, she was sentenced to one and a half year's imprisonment for the same crime.

**Human rights violated in the interception of petitioners****Freedom of expression**

The interception of petitioners is first and foremost a violation of the right to freedom of expression. Petitioners are punished for peacefully expressing their grievances and opinions.

Petitioners' right to freedom of expression and of opinion are guaranteed by Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 35 of the Chinese Constitution. Article 41 of the Chinese Constitution protects the right of citizens to criticize the government:

"Citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary. Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary."

**Torture**

Although the relevant U.N. conventions (and to some extent, China's Criminal Law) clearly prohibit government officials from torturing and ill-treating people, in practice, officials torture and mistreat petitioners with impunity. Petitioners are often subjected to beating and deprivation of food or medication by interceptors, who are either public officials or hired thugs acting on behalf of public officials.

China ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1988. China's own Criminal Law (Articles 247 and 248)<sup>32</sup> similarly prohibits the use of torture and other physical punishment in law enforcement. However, the PRC Criminal Law's prohibition of torture is too narrowly defined as noted by the U.N. Committee Against Torture.<sup>33</sup> Only when torture occurs within the criminal justice system and in defined areas—"prisons, detention centers, and other guard houses"—is it recognized as such. Furthermore, under Chinese law, acts of torture can only be committed by certain types of officials, while in the CAT, the prohibition applies to anyone acting in an official capacity. The Criminal Law is too restrictive to fulfill China's obligations under CAT. Its narrow definitions exclude much of the torture experienced by petitioners.

### **Arbitrary detention**

There are many forms of arbitrary detention related to the interception of petitioners: Kidnapping, detention in RTL camps, psychiatric institutions, "black jails" or "education classes," and sentencing by a judiciary that lacks independence all constitute arbitrary detention.

According to the UN Working Group on Arbitrary Detention, detention, arrest or any other form of deprivation of liberty is "arbitrary" if it falls into one of three categories:

1. When the deprivation of liberty is the result of the exercise of rights including but not limited to freedom of expression, assembly, association, movement, and political participation;
2. If there is no legal basis justifying the deprivation of liberty;
3. When international norms related to the right to a fair trial are not observed, whether partially or at all.<sup>34</sup>

In the case of petitioners, the deprivation of liberty is the direct result of petitioners exercising their right to freedom of expression. In cases where petitioners are detained for collective petitioning, their detention is also arbitrary because it is the result of the exercise of their rights to freedom of assembly and association.

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<sup>32</sup> Article 247 states, "Judicial workers who extort a confession from criminal suspects or defendants by torture, or who use force to extract testimony from witnesses, are to be sentenced to three years or fewer in prison or put under criminal detention. Those causing injuries to others, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law."

Article 248 states, "Supervisory and management personnel of prisons, detention centers, and other guard houses who beat or physically abuse their inmates, if the case is serious, are to be sentenced to three years or fewer in prison or put under criminal detention. If the case is especially serious, they are to be sentenced to three to 10 years in prison. Those causing injuries, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law. Supervisory and management personnel who order inmates to beat or physically abuse other inmates are to be punished according to stipulations in the above paragraph."

<sup>33</sup> According to Committee Against Torture (CAT), Concluding observations of the Committee against Torture: China. 09/07/96. A/51/44, paras.138-150. (Concluding Observations/Comments), China failed "to incorporate the crime of torture into the domestic legal system, in terms consistent with the definition contained in article 1 of the Convention." Similar concern was also raised in CAT's subsequent report on China, Conclusions and Recommendations of the Committee against Torture: China. 09/05/2000. A/55/44, paras.106-145.

<sup>34</sup> Working Group on Arbitrary Detention: Individual Complaints, Urgent Appeals, Deliberations.

Secondly, a number of Chinese scholars as well as international human rights organizations have pointed out that the legal basis of Re-education Through Labor is unclear and questionable.<sup>35</sup> There are no laws that govern “black jails” or “education classes”. They exist entirely outside of the law.<sup>36</sup>

Interceptors have no legal authorization to detain individuals. According to Article 3 of the Chinese Criminal Procedure Law and Article 16 of the Chinese Law on Administrative Penalties, public security organs are the only government organs authorized to detain individuals on suspicion of violating the law. Even in cases in which the interceptors are public security officers, they do not follow the procedures concerning the treatment of detainees described in Article 64, 65 and 69 of the Criminal Procedure Law. Petitioners are held without a detention warrant, incommunicado and without charge or trial.

Moreover, interceptors simply have no legal authority to set up jails or classes. According to Article 11 of the Prison Law, the establishment of prisons is subject to the approval of the judicial administration under the State Council. There is no evidence to suggest that these jails or classes have ever been approved by the State Council.

Finally, when sent to an RTL camp, “black jail”, “education class” or psychiatric institution, petitioners are deprived of their liberty without any legal procedures such as a fair trial. The police alone have the power to send individuals to detention facilities without going through the Procuratorate or the Court. Deprivation of liberty without legal procedure violates Article 9 of the ICCPR, which states that the lawfulness of any deprivation of liberty needs to be decided upon by the judiciary. It also violates Article 37 of the Chinese Constitution, which states:

“The freedom of person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ. Unlawful deprivation or restriction of citizens' freedom of person by detention or other means is prohibited...”

### **Causes of the violations**

Why do petitioners suffer such extensive violations of rights when they are not only clearly exercising a constitutional right but also expressing their grievances through means and channels both sanctioned and set up by the state? There are a number of answers to this question, but four main causes can be identified:

- 1) the general lack of effective mechanisms to hold the state and its agents accountable, including through public disclosure of official malfeasance in the media;

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<sup>35</sup> See for example, Veron Meiying Hung, “Reassessing Reeducation Through Labor,” China Rights Forum, No.2, 2003, p.37; Hu Xingdou, “Abolition of the RTL system: a Proposal to CCP Politburo, National People’s Congress and State Council,” November 9, 2003; Liu Renwen, “Reform of China’s Reeducation through Labor System,” the Brookings Institution, January 25, 2005.

<sup>36</sup> See CHRDR, “ ‘Black Jails’ in the Host City of the ‘Open Olympics’: Secret detention facilities in Beijing are illegally incarcerating petitioners”, September 21, 2007, available here: [http://www.crd-net.org/Article/Class9/class97/200709/20070921161949\\_5739.html](http://www.crd-net.org/Article/Class9/class97/200709/20070921161949_5739.html)

- 2) the ways in which the political careers of individual officials are linked to their ability to guarantee “stability” in the areas under their control, with petitioning being seen by higher authorities as indicative of disorder;
- 3) the use of petitioners as a means of exchange for bribes; and
- 4) the vagueness of relevant regulations that allows for their interpretation in ways that restrict or abuse rights and freedoms.

### **Lack of constraints on government and Party power**

The extent of petitioning and the persecution of petitioners are not simply the result of isolated wrongdoings by certain government departments or officials, but the result of systemic violations of citizens’ rights and freedoms in China. Almost 30 years after Deng Xiaoping committed the PRC to observing “socialist legality,” constraints on the power of state and Party organs and individual officials remain largely ineffective. Insofar as specific legal constraints are in place, they apply mainly to minor acts of government and the lowest levels of officials. Thus, the Chinese government and its agents can continue to violate citizens’ rights at will. Petitioning is a response to such violations. It is an attempt by citizens to protect their rights and hold the power that violates them accountable in the absence of other means of resolving their complaints, such as an independent judiciary. The attempt frequently elicits hostile reactions from authorities who wish to suppress those seeking to constrain their power.

Unconstrained government and Party power extends into the media. The Chinese government’s censorship of domestic media means exposing human rights violations remains very difficult, and the situation of petitioners cannot be adequately covered in the media. By blocking significant news about the plight of petitioners from reaching the populace, the government ensures that petitioners appear in a bad light in the press. They are blamed for a rising crime rate and for tarnishing the image of cities. As a result, among city dwellers, there is a general fear of and lack of concern about petitioners. The lack of public scrutiny contributes to the climate of impunity in which the authorities are free to violate the rights of petitioners.

The low social status of many petitioners and the fact that they are generally far from their social networks increases their vulnerability to unrestrained government and Party power. Many travel great distances to Beijing, arriving in an enormous and unfamiliar metropolis without relatives or friends to support them. Although petitioners often attempt to organize themselves for purposes of mutual assistance, rarely can they organize themselves effectively without official intimidation and retaliation. In addition, some lack knowledge of their rights and access to the legal system.<sup>37</sup> Although Article 13 of the Regulations on Letters and Visits encourages Letters and Visits offices to work with legal aid groups to assist petitioners, this aid is often insufficient and open to political influence. Lawyers and other Non-governmental Organizations (NGOs) sometimes are discouraged from providing petitioners with legal aid for fear of intimidation by interceptors. Interceptors make use of this unique combination of circumstances—that is, that nobody will know and perhaps few will care if anything happens to them—to persecute petitioners. Some simply vanish. As mentioned above, Heilongjiang petitioner Liu Jie was nearly killed by staff from the Letters and Visits Office at the Supreme Procuratorate. Liu was spared in the end because a friend of hers learned about her situation just in time, causing those who abused her to

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<sup>37</sup> This is generally the case with any groups in China given the strict government regulations on registering non-government organizations.

fear exposure.

### **Incentives for local officials to block petitioning and punish petitioners**

Specific incentives impel local officials to prevent petitioning and to persecute persistent petitioners. Such incentives range from general directives to orders to monetary rewards.

While there is little public scrutiny of government officials in China, there is a system of internal performance review. A “point deduction system” means that when a petitioner from a certain local area lodges a complaint at a Letters and Visits Office managed by a higher authority, that authority deducts points from or fines the relevant authorities at the lower level, and the punishment is passed down through the layers of government, getting heavier each time, until it reaches the location of origin of the complaint or petitioner. As a result, those at lower levels have a strong incentive to try their best to prevent petitioners from lodging complaints. The incentive to intercept petitioners gets stronger as petitioners lodge complaints with higher levels of government. The incentive to intercept also gets stronger as petitioners organize themselves into larger groups.<sup>38</sup> For example, in Shimen County, Hunan Province, a local government unit gets 0.5 points deducted if a group of 6 to 20 petitioners lodges a complaint against it at the county level, but 5 points deducted if the group is larger than 100 people.<sup>39</sup>

At lower levels, this system also leads to the establishment of rewards for agencies that engage in persecution of petitioners. A set of regulations concerning petitioners from Jiangyong County government, Hunan Province, states:

“If the county PSB detains one petitioner, the reward is RMB 2,000 (US\$282); for sending one petitioner to RTL camp, the reward is RMB 6,000 (US\$844); for investigating a petitioner's criminal responsibility, the PSB receives RMB 6,000, the county Procuratorate receives RMB 2,000 and the county court RMB 2,000.”<sup>40</sup>

In Hunan's Shimen County, an official document describes a system of points awarded to interceptors who persecute petitioners and deducted from those who fail to do so:

“Regarding those who go to petition at the provincial capital or to Beijing and those who persistently petition unreasonably, if they are returned to the county and sent to law

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<sup>38</sup> A report by the Congressional-Executive Commission on China (CECC) argues a similar point: “These [responsibility] systems apply progressively harsher disciplinary sanctions to government officials depending on the scale of the mass petitions and the bureaucratic level to which they are directed, rather than linking punishment solely to the legal merit of the complaints. For example, Anhui provincial regulations impose formal criticism on local officials who face mass petitions (over 50 petitioners at the provincial capital or over 20 at the national level) that remain for more than 48 hours at government agencies.” Mass petition movements of over 100 people to the provincial capital (or over 30 to Beijing) result in suspension of the responsible official.” For more detail, see CECC, “2005 Annual Report”, Section V (e) Access to Justice, available here: [http://www.cecc.gov/pages/annualRpt/annualRpt05/2005\\_5e\\_access.php?PHPSESSID=c6379ce28878904283b3a1a911922d49](http://www.cecc.gov/pages/annualRpt/annualRpt05/2005_5e_access.php?PHPSESSID=c6379ce28878904283b3a1a911922d49)

<sup>39</sup> “2007 Measures of Shimen County to Assess the Work of Maintaining Stability” (石门县 2007 年度维护稳定工作考评办法), Notice Major Item 2 Article 16

<sup>40</sup> “Regulations Regarding the Investigation of Responsibilities of the Implementation of the Work of Letters and Visits” (关于实行信访工作责任追究的若干规定). It was issued on May 16, 2007.



learning classes in a timely manner...add two points [to the relevant units directly under the township, district and county government]. Failure to implement this, deduct half-a-point [from the relevant units directly under the township, district and county government].”<sup>41</sup>

Similarly, in Yilan County, Heilongjiang Province, a government document states:

“Especially regarding petitioners who go to Beijing, regardless of the reasonableness of their petitions, the PSB and the Court...are specifically responsible for re-assigning staff and vehicles to forcibly return petitioners. At the same time, evidence needs to be collected and transferred so that petitioners can be legally subjected to 15 days of either administrative or judicial detention. Send repeated petitioners to RTL camps.”<sup>42</sup>

It is believed that such documents promoting the suppression of petitioners have been issued by local governments around the country. There is also cause to believe that higher government authorities are responsible for, or at least are aware of and actively encourage, such actions by local governments. Certainly the criteria for the evaluation of the performance of officials are set at the highest level, but there is also evidence of more specific involvement. For example, the aforementioned regulations by Jiangyong County government state that these express “the spirit” of a document that originated at provincial level.<sup>43</sup>

### **Letters and Visits turned into profitable businesses**

Although the Letters and Visits system is supposed to help citizens appeal against wrongful treatment, in practice it protects the interests of those in power accused of wrongdoing. This is partly because the political careers of Letters and Visits officials and the funding of Letters and Visits Offices depend on those in power. Also, the phenomenon of using petitioners as a means of exchange, of holding petitioners for ransom, as described below, has become commonplace.

All central government Letters and Visits Offices have relationships with interceptors from various local governments stationed in Beijing. When petitioners come to obtain registration forms to file their petitions, the Letters and Visits Offices immediately and secretly notify the interceptors from the relevant local areas. When the same petitioners return to hand in their forms, they are taken away by the interceptors. Many petitioners do not even get a chance to register their petitions. When the Offices record the petitions, the records become one basis upon which higher authorities decide to deduct performance points or seek reductions in the budgets of local governments.

Petitions regarding local governments at an even lower administrative level (for example, at the

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<sup>41</sup> “2007 Measures of Shimen County to Assess the Work of Maintaining Stability” (石门县 2007 年度维护稳定工作考评办法), Notice Major Item 2 Article 16

<sup>42</sup> “Yilan County Launches the battle/work plan that focuses on the resolution of the most difficult petitioning cases,” (依兰县开展重点疑难信访案件集中化解专项会战工作方案) dated July 10, 2007.

<sup>43</sup> The regulations state: “this policy is formulated according to the spirit of the documents released by the [Yongzhou (a prefecture level city)] Municipal CCP Committee and Municipal Government: ‘An Urgent Notice Regarding the Resolute Containment of Unusual Petitioners in Beijing’” and ‘Notice Re-transmitting the Provincial Joint Office’s ‘an Urgent Notice Regarding...Unusual Petitioners in Beijing’.”

district level) that do have not established relationships with central government Letters and Visits Offices in Beijing are first registered by the central government Letters and Visits Offices, which then notify the local governments' liaison offices in Beijing of the registration and ask them what they would like to do to "remedy the situation." The local governments usually pay a bribe to cancel the registered petition. In the words of a Henan county official, "For cancellation, you only pay an economic price; without cancellation, you pay a price in your career....the result affects the image of the county Party committee and the county government.... This is not responsibility a certain individual or a certain unit can afford."<sup>44</sup> Cancellations are carried out to protect the image of the local party officials, so they can avoid being investigated by higher authorities.

Although the official number of petitions is about 10 million, the number is likely to be far greater because many petitions go unregistered. Petitioners whose local governments have no relationships with the Letters and Visits Offices in Beijing are more likely to be able to successfully lodge their petitions; others face significant obstacles to doing so.

Other government departments have found "creative" ways of capitalizing on the desire of local authorities to block petitioners. For example, Youanmen police station under Beijing Municipal PSB has frequently "sold" petitioners they caught at RMB 500-1,000 (US\$71-142) apiece to the relevant interceptors. If the interceptors from the relevant local governments refuse to pay, the petitioners are then sent to Majia Building, a government facility, where petitions are processed. As a result, many local governments are willing to "buy back" their petitioners from the police.

### **Vagueness of the Regulations on Letters and Visits**

A number of articles and clauses in the Regulations provide opportunities for the violation of petitioners' rights. The system of "self-review" outlined by Article 4, the restriction on collective petitioning stipulated by Article 18 and the list of vaguely-defined "crimes" described in Article 20 encourage officials to retaliate against petitioners, whether petitioning individually or in groups, and provide ready legal basis to do so.

#### *System of "self-review"*

Under the current system of petitioning, a complaint about a particular agency will be handed back to it to deal with, even if it has failed to do so in the past. According to Chapter 4, Article 21, Clause 3 of the Regulations,

"With regard to a letter-or-visit matter which involves an administrative organ at a lower level or its staff members, directly transfer the matter to the administrative organ which has the power to handle it according to the principle of territorial jurisdiction, responsibilities assumed at different levels, and the department in charge being the department responsible, and send a copy of the matter to the department or unit for letters and visits of the people's government at the next lower level."

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<sup>44</sup> A Speech dated April 13, 2007, at the "Working Conference on Petitioning Stability in the County" (在全县信访稳定工作会议上的讲话), by a member of Standing Committee of County CCP Committee, Political-Legal Committee Secretary in Henan Province.

A direct result of this principle of “territorial jurisdiction” is that the government departments or the officials responsible for the alleged wrongdoing described in the petition are also the ones responsible for dealing with the petitions. This system means that there is no impartial third party that processes the dispute. As a result, few petitions are successful. It also lays the foundation for the persecution of petitioners by angry officials who have an interest in evading accountability for wrongdoing and punishing accusers or whistleblowers. Interestingly, Article 23 of the Regulations prohibits Letters and Visits staff from divulging “the materials of accusation...or the relevant information provided by a letter-writer or visitor to the individual or department accused or exposed.” Articles 4 and 23 thus directly contradict each other. Article 23 is routinely violated by Letters and Visits staff in their handling of petitions.

### *The restriction on collective petitioning*

Article 18 of the Regulations states:

“Where two or more letter-writers or visitors intend to present the same letter-or-visit matter through visit, they shall choose representatives, and the number of representatives shall not exceed five.”

Article 18 thus puts a limit on the number of representatives allowed for petitioning groups of any size. This article has been used as the basis of suppression of group petitioning. With very few resources, the government can control a group of petitioners by targeting the main representatives of the group. In practice, this article helps the government to suppress collective action and restrict freedom of assembly and association.

### *Lack of clarity on what constitutes a “crime”*

Article 20 of the Regulations outlines actions petitioners are prohibited from engaging in:

“Letter-writers and visitors shall, in the course of writing letters or making visits, abide by laws and regulations, shall not harm the interests of the state, society or the collective or infringe upon the lawful rights of other citizens, shall conscientiously maintain public order and the order in handling letters and visits, and shall not commit any of the following acts:

- (1) illegally assembling around offices of state organs or public places, encircling and attacking state organs, intercepting official vehicles, or jamming and obstructing traffic;
- (2) carrying dangerous articles or tools for controlling others;
- (3) humiliating, beating up or threatening functionaries of state organs or illegally restricting other people’s personal freedom;
- (4) staying and making trouble at the reception places for letters and visits, or leaving individuals who are unable to look after themselves at such places;
- (5) inciting, colluding with, coercing or enticing with money or things of value others to write letters or make visits, or manipulating from behind the scenes others into doing so, or taking advantage of letters and visits to accumulate wealth; or
- (6) committing other acts that disrupt public order or impair national or public security.”

Many of these restrictions appear inherently reasonable. However, they are drafted in vague

language that leaves room for law enforcement officials to interpret what constitutes “undesirable” or “unlawful” behavior. In recent years, many petitioners have been sent to RTL or sentenced for “disrupting public order and impairing national or public security” (see Case Study 4).

A similarly problematic “crime” is “illegally assembling around offices of state organs or public places.” There is no clearly defined boundary between this and the act of petitioning, which necessarily requires petitioners to assemble at the relevant Letters and Visits Offices; thus, petitioners are vulnerable to the charge of “illegally assembling.” Not only does this clause directly violate the right to freedom of assembly guaranteed in the Chinese Constitution, it also provides a ready basis for authorities to prosecute petitioners.

#### **Case Study 4: Petitioner Zheng Dajing may face trial for "disrupting social order"**

On September 7, 2007, Hubei petitioner and human rights defender, Zheng Dajing (郑大靖, see Appendix III) was kidnapped in Beijing by Hubei interceptors and returned to his hometown. At the time of his kidnapping, Zheng was surveying petitioners and learning about the demolition of the Petitioners Village in Beijing.

On September 9, Zheng was criminally detained by the PSB of Shiyan City, Yunxi County in Hubei Province for the crime of “petitioning leading to disruption of social order.” Zheng has been detained, beaten and abused at the black jail at Sigou Tobacco Purchasing Station in Yunxi County. The local government claims that the jail is merely a “Class for Petitioners who Have Adopted Unusual Means to Petition” and was established according to central government directives.

Zheng has been petitioning for years because his house was illegally occupied by the local government. Because of his petitioning, he has been detained and beaten and his family has been threatened. His seven-year-old daughter and his wife were detained for sixty-five days in July 2006. Since early 2007, while his family was petitioning in Beijing, Zheng actively helped hundreds of petitioners and defended their rights.

#### **Recommendations**

The violation of petitioners’ human rights is systemic. When legal prohibitions against human rights violations are merely empty promises, to tackle these violations the roots of the problem must be addressed—that is, the social and political system. While aiming at the long-term change of the system which provides the context and the motivation for these rights abuse, there are several concrete and more focused measures that can be taken to improve the situation.

#### **Respect the rights exercised by petitioners, which are guaranteed in the Chinese Constitution**

In the short-run, the human rights situation of petitioners could be significantly improved if the Chinese government made efforts to implement the relevant articles in the Chinese Constitution that protect and promote human rights. For example, it is essential that the Chinese government

implements Articles 35, 37, 40 and 41 of the Constitution which guarantee its citizens freedom of expression (including the freedom to criticize the government), assembly, association, personal freedom and privacy.

**Immediately cease all interception of petitioners**

The Chinese government should eliminate all policies and regulations established by various levels of governments that encourage the interception and persecution of petitioners, cease assigning government staff to intercepting responsibilities and cease all interception-related activities including kidnapping, monitoring, arbitrary detention, killing and sentencing of petitioners and harassment of petitioners' families.

All petitioners detained in illegal "black jails" and "law education classes" must be released immediately and the illegal detention facilities must be immediately closed.

**Reform the incentive system that encourages interception**

The current "point deduction system" punishes officials and government units for the number of petitions lodged against them regardless of whether the complaints are true and whether the officials and government units concerned have made efforts to address the complaints. The system should be reformed to encourage the investigation and resolution of the petitions.

**Abolish the RTL system**

The Chinese government must abolish the RTL system. Any punishment that involves deprivation of liberty must be subsumed under the Criminal Law system where some procedural guarantees exist.

**Hold officials accountable for human rights violations**

Government officials suspected of ordering or carrying out the abuses of petitioners' rights and participating in bribery must be held accountable according to the Regulations on Letters and Visits, relevant Chinese laws and the Chinese Constitution. Only when they are held accountable for human rights abuses and corruption will government officials refrain from retaliating against petitioners who are lodging complaints against them or using petitioners as a means of exchange for bribery. China's laws already contain appropriate punishments for those who violate human rights. For example, Article 238 of the Criminal Law stipulates that,

"Whoever unlawfully detains another or deprives him of his freedom of person by any other means is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights. In circumstances where beating or humiliation is involved, a heavier punishment is to be given."

**Make complaints procedures impartial**

Abolish the "territorial jurisdiction" principle and ensure that the departments or officers in-charge of processing petitions are impartial and independent from those the petition concerns. In addition, the confidentiality of the petitioner's identity must be ensured, in accordance with Article 23 of the Regulations. For example, petitioners reporting on local corruption or abuse of power should not be identified and be known to the local department or officials involved.

Article 18 of the Regulations on Letters and Visits, which restricts the number of representatives to no more than five for any collective petition, must be amended so that it explicitly states that the article cannot be used as a basis for punishing petitioners who exceed this limit.

Article 20 also needs to be amended to clarify and precisely define the meaning of the terms “illegally assembling” “disrupt public order” and “impair national or public security,” as well as the specific conditions under which a peaceful act of expression may constitute these acts. Such conditions must explicitly exclude any non-violent activity in the exercise of the right to freedom of expression, fundamental in the act of petitioning.

### **Ensure petitioners have unhindered access to legal aid and to the legal system**

The Chinese government must ensure that petitioners are free to report on abuses and organize themselves for purposes of mutual assistance without fear for retaliation.

The Chinese government should also ensure that petitioners have unhindered access to the legal system. Government-sponsored legal aid must be impartial to political influence. Since official legal aid is often insufficient, petitioners and their organizations promoting human rights should be free to exercise their right to access other sources of funding, including international funding, without fear of persecution, a right recognized in Article 13 of the UN Declaration to Protect Human Rights Defenders (1999). Lawyers and other Non-governmental Organizations (NGOs) should be able to provide petitioners legal aid without intimidation so that petitioners can have better access to the legal system.

### **Strengthen judicial independence and other alternative channels to lodge complaints**

One reason why so many petitioners insist on petitioning is because they often view petitioning as their own chance of obtaining justice. China’s other dispute resolution mechanisms, such as its judiciary, are largely ineffective and/or compromised by political interference. It is therefore essential that the judiciary is strengthened and made independent from political influences. Other alternative channels for citizens to lodge complaints should also be considered so that citizens with grievances do not need to travel long distances, sometimes suffering abuse and becoming destitute along the way.

### **Strengthen the monitoring of abuses**

The Chinese government should guarantee media freedom and allow both foreign and domestic reporters unhindered access to petitioners. Reporters should also be able to broadcast information concerning petitioners without interference or censorship.

The U.N. Arbitrary Detention Working Group and Special Rapporteur on Torture should request to visit petitioners in China and investigate the alleged violations of petitioners’ human rights. International and domestic NGOs and other civil organizations could also monitor the situation of petitioners by visiting them and learning about their situation. The mere presence of a third party could help to deter persecution of petitioners.

## **Appendix I: Cases of petitioners violently beaten and tortured**

### **1. Chen Zhengzhong (陈正钟)**

Male, born January 15, 1960

Address: 36 Futang Village, Junxi Township, Datian County, Fujian Province.

Chen became a petitioner because he believed that Junxi Township police station under Datian County PSB had failed to resolve fairly a dispute he had with local villagers. Chen has been beaten and detained for his petitioning by government agencies such as Datian County PSB.

On September 2, 1997, under the orders of the head of Junxi Township PSB, Qiu Daoquan, police officers, Lin Lianzhang and Xiao Yongzi, struck Chen with an electric cattle prod. During the beating, Chen was warned, "If you complain to the others again, we will imprison you."

Chen continued to complain. On November 30, 1998, officers from Datian County PSB, such as officer Fan Lijiang, broke into and searched Chen's home without warrant. They took Chen to Junxi Township police station. After hanging Chen up by handcuffing his hands on the iron railings of the window, Fan started to kick Chen, beat his lips and genitals with an electric cattle prod, and stab him all over with sewing needles (there were seven punctures on Chen's penis alone). Chen fainted during the torture.

On June 29, 2001, while Chen was at the Datian County Letters and Visits Office, Yan Changzhi, an officer from the Datian County PSB, forcibly took him away from the Office. On June 30, while detained at the Datian County Detention Center, Chen was beaten by Yan in the interrogation room. Chen was first beaten on his head, chest and arms. Blood streamed down from his arms and the corners of his eyes and his shirt was soaked in blood. Yan proceeded to stomp on Chen's throat and kicked his chest, waist, back and buttocks. After the beating, Chen was hung from a railing for a long period of time, nearly dead. The beating caused permanent injuries to Chen's legs and he could no longer stand up.

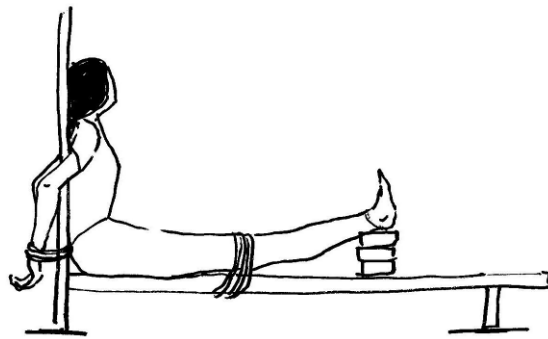
### **2. Li Guirong (李桂荣)**

Female, born April 5, 1957, worker in an electrical machinery factory at Liaoyuan Mining Affairs Bureau, Jilin Province

Address: Group 6, Committee 3, Dongxu Community, Dongshan Street, Xian District, Liaoyuan City, Jilin Province

To complain to higher authorities about the corruption of Jilin Province National People's Congress representative and Liaoyuan Mining Affairs Bureau chief, Zhang Yi, and his associates, Li petitioned the central government in Beijing 84 times (as of May 9, 2007). During her petitioning, she was forcibly sent back to Liaoyuan more than 30 times, sent to Re-education through Labor twice, sent to psychiatric institutions twice and administratively detained twice. She was also tortured repeatedly.

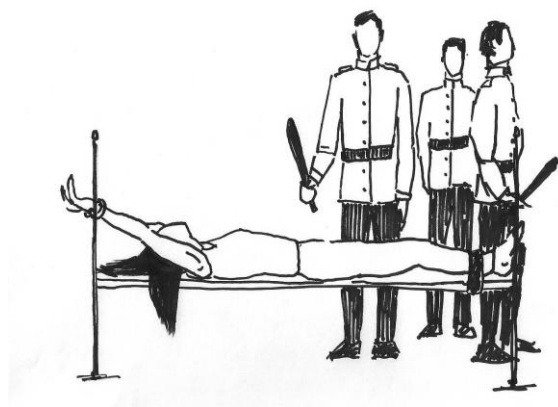
On December 29, 2001, together with her 5-year-old daughter, Li travelled home to Liaoyuan after petitioning in Beijing. At the train station, Zhang Yi's younger brother, Zhang Jie, who is also the assistant chief of Liaoyuan City PSB, ordered more than 20 officers to kidnap Li's daughter and beat and kick Li. They handcuffed her and took her away for detention at Liaoyuan City Detention Center. In the Detention Center, the officers confiscated her identification card and all the evidence Li brought with her to petition in Beijing. The officers then beat her multiple times. Li was stripped and strapped to a "Tiger Bench"-- the torture



**Figure4: "Tiger Bench"**

victim is made to sit upright on a long bench, her hands tied behind her back. Her thighs are fastened with a rope to the bench while her feet are raised off the floor by bricks placed under her feet. This puts extreme strain on the knees and is an extremely painful form of torture, especially for an extended period of time. About six to seven policemen took turns guarding Li. Li's kidnapped daughter was forcibly sent to a welfare home where she has been detained ever since.

On June 9, 2004, Li was searched at the entrance of an underground tunnel at the east side of Tiananmen Square, Beijing and taken away by police on patrol from the Beijing Municipal PSB Tiananmen District sub-division. She was being held at the police station when five officers from Liaoyuan City PSB came for her. They put Li in handcuffs and beat and kicked her. The Beijing police pretended they could not hear Li's cries for help. The Liaoyuan police dragged Li out the door while beating her, threw her into a car and continued to beat her until she fainted. On June 11, Li woke up and found herself lying on a concrete floor, her clothes in shreds, and realized she was being held at the Jilin Province RTL Camp for Women. Apparently, she had been sent to RTL for three years.



**Figure 5: "Death Bed"**

At the camp, on June 15, Li was tortured using a method called "Death Bed". The RTL camp director, Li, led more than 10 police officers and strapped her onto an iron bed. They handcuffed her arms to one end of the bed and fastened her foot to the other end with a belt. They shoved a hard tube through her nose to her stomach. Li bled profusely and fainted. Three days later, Li was removed from the "Death Bed". By then, she was unable to stand up or walk. She could only crawl on the floor. She lay unconscious or slept on the floor for 15 hours a day.

On July 11, the RTL camp police once again



strapped her onto the “Death Bed”. They pricked Li’s legs for more than an hour using 30 electric needles charged with high voltage. When Li vomited foam and blood, the police slapped her and increased the voltage until she fainted. On July 13, Li fell severely ill. She was sent to the emergency room at the RTL hospital. The hospital twice classified her condition as “critical”. On July 22, at around 2 a.m., when Li was receiving emergency treatment, with IV dials, a urine tube and oxygen mask attached, the RTL camp police forced her oldest daughter and her sister to wrap her in a duvet and remove her from the hospital. On the way, Li’s condition became worse and she was sent to No. 1 People’s Hospital of Liaoyuan City for emergency care. However, Li had to leave the hospital due to lack of funds on July 25. Li was later treated with traditional methods and survived.

### 3. Liu Jie (刘杰)

Female, born January 3, 1952

Address: Xunke Farm Resident Group 26, Beian Military Farm Bureau, Xunke County, Heihe City, Heilongjiang Province

Liu rented a dairy farm from the state-run Xunke farm, part of a military agricultural brigade, in Heilongjiang Province. On December 19, 1996, the Military Farm Bureau broke the contract and organized a group of police officers and other government officials to raid the farm. Liu started to petition.

At noon on June 13, 2001, in the backyard of the Letters and Visits Office at the Supreme People’s Procuratorate in Beijing, Liu Jie was violently beaten by the Office’s officials until she bled from her mouth and nose, soaking her clothes in blood. She fainted and remained unconscious for an hour. Interceptors from the Supreme Procuratorate then hung her onto an electricity pole using handcuffs, and let her bake in the sun for two hours. Then the same Letters and Visits staff sent Liu to the Chang Ping Custody Center<sup>45</sup>. In the car, one of the Letters and Visits staff members pointed a gun at Liu’s head and threatened to kill her. Another officer in the same car intervened. At the Custody Center, upon seeing her injuries, those at the Center refused to take in Liu. The Letters and Visits officers then openly discussed taking her to a Beijing suburb, killing her and burying her there. Liu was terrified. She knelt and pleaded to those in the Custody Center, who eventually agreed to take her in. The next day, interceptors from Heilongjiang Province picked Liu up and sent her to the Heilongjiang Provincial Custody Center, where she was imprisoned for ten days. She received no medical treatment and was only released after a friend came and posted bail.

On March 7, 2002, Liu was violently beaten at the Supreme People’s Court by interceptors from the Military Farm Bureau, Heilongjiang Provincial government and Chinese Communist Party (CCP) Committee. She was violently kicked, dragged on the ground for more than 200 meters, and sent to room 201 at the Military Farm Bureau Beijing Liaison Office. Early the next morning, four interceptors entered the room and punched Liu until she fainted. They then sent her to the Heilongjiang Provincial Custody Center. When she woke up and refused to be detained, Liu was once more beaten by interceptors from the Military Farm Bureau until she passed out and

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<sup>45</sup> These Custody Centers were part of the Custody and Repatriation System that was abolished in 2003.

remained unconscious for another two days. When she woke up, she discovered that the interceptors were preparing to send her to the crematorium. She pleaded with a kitchen worker at the Custody Center to send a message to a friend of hers. The interceptors, now fearing exposure, did not send her to the crematorium. A month later, Liu was released from the Custody Center. Liu went to a hospital for a physical examination, which confirmed that Liu's right arm was dislocated, her eyes were so severely injured that her vision drastically worsened, and she had sustained several bruises on her thighs.

In November 2003, Liu was at the State Council's Letters and Visits Office when she was attacked by interceptors from the Military Farm Bureau. She was detained for fourteen days. In October 2004, Liu was again captured in front of the State Council's Letters and Visits Office and forcibly returned to the Beian Military Farm Bureau where she was incarcerated in a secret "black jail" for seven days.

On October 11, 2007, after releasing an open letter signed by 12,150 petitioners demanding political and legal reforms, Liu was seized in Beijing by Beijing police. She was sent back to Beian City Military Farm Bureau Detention Center and formally detained on suspicion of "gathering crowds to create trouble" on October 13. The charge was dropped and Liu was not prosecuted due to insufficient evidence. On November 12, 2007, without charge or trial, Liu was sent to 18 months of RTL.

#### **4. Yuan Jie (苑杰)**

Female, born May 1, 1942

Address: 27-2, Sifangtai District, Shuangyashan City, Heilongjiang Province

On October 13, 1977, Yuan's neighbor, Wang, took a Swiss wristwatch from Yuan's elder brother. The siblings reported the robbery to Shuangyashan City PSB. The PSB investigated the case perfunctorily and determined that Wang was innocent.

Yuan was dissatisfied with the PSB's conclusion, and in November, she started to petition higher authorities in Shuangyashan City, Harbin City (capital of Heilongjiang Province) and Beijing.

For her petitioning activities, Yuan has been repeatedly detained, including administrative detention for 15 days starting on December 28, 1979; being placed under the Custody and Repatriation program for 45 days starting on September 10, 1982; arrest by Sifangtai District police on August 13, 1984 and later being sent to Qiqihaer RTL camp for three years on August 25.

In July 1987, the Shuangyashan City PSB reconsidered the case and found Wang guilty of theft. On February 3, 1988, the PSB formally revoked charges and earlier punishments against Yuan and gave her RMB 4920 for compensation. Yuan found the compensation insufficient and she was also dissatisfied that officials responsible for wronging her had not been held accountable. She continued to petition.

On February 18, 2005, without presenting any warrants, the head of the Letters and Visits Office

at Shuanyashan City PSB, Li Baocai, arrested Yuan at her home. Yuan was detained at the Shuanyashan City Detention Center. While in detention, she was repeatedly beaten by Li and others. She was also deprived of sleep for seven consecutive days and subjected to torture for 16 days.<sup>46</sup> As a result of the torture, her arms and feet were severely swollen. While Yuan was delirious, Li and two police officers forced Yuan to put her fingerprints on the interrogation records indicating confession.

On January 10, 2006, Yuan was sent to three years of RTL by the Shuanyashan City RTL Management Committee. On April 4, 2006, Yuan was permitted to fulfill the sentence outside of the RTL camp.

## 5. Sun Wenyuan (孙文远)

Male, born May 10, 1973

Residence: 8-1, Jiguan District, Jixi City, Heilongjiang Province

In 2003, Sun's left leg was amputated after an industrial accident. Sun repeatedly applied for disability compensation, but his applications were denied. In order to receive compensation, Sun has repeatedly petitioned authorities in Harbin City, the capital of Heilongjiang Province, and Beijing, for which activity he has been beaten and detained.

On December 9, 2004, at the registration lobby of the Heilongjiang Provincial High People's Court in Harbin, four Court employees broke Sun's glasses and beat him so badly that he was sent to the hospital for emergency treatment. The hospital told Sun to stay for inpatient care but he was unable to afford it and was discharged.

On November 10, 2005, Sun was petitioning in Beijing. While he rested outside the State Grid Corporation at No. 86 West Changan Avenue, Feng Xiangling (female, 54 at the time, police number 024101), an officer of West Changan Avenue police station of the Beijing PSB West City sub-division, directed a group to beat Sun. Feng said, "Beat him to death. If he dies, I take the responsibility."

After the initial beating, the group dragged Sun through Xianxiaoli Alley, then turned right into Xirongxian Alley where they continued to beat Sun. They also broke his crutches. While beating him, the group said, "If you come here again, we will break your other leg," and, "If you keep petitioning to the [central government] Organizing Department, forty of us will be fired. We're only in our 20s, we can't lose our jobs, so we must torment you to death." After a while, the group dragged Sun some 200 meters and left him at a construction site in Sijulianzi Alley. Two hours later, Sun was discovered by local police patrols and was sent to the Beijing No. 2 Hospital. After the police found out that Sun was a petitioner from Heilongjiang Province, they informed the Heilongjiang Province Beijing Liaison Office. Employees of the liaison office came to the

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<sup>46</sup> Yuan was subjected to two forms of torture: she was forced to wear steel shoes and subjected to a punishment called "sitting at a tiger bench". With "Sitting at a tiger bench", the tortured is sat upright on a long bench, her hands tied behind her back. Her thigh is fastened with a rope to the bench while her feet are raised by bricks placed under her feet. This puts extreme strain on the knee and is an extremely painful form of torture especially when placed in this position for an extended period of time.

hospital, confirmed Sun's identity and took no further action. Sun remained unattended in the hospital lobby. Later that day, Sun's mother arrived at the hospital and demanded that her son receive medical treatment. Doctors confirmed that Sun suffered multiple injuries.

The beating did not intimidate Sun and he continued to petition. On December 16, 2005, while petitioning at the Letters and Visits Office of the Heilongjiang Provincial High People's Court in Harbin, Sun and his mother were ridiculed by Chen Wenting, a judge at the Court. Chen pounded on a desk, angrily stared at Sun's mother and shouted loud admonishments. Sun got angry and broke one of the Office's windows with a garbage can. The court police immediately put Sun in handcuffs, confiscated his crutches, and sent him to the Harbin Railway Detention Centre, where he was detained for 15 days.

While petitioning at the Letters and Visits Office at the National People's Congress in Beijing in March 2006, Sun was wrestled to the ground and handcuffed by police officer, Li Yancheng (also known as Li Liangcheng), a court policeman from the Heilongjiang Provincial High People's Court.

Months later, on January 5, 2007, when Sun was petitioning the Heilongjiang Provincial High People's Court again, he was beaten by the same officer and other security personnel. The beating was ordered by Yin Juming, a judge at the Court.

On March 5, 2007, while petitioning in Beijing, Sun was intercepted by staff from the Jixi City Letters and Visits Office. Sun was detained at a black jail run by Jixi City located in the basement of a Mongolian inn at the back of the Beijing Arts Museum. He was searched to make sure he did not have a lighter or cell phone. He managed to hide his phone, however, and called the police. Twice the local police came, but after speaking with the guards and the innkeeper the police left. Sun spent the night shouting for help but nobody came to his aid. He was detained together with four other individuals under degrading and inhumane circumstances: they had no water unless they drank from the toilet cistern and were fed only two or three plain steamed buns every day. He was released after four days of detention. After his release, he reported his detention to the police, but the latter refused to record his report.

**Appendix II: Cases of petitioners sent to psychiatric institutions****6. Chen Shilan (陈士兰)**

Female, 49

Address: Genghis Khan Town, Zhalantun City, Inner Mongolia.

Chen has gone to Beijing several times to petition for her two sons, who were severely injured by a group of criminals shielded by Zhalantun City PSB.

In December 2004, Zhalantun PSB, promising to help her, coaxed Chen back and confined her to Yakeshi Forestry Mental Hospital, where Chen was forcibly injected with medication and given electric shocks. After the injections, Chen was too weak to stand up; she passed out after taking the medication. Later on, threatening to arrest Chen's sons, the PSB forced the family into signing confirmation of Chen's mental illness and a promise not to petition again.

**7. Gu Xiangqin (顾相芹)**

Female, 43

Address: 59 Yongan Street, Dayan Mining District, Evenk Banner, Hulunbuir City, Inner Mongolia.

On June 20, 1984, Gu's father, Gu Qing, became party to a dispute when the family's cows ate their neighbor's wheat seedlings, but Gu Qing was dissatisfied with the arbitration by the local production team. On June 30, in Gu Qing's house, the production team leader, Luan Youchen, beat Gu Qing's daughter, Gu Xianghua, had Gu Qing tied up, and took him to the local police station. On July 1, the head of the police station, E Caikui, and police officer, Meng Shuangzhu, handcuffed Gu Qing to the door handle of the police station. On July 4, Meng broke into Gu's home and took their cows away. He also forced Gu Qing's family – his wife, two sons and daughter – to go to Luan's house, where they were tied up and badly beaten. Gu Qing's wife and one of their sons were allowed to go home by evening. The other two children were not released until July 6. Gu Qing had to wait until July 11, when he was released from the local police station.

Since then, Gu Qing and Gu Xiangqin, father and daughter, have petitioned higher authorities many times. On September 20, 2005, Gu Xiangqin was arrested by the local PSB (Morin Dawa Daur Autonomous Banner PSB), and sent to Yakeshi Mental Hospital without any medical authorization. There, Xiangqin was forcibly injected and fed medication. On October 31, Gu's family were coaxed by the local authority (Committee of Political and Legal Affairs of the CCP in Morin Dawa Daur Autonomous Banner) to sign an agreement admitting that Xiangqin suffered from mental illness. On November 1, Xiangqin was released from the hospital.

**8. Yan Xiulan (闫秀兰), Lu Shukun (吕淑坤)**

Yan Xiulan, female, 55; Lu Shukun, Yan's mother.

Address: Majia Tun, Fuan Village, Shanhe Town, Wuchang City, Heilongjiang Province.

Yan has petitioned numerous times about the handling of her husband's charge of robbery by Wuchang City PSB. For this, she has been detained on over thirty occasions and was once sent to a mental hospital.

On December 3, 1993, Lu accompanied Yan to the Letters and Visits Office at Heilongjiang Province PSB, where they were confronted in the corridor by the head of the Office, Lin, who struck Lu with his elbow. Lu collapsed to the floor and stopped breathing, but was eventually resuscitated by her daughter's artificial respiration. X-ray examination later showed that Lu's ribs had been broken. Both mother and daughter were then sent to a Custody Center, where the mother was not able to eat or drink for five days. They were later taken out of the Custody Center and thrown onto the road to Wuchang City.

On August 8, 1997, Yan was diagnosed with a mental disorder by Harbin City Mental Illness Examination Group instructed by Harbin Letters and Visits Office, and was confined to Harbin Custody Center and then Harbin Mental Hospital for six months. Yan was beaten repeatedly by the head of the ward, Liu Pengyao, on September 12, and a doctor, Yang, on September 17. On September 19, Yang seized Yan and hit her head against the wall. She fell unconscious to the floor. Yang continued to beat her, inflicting broken ribs, numerous bruises, and serious head injuries which lasted for more than a month, during which Yan was unable to eat or drink or to walk properly without falling to the floor, even with the support of the wall.

On September 22, Yang and Liu had Yan tied up and started to electrocute her, first on her temples, then her hands and feet, repeatedly. During the torture, Yan lost consciousness five times and suffered multiple convulsions. After the torture, she had bruised fingers and lips and suffered from hair loss, liver pain, aggravated coronary heart disease, and menstrual disorders. On October 3, Yang forcibly injected her with expired medication for another patient, causing her body to go numb, as well as breathing difficulties, insomnia, a low pulse, head pain and head immobility, and inability to open her mouth. The injections were repeated four more times between October 9 and 11.

On October 30, 1998, in Harbin Custody Center, a small bite of the food and soup provided caused Yan convulsions during a whole night and repeated unconsciousness. Her hands and feet turned blue (her nails remained blue for many days after), she could not move her eyes, and her limbs became numb. It was suspected that Yan was poisoned.

Lu Shukun was also locked up in Harbin Mental Hospital for a month in September 1997, where the medication led to her bleeding from her nose and mouth and lapsing into a coma for ten days.

## **9. Huang Cuihua (黄翠华)**

Female, born October 1, 1959

Address: 3rd Floor, Block 12, Xihuxin Village, Xiannushan Street Office, Hanchuan City, Xiaogan Prefecture-level City, Hubei Province

In 1994, Huang's son was injured while attending Honghua Kindergarten. Without Huang's knowledge, the head of the kindergarten sought compensation on her behalf from an insurance

company and then pocketed the money. In 2002, Huang and her son found out about the scam and she started to petition government authorities about it. Huang has been repeatedly beaten and detained for her petitioning.

On July 13, 2006, while Huang was petitioning in Beijing, she was intercepted and sent back to Hanchuan City by staff from Hanchuan City government. On July 18, a group of government officials, including Li Zhiyong, Secretary of the Xiannushan Street Office CCP Committee, Lei Minhua, the head of Chengxi police station (under Hanchuan City PSB) and staff from Xiannushan Street Office, came to Huang's home and demanded her to come to Xiannushan Street Office to "resolve the problem." Huang followed them. Huang grew suspicious when she saw two police cars parked not far from her home. Huang then ran and got on a public bus. Lei and others stopped the public bus, dragged Wang off the bus and started to beat her. After the beating, using the police cars, Lei and others sent Huang to Hanchuan Mental Hospital. Huang's injuries were never properly treated and as a result she developed complications. Huang was released on January 12, 2007, after having spent six months in the mental institution.

#### **10. Jiang Hee (姜和娥)**

Female, born October 10, 1962, a worker of Situ Food Administration Center in Danyang City  
Address: No. 119, Group 11, Xuejia Village, Situ Township (formerly known as Quanzhou Township), Danyang City, Jiangsu Province

Because of her reports about embezzlement and corruption amongst cadres of Situ Food Administration Center in 1988, Jiang has been repeatedly persecuted and retaliated against. Jiang has been petitioning with the hope that these retaliations would cease.

On August 30, 1997, without any warrants, police from Quanzhou Township police station (under Danyang City PSB) surrounded Jiang's residence. The following day, over 40 military police forcibly entered Jiang's home, arrested her and sent her to Danyang City Hengtang Mental Hospital. Upon arrival, Jiang was kept in solitary confinement and was forcibly injected with unknown medication, which made her feel terrible, by the head of the hospital. On September 1, Jiang was transferred to Danyang City Mental Hospital and detained there for 72 days. Reportedly, for three days during her detention, Jiang was tortured.

Jiang resumed petitioning. In September 2002, Jiang was intercepted by interceptors dispatched by Danyang PSB while petitioning in Beijing. Jiang was about to be sent to a psychiatric institution again when she escaped.

On November 8, 2002, Jiang was handing out leaflets in front of the Great Hall of the People in Beijing, when she was arrested by police from Beijing Municipal PSB Tiananmen Sub-division. On November 9, Jiang was sent back by police from Danyang City PSB and detained in Danyang City Garden Hotel. On November 28, interceptors dispatched by Danyang City PSB and Situ Food Administration Center sent her to Zhenjiang City Mental Hospital in Jiangsu Province. Jiang was detained there for 32 months and 1 day. During Jiang's detention in the hospital, in late November 2003, she was discovered to have cervical cancer. However, despite repeated requests for medical treatment, she was not operated on until August 2, 2005. Jiang was released on August 10, 2005.

On March 8, 2006, Jiang was petitioning in Beijing when she was arrested by Beijing Municipal PSB Tiananmen Sub-division near the Great Hall of the People. On March 9, interceptors dispatched by Danyang City PSB and Situ Food Administration Center brought Jiang back and sent her to Zhenjiang City No. 4 People's Hospital. In the hospital, Jiang was allegedly forcibly medicated, which led to serious injuries to her liver.



**Appendix III: Cases of petitioners arbitrarily detained****11. Chen Lijian (陈礼健)**

Male, born May 30, 1971

Address: Xiamen City, Fujian Province

Because of his repeated petitions to central government authorities in Beijing about embezzlement and corruption amongst managers of Sanhang Electronics Xiamen Branch, Chen has been beaten and detained many times by government officials from Xiamen City Government. His family has been subjected to regular harassment and threats.

On December 9, 2004, Chen was beaten severely by government officials in front of the Xiamen City Government building. On June 14, 2007, while petitioning in Beijing, Chen was intercepted and forcibly returned to Xiamen by interceptors from Xiamen City Government. On August 9, 2007, while petitioning in Beijing, interceptors from Xiamen City Government Beijing Liaison Office, accompanied by three Henanese, forcibly kidnapped Chen and brought him to Nanyang City, Henan Province Beijing Liaison Office, where he was detained without legal procedures for eight days.

**12. Cao Fulin (曹福林)**

Male, born May 16, 1966

Address: Yanwa Community, Caojia Laozhuang Village, Shizi Township, Lingtai County, Gansu Province

Cao got involved in a conflict with Lingtai County Court over certain fees that the Court allegedly owes him. For persistently claiming these fees and repeatedly petitioning higher authorities about the Court's misconduct in the matter, Cao and his children have been repeatedly assaulted and detained by interceptors from the Court and other government agencies.

On August 25, 2000, Cao went to Lingtai County Court to claim fees that he believed were owed to him by the Court. Vice-president of the Court, Wang Ligong, held Cao by the ear and proceeded to kick and beat him until the latter fell unconscious. Cao was sent to Lingtai County hospital for emergency treatment. The following evening, against the advice of Cao's doctors, Wang forcibly dragged Cao out of the hospital and beat him again. Following the beating, Cao's right leg was swollen and in pain. He returned to Lingtai County Hospital, where he was diagnosed with tachycardia and a blood clot in his right leg, for which he would require surgery. However, before Cao completed his treatment, on September 21, men dispatched by Wang forcibly took Cao out of the hospital, beat him until he was unconscious, confiscated his patient record and sent him home. On October 12, at Lingtai County Court, Wang once again assaulted Cao and ordered a court policeman to beat Cao unconscious.

On January 7, 2002, Cao went to lodge a complaint at the Court. Cao and his three children were seized by men dispatched by Wang and illegally detained in the Court's office until January 25.

After the incident, Cao was sentenced to two years' imprisonment for "hindering official business".

On October 18, 2004, Cao and his three children were petitioning in Beijing when they were kidnapped by a crowd of interceptors including members of Lingtai County Court, PSB, CCP Committee on Politics and Law and Letters and Visits Office. Cao and his children were sent back to Lingtai and held at an old people's home in Shizi Township for a month without legal procedures.

On November 6, 2005, while petitioning in Beijing, Cao and his three children were kidnapped near Beijing South Station by twelve interceptors from Lingtai County Court, PSB, CCP Committee on Politics and Law and Letters and Visits Office. They gagged Cao and his children, confiscated their petition materials and other personal items, and took them back to Lingtai County, where they were incarcerated in Shizi Township Health Center.

Cao and his children suffered more abductions, beatings and detentions. On April 10, 2006, they were abducted from Xian train station, Shaanxi Province, promptly brought back to Lingtai County and detained at the health center. While in detention, Cao Xiaoxia, Cao's daughter, was beaten by one of the guards. After their release on April 17, they found themselves detained again between April 18 and 26 at the Shizi Township government office.

Cao continued to petition. On July 26, 2006, interceptors from Lingtai County Court, PSB, CCP Committee on Politics and Law and Letters and Visits Office abducted two of Cao's children (Cao Xiaoxia, then age twelve and Cao Xiaolong, then age ten) while they were petitioning in Beijing. The interceptors refused to tell Cao of his children's whereabouts. They detained Xiaoxia and Xiaolong in a Beijing suburb, then in an old people's home in Shizi Township. During their detention, Xiaoxia was beaten by a Shizi government worker.

On December 11, 2006, Cao's eldest daughter, Cao Ruifang (then age 14) went to get the forms for filing petitions at the Supreme People's Court, the State Council and the National People's Congress in Beijing. Cao was reportedly abducted by interceptors from Lingtai County CCP Committee on Politics and Law, Letters and Visits Office, PSB and Court. To this day, her whereabouts are unknown.

On February 27, 2007, Cao was kidnapped by interceptors from Lingtai County PSB and Letters and Visits Office and Shizi Township government. He was sent back to Lingtai County, and his petitioning materials and personal belongings were confiscated. Cao and his children were detained in Shizi Township Health Center for a month. While in detention, Xiaoxia was beaten by two Shizi Township government officers.

### **13. Zheng Dajing (郑大靖)**

Male, 46, also known as Zheng Ruifeng (郑瑞峰)

Address: Chengguan Township, Yunxi County, Shiyan City, Hubei Province

Due to property disputes, Zheng and his family have petitioned in Beijing many times since

September 2005 and been repeatedly detained and beaten.

On June 20, 2006, Zheng was intercepted and forcibly returned from Beijing by Yunxi County PSB and detained in Yunxi County Chengdong Hotel with his wife, Cao Xiangzhen, and their 13-year-old-son, Zhinan, and 7-year-old daughter, Linxin. The next day, Yunxi County PSB announced a five-day administrative detention of the family on grounds of violation of public security regulations during their petition in Beijing. Five days later, they were still locked up in the hotel.

On July 4, Zheng escaped during a storm and went to Beijing again, his family still in custody. Ten days later, his wife and daughter were transferred to the abandoned Sigou Tobacco Purchasing Station, which had been converted into a black jail by order of Lu Fuchang, Party Secretary of Yunxi County, and had been under the control of Lei Xianchao, Vice-Secretary of the Yunxi Committee on Politics and Law. On July 19, guards removed Xiangzhen, who had been refusing food, from her bed, twisted her hands, and dragged her some 20 meters across the floor. Xiangzhen's feet were badly wounded and became infected shortly after. On September 19, Xiangzhen and Linxin were released after the mother signed a promise to refrain from further petitions.

On March 15, 2007, Zheng was again taken into custody by a crowd of interceptors (including Zhou Guodong, a staff member of Shiyang City Government Beijing Liaison Office; Gao Bo and Zhang Wanfu from Yunxi County PSB; and Zhang Gongcai, a staff member from Chengguan Township Government) and kept at Shiyang City Beijing Liaison Office. Zheng's wife reported the illegal detention the next day, but the police refused to deal with the case. The deputy chair of Shiyang City Beijing Liaison Office, Dai Aihua, had Zheng transferred to Beijing Dongfeng Hotel, where Zheng was pushed to the floor by the police.

On March 17, Zheng was taken from Dongfeng Hotel by a group of policemen and local authorities from Yunxi County and Chengguan Township to Chengdong Hotel in Yunxi County. On March 23, he was transferred to Sigou Tobacco Purchasing Station, where his left hand was twisted and injured by a guard, Gong Youjian, after he attempted to disclose his location by phone to Huang Qi, organizer of 64tianwang.com (a human rights website). Zheng escaped on April 15.

On September 7, 2007, Zheng disappeared in Beijing. Two days later, he was formally detained by Yunxi County PSB on suspicion of 'disturbing of social order'. On the same day, Zheng was transferred from Yunxi County Detention Center to the black jail at Sigou Tobacco Purchasing station, where he remains to date without charge or trial.

#### **14. Duan Benji (段本基)**

Male, born August 8, 1944

Address: 5 Longting Village, Longting Township, Yang County, Hanzhong City, Shaanxi Province

On November 25, 1999, Duan's wife was severely beaten by their neighbour and died nine days

later. On December 24, Wang Ruocheng, Party Secretary of Longting Village, and Zhang Lijun, President of Yang County Court, attempted to force Duan's 15-year-old son, Duan Tianjun, to sign the cremation permit for his mother's body. Refusing their demand, Tianjun was badly beaten and disappeared (as of March 7, 2006).

Duan petitioned many times about his wife's death and his son's disappearance. He was repeatedly arrested and sent back to Longting Township by interceptors dispatched by the deputy head of Yang County, Li Yuling (previously head of Yang County Letters and Visits Office).

Duan was detained several times by Yang County PSB and the local government: ten days in March 2003 by Yang County PSB; one month from January 19, 2004 by Yang County PSB; 15 days in June 2006 after being intercepted in Beijing and sent back to Yang County by order of Li Yuling, with all of his petition documents confiscated; and 45 days from December 28, 2006, again after being intercepted and sent back from Beijing.

**Appendix IV: Cases of petitioners sent to RTL or sentenced****15. Jiang Yongwen (姜永文)**

Male, 67 years old

Address: Qinglongshan Village, Xiaochenzi Township, Baoqing County, Shuangyashan City, Heilongjiang Province

Because Jiang has reported to higher authorities about various instances of misconduct involving local government officials, he has been repeatedly persecuted.

In 1999, Jiang was illegally detained for eleven days by the Baoqing County PSB for petitioning in Beijing about an earlier detention.

In 2006, after writing to President Hu Jintao and Premier Wen Jiabao about local government misconduct, Wang Xiaoming, Secretary of the Shuangyashan City CCP Committee, ordered Jiang to be detained for ten days and warned him that if he did not cease his petitioning, he would be sent to a RTL camp.

On September 22, 2007, Jiang went to Beijing to petition and expose the concealment of the number of deaths reported by the Baoqing government in a mine accident in August. He was intercepted by Baoqing government and sent to RTL.

**16. Li Yufeng (李玉凤)**

Female, born March 10, 1958

Address: Flat 25, 3<sup>rd</sup> Floor, Yuejingbei Street, Macun District, Jiaozuo City, Henan Province

Between 1988 and 2000, Li and her family became involved in a series of property disputes with the Jiaozuo Coal Industrial Group Corporation Ltd., and their home was forcibly demolished without proper compensation. Li filed a lawsuit, and she won the case, but the court gave her meager compensation. Since 2002, Li has been petitioning for appropriate compensation, for which she has been detained and beaten.

On March 4, 2002, when Li was at Jiaozuo Train Station about to board a train to Beijing to petition, Li was intercepted by officers from Jiaozuo PSB Macun Sub-division. Li was administratively detained for 15 days.

On August 4, 2004, Han Fusheng, superintendent of the Zhongma Mine of Jiaozuo Coal, and Yang Yiliang, a police officer from the Jiaozuo City PSB Macun Sub-division, led nearly 100 security officers to beat Li and two relatives at Li's home. During the hours of beatings, Li made some 10 calls for assistance to the respective offices of the Jiaozuo City PSB Macun sub-division, Jiaozuo City PSB, Henan Province Ministry for Public Security and National Security Bureau. However, no assistance was dispatched.

On June 30, 2006, while petitioning in Beijing, Li was intercepted by police from Jiaozuo City

PSB Macun Sub-division and sent back to Jiaozuo City. Li was then detained for 10 days and on July 25 formally arrested. She was later put under house surveillance.

On March 9, 2007, Li was petitioning in Beijing when two important state meetings were hosted there. Without showing her petitioning materials, she was discovered as a petitioner by a plainclothes officer while walking in the vicinity of the meeting venues. Seconds later, unidentified men forcibly took her petitioning materials away and photographed her. They brought Li to Beijing PSB Xihu District sub-division, where the unidentified men alleged that she was waving her petitioning materials and shouting slogans in front of a government office. Li refused to sign the papers which recorded the men's accusations.

The next day, Li was administratively detained for 7 days by the Beijing PSB Xihu District sub-division for "disrupting social and public order." After her detention, she was immediately brought back to Jiaozuo City by Jiaozuo City PSB and criminally detained on suspicion of "hindering official business". On March 23 she was arrested, and on May 16 she was sentenced to one-and-a-half years in prison for the same crime.

### **17. Du Fengqin (杜风芹)**

Female, born October 10, 1961

Address: Group 1, Dongliujiu Village, Xiashan County, Longjiang County, Qiqihaer City, Heilongjiang Province

Since 1997, Du has petitioned over land rights issues, for which activity she has been repeatedly beaten and detained.

On November 7, 2000, when Du was petitioning Xiashan County CCP Committee, policemen struck her on her head and she fainted. Later, she was accused of being a Falun Gong practitioner, and the local police detained her in a Custody Center.

Du continued to petition. She was detained in a Custody Center in 2001 and again in 2003; beaten by a Xiashan County CCP member in 2003; and sent to RTL by the Longjiang County PSB between September 8, 2004 and July 20, 2005. Months after her release from the RTL camp, Du was sent to RTL again on October 16, 2007 because she was accused of having shouted at Letters and Visits staff while petitioning in Beijing.

### **18. Gao Deping (郜德平)**

Male

Address: Gaotang Village, Zhengguo Township, Xiangcheng City, Zhoukou (Prefecture-level City), Henan Province

In July 2004, Gao's son, Gao Junwei, was beaten and severely injured while mediating a fight. But Xiangcheng City PSB police officers, Chen and Wang, falsely accused Gao Junwei of robbery. Xiangcheng City Procuratorate arrested Gao Junwei on suspicion of "intentional harm". On August 12, 2005, the Xiangcheng PSB realized they had made a mistake and dropped the

prosecution of Gao Junwei. That year, Gao Junwei was admitted to a university, but because of the court case, he lost the opportunity to attend. Gao went to Zhoukou City Intermediate People's Court to seek compensation for the mishandling of his son's case. However, the Court, allegedly influenced by Wang, Chen and the rest of Xiangcheng PSB, refused Gao and his son compensation or apology. Gao began petitioning on his son's behalf.

On October 25, 2006, Gao was intercepted at a train station in Zhengzhou, capital of Henan Province, by officers from Xiangcheng PSB. He was detained for 15 days and then sent to 21 months of RTL on November 8. While in the camp, Gao developed uremia in April 2007. He is now in critical condition and in need of a kidney transplant to survive.

### **19. Hu Chuzhen (胡淑珍)**

Female, born June 10, 1961

Address: Brigade No. 3, Yonghe Village, Xuanhe Township, Zhongwei City, Ningxia Hui Autonomous Region

Because of a conflict with Yonghe Village CCP Secretary, Zhou Junmin, Hu has been repeatedly persecuted by Zhongwei City PSB Shapotou Sub-division, as well as the Xuanhe Township government and other local government agencies. Hu has been petitioning about her persecution, as a result of which she suffers repeated arbitrary detention.

On December 6, 2004, Hu was detained for 15 days by the Zhongwei City PSB. On July 26, 2005, while petitioning in Beijing, she was detained for 14 days by Beijing PSB Zhaoyang Sub-division. On March 10, 2006, while petitioning in Beijing, Hu was arrested by Beijing PSB Tiananmen Sub-division and sent to 15 months' RTL on March 13 by Zhongwei City RTL Management Committee. During her time at the RTL camp, a guard named Ma Aiping reportedly forced her to do particularly heavy labor, which resulted in permanent injuries. Hu has been unable to stand since.

### **20. Li Ling (李玲)**

Female, born July 1959

Address: Beizhan Road, Chenguan Township, Huaibin County, Xinyang City, Henan Province

On June 24, 2004, Li was petitioning at the National Letters and Visits Office in Beijing about government misconduct during the relocation of those displaced by a flood in Huaibin County, when she was intercepted by police from Xinyang City and Huaibin County. Li was sent back to Huaibin County. On June 26, she was administratively detained at the Huaibin County Detention Centre for 15 days for the crime of "insulting and shouting at government officials".

On August 16, 2004, Li was again intercepted while petitioning in Beijing and sent back to Huaibin County Detention Center. Four days later, without charge or trial, she was sent by Xinyang City RTL Management Committee to one year's RTL at the Henan Province RTL camp for Women. She was released on June 27, 2005 after serving her time there.

**21. Liu Xueli (刘学立)**

Male, born January 15, 1967

Address: Unit 2, Bopo Village, Song County, Luoyang City, Henan Province

Liu was detained several times for petitioning and suing Bopo Village chief, Liu Dongxi, for illegally selling village farmland.

On April 5, 2004, Liu was arrested by police from Song County PSB near the Great Hall of the People in Beijing. Police officers stripped Liu, pushed him on the ground and stomped on his head. Liu was forcibly sent back to Song County and upon his arrival on April 6, he was immediately detained by Song County PSB. On April 26, Liu was sent to one year's RTL at Huanghe Bridge RTL camp in Luoyang City. During his time at the RTL camp, Liu developed an illness, the symptoms of which included numbness in his limbs, fatigue and severe pains. His repeated requests for medical treatment were denied by the guards at the RTL camp. Instead, in winter, they forced Liu to shovel snow with wet shoes on for extended periods of time. As a result of the mistreatment at the RTL camp, Liu suffered intense pain in his feet and his lower body, and now he can no longer feel anything in his feet.

**22. Lu Meijun (卢梅君)**

Female, born in 1955

Address: Unit 1, Aihe Village, Caohe, Fengcheng City, Liaoning Province

Lu Meijun has been petitioning about certain injustices suffered by her mother, An Helan, and younger sister, Lu Meiyong, and has been detained many times.

On September 26, 2003, Lu was detained in Caohe Police Station under Fengcheng City PSB for 25 hours, during which time she was forbidden to use the lavatory and was forced to urinate in the cell. Soon after, she was detained in Fengcheng City Detention Center for 15 days.

On September 29, 2005, while petitioning in Beijing, Lu was intercepted by staff from Liaoning Province Beijing Liaison Office and taken to the liaison office, where she was locked up, and beaten badly, which caused injuries to her head, face and eyes, as well as five broken ribs on her left side.

From March 3 to April 18 in 2006, Lu was sent by Fengcheng PSB to Shenyang City Majiashan RTL Camp for Women. Due to her injuries, she was unable to work, and was therefore beaten by the head of the guards.

**23. Mo Shuangde (莫双德)**

Male, born January 9, 1965

Address: 179 Bantang Village, Ertang Township, Xiangshan District, Guilin City, Guangxi Province



In the mid-1990s, because of a conflict between Bantang Village and the Ertang Township government over land appropriation, Mo and his brother, Mo Xiude, were elected by the villagers to petition higher authorities.

In 1999, when Mo and his wife went to Ertang Township government to demand compensation for their crops, they were severely beaten by government staff who seized Mo's wife by the hair, repeatedly threw her against a wall and kicked her. The couple was not allowed to seek medical attention and was imprisoned separately for 15 days.

In 2000, over ten people broke into Mo's home and beat Mo's mother, Mo Sanmei, reportedly at the order of the Ertang Township government.

After failing to achieve any tangible results through petitioning, in January 2005, villagers from Bantang Village blocked the road to the company that bought the disputed land from the township government. A clash ensued. Villagers, including Mo, were severely beaten by the company's staff, allegedly yielding iron rods. Following the clash, on February 3, four village representatives, including Mo Xiude, were arrested and sentenced for "gathering crowds to disturb social order". Reportedly, at the time of the sentence, Mo was still receiving treatment at the hospital so he was not sentenced. Mo continued to petition upon recovery. In May 2006, Mo was arrested and sentenced to four years' imprisonment on charges of "absconding to avoid punishment".

#### **24. Wang Guilan (王桂兰)**

Female, born May 20, 1961, a laid-off worker of Wuyan Mall, Enshi City

Address: 27 Dongfeng Avenue, Enshi City, Enshi Tujia and Miao Autonomous Prefecture, Hubei Province

Since 1993, Wang rented a stall at Wuyan Mall. In 2001, the mall was sold. Because of disagreement with Wuyan Mall over compensation, Wang refused to move out and was sued by the mall in September 2001. The Court ruled that Wang had to move out, but the mall had to compensate Wang. However, the mall failed to compensate Wang fully. Wang exhausted all legal avenues in demanding the orders of the Court be carried out.

On November 22, 2001, Wang went to the Court to discuss the matter. Justice Chen, Head of the Enshi City Court Executive Tribunal, pushed Wang and ordered two court police to kick her and forcibly drag her out of the court down four flights of stairs. They then locked the door to the Court. In anger and desperation, Wang set herself aflame with kerosene.

Wang believed that the court had acted illegally in processing her case and started to complain about the court through petitioning.

On August 1, 2005, Wang was intercepted in Beijing by six policemen from Enshi City PSB and forcibly sent back to Enshi City. She was detained on August 2 on suspicion of "invasion and illegal occupation". On September 1, Wang was sentenced to 15 months of Re-education through Labor. She was freed on October 3, 2006. During her period of detainment, Wang suffered damage to various muscles in consequence of excessive forced labor.

**25. Wang Guoying (王国英)**

Female, born on December 9, 1965

Address: Luosheng Village, Jiashizhuang Township, Gaocheng, Shijiazhuang City, Hebei Province.

In 2003, Wang's daughter, Cheng Hongyan (born in 1990 and mentally disabled), was scalded while playing at a neighbor's home. Dissatisfied with the court resolution of the matter, Wang has many times petitioned central government authorities in Beijing, for which she was detained repeatedly.

On July 1, 2005, while petitioning in Beijing, Wang was arrested in front of the United Nations Development Office in Sanlitun (an area with many embassies), Chaoyang District and detained for 7 days. She was arrested at the same location on July 27 and detained for 14 days, and again on September 19, when she was forcibly sent back to Gaocheng and detained for 10 days.

Wang returned to Beijing after her release but was arrested once more in Sanlitun on December 12 and detained for 10 days. On December 31, Wang was arrested by Beijing PSB Xicheng Sub-division in front of the Beijing Chinese People's Political Consultative Conference (CPPCC) office and detained for 7 days. On May 4, 2006, Wang was arrested at Tiananmen Square by Beijing PSB Tiananmen Sub-division and detained for 7 days, then another 10 days on October 23.

On June 4, 2007, Wang was arrested in front of Gabong Embassy in Santilun and was sent back to Gaocheng. On June 23, she was sentenced to 15 months of RTL.

On August 9, 2007, Wang's son, Cheng Long (born April 23, 1989), was arrested and detained for 10 days because of his appeal on his mother's behalf.

**26. Su Fengcai (苏风彩)**

Male, born March 26, 1949

Address: Songdaokou Village, Liuzhimiao Township, Jing County, Hengshui City, Hebei Province

In 1991, because of a tractor business dispute with Wang Yuxin (also known as Wang Yixin) from Wangguopu Township, Pingyuan County in Shandong Province, Su and his family were severely beaten and looted by Wang and policemen from Wangguopu Township police station (under Pingyuan County PSB). Su has been petitioning about these abuses involving Wngguopu Township police.

On April 20, 1995, while petitioning in Beijing, Su was intercepted by Chen Guangrong and Lu Yujie, policemen from Pingyuan PSB. Su was brought back to Pingyuan PSB where he was forced to sit on an electric chair and beaten until he passed out. While Su was unconscious, Chen put Su's fingerprints on two prepared documents, the content of which Su had no knowledge about. Chen and others then confiscated about RMB 40 and an identification card from Su as

“evidence” of his “crime”. Su was then criminally detained in Pingyuan County Detention Center by Pingyuan PSB. On July 25, Su was convicted of “cheating” and sentenced to one year’s imprisonment by Pingyuan County PSB. On January 16, 1996, Su’s son went to visit him in Pingyuan Detention Center. Somehow the police let Su out of the Detention Center and thus he was released.

On November 2, 2005, Su was petitioning in Beijing when he was beaten by a policeman (no. 023499) from Fuyou Police Station (under Beijing PSB Xicheng Sub-division). Su was promptly brought back by Jing County PSB to Jing County, where he was detained and later sent to 18 months’ of RTL on November 28.

### **27. Tan Jinhua (谭金花)**

Female, born February 14, 1957

Address: No. 8 Tianqiao Group, Gongjiaping Village, Xintang County, Enshi City, Hubei Province

In 2002, Tan was arrested on suspicion of murdering her neighbor. During the interrogation, she was allegedly tortured to confess to the murder by Enshi City PSB. Later, Tan was released to await trial. However, Tan was never tried and the case was left unsettled. Due to police torture, Tan’s left arm was broken, her right arm deformed, her ears beaten to deaf and she developed serious injuries to her waist and kidneys. Tan lost the ability to work for a living and has been surviving as a beggar. Tan has been petitioning because she is dissatisfied with the local government, which left the case unsettled and failed to compensate her properly for the physical and psychological abuses she suffered.

For her petitioning activities, Tan has been repeatedly detained. Between June 23 and July 3, 2005, Tan was arrested and detained for ten days; between November 20 and 25, 2005, Tan was arrested by Beijing City PSB Tiananmen Sub-division and detained for five days; on May 1, 2006, Tan was kneeling and shouting about her injustices in front of Xinhua Office in Beijing, when she was arrested by Beijing PSB Xicheng Sub-division and detained for 10 days. On March 12, 2007, Tan was criminally detained for “provoking and creating trouble” and on April 10 sent to 18 months’ of RTL by Enshi RTL Management Committee.

### **28. Wang Xiuzhi (王秀芝 or 王秀枝)**

Female, born March 8, 1955

Address: Chuizhuang Village, Jiuzhou Township (formerly Jiuzhou County), Guangyang District (formerly Anci District), Langfang City, Hebei Province

Wang has been persistently petitioning because she believes that the local government failed to properly and fairly handle the cases of her husband’s murder in 1983 and the assault on her and her children in 1988. For her petitioning, Wang has been detained and beaten repeatedly by Langfang City PSB Anci Sub-division and other government agencies.

In 1995 alone, Wang was beaten at least three times. In April, when Wang was petitioning Langfang City CCP Committee, she was intercepted, beaten and then detained in Langfang City Custody Center. On July 25, when Wang was coming out of the Anci District CCP Committee

Office, she was beaten and her ribcage broken by a government employee. On September 4, Wang was detained without a warrant by police from Jiuzhou police station (under Langfang PSB Anci Sub-division). Wang was detained for 28 days and while in detention she was beaten until she passed out by Wang Jianting, Secretary of the Anci District CCP Committee on Politics and Law.

In March 1998, Wang was detained at home by a group of interceptors including staff from Jiuzhou County All-China Women's Federation, Jiuzhou police station and Chuizhuang Village CCP Committee. The interceptors tortured Wang with sleep deprivation and hurled verbal abuses at her. The interceptors then brought Wang to Tianjin City Anding Mental Hospital, where she was detained for 11 days. After her detention, Wang went to file a report with police in Langfang PSB Anci Sub-division. However, not only did police refused to register her case, Wang was handcuffed and beaten by Sun, the vice chief of the PSB and Teng, the head of the Letters and Visits Office at the PSB.

In March 4, 1999, Wang was petitioning the Beijing PSB when she was arrested by Hang, head of the Letters and Visits Office at Langfang City PSB. Wang was brought back to Jiuzhou police station and later detained in the Jiuzhou County government office. On March 11, while in detention, three County government staff seized Wang's hair and repeatedly hit her head against an iron bed. They also threatened to burn her eyes. After Wang was released, medical examination showed that a blood clot (as big as 5cm×5cm×2cm) developed near her left temporal bones.

On April 29 1999, Wang was sent to three years' of RTL by Langfang City RTL Management Committee. Wang was release on November 11, 2001. A year later, on November 12, 2002, Wang was again sent to one year's RTL by Langfang City RTL Management Committee.