



Chinese Human Rights Defenders (CHRD)

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One World, One Dream: Universal Human Rights



Dancing in Shackles

A Report on the Situation of Human Rights Defenders in China (2007)

A report by Chinese Human Rights Defenders

In its Special Series on Human Rights and the Olympics

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Introduction

The liberties and personal security necessary for human rights defenders (HRDs) to promote and protect human rights were under attack in 2007. As individuals and groups of HRDs became increasingly more resourceful and emboldened, they confronted escalating harassment and repression by Chinese authorities.

Contrary to the pledge it made in its 2001 bid to host the 2008 Olympic Games, the Chinese government has made no attempt to protect and promote human rights. In 2007, the situation regarding the rights to freedom of expression and of association and assembly, in particular, worsened. These are basic rights singled out by the UN *Declaration on Human Rights Defenders* as essential to the work and protection of HRDs. A number of laws and regulations adopted in the past decade continued to restrict these rights in 2007. Authorities stepped up monitoring and surveillance of activists and non-governmental organizations (NGOs) and imposed stricter bans on gatherings and demonstrations. The government also developed more sophisticated tools to control and restrict free speech on the internet and in telecommunications.

In spite of official repression, the nascent civil rights movement, “weiquan yundong” (literally translated as rights defense movement, 维权运动) continued to grow. As described in CHRD’s 2006 HRD report¹, China’s civil rights movement, similar to those in other parts of the world, has as its clear objective the promotion and protection of human rights and constitutional rights through non-violent means. In 2007, the movement expanded to encompass a broader range of rights issues, with individuals challenging in their immediate environment official abuses of civil and political rights as well as the rights to health, to a clean environment, and to housing and land. Citizens from many walks of life were active in many regions of China. Not only did they develop a repertoire of tools to press for change, they also experimented with new strategies, including utilizing laws in the deeply flawed legal system, to promote human rights, and made use of modern telecommunications and the internet to influence public opinion, organize and mobilize.

Yet HRDs suffered substantial political persecution in China in 2007. In particular, repression intensified in politically “sensitive” time periods, such as the 17th Party Congress in October, elections of local National People’s Congresses (NPC) held throughout the year in various provinces, and, more generally, in the lead-up to the Beijing Olympics in 2008. As factions amongst the government leadership did not wish to appear “weak” or “indecisive”, particularly during and prior to the sensitive political events, authorities nervous about widespread social disturbances tightened surveillance, harassment and persecution of HRDs, whom they viewed as “trouble-makers”.

In 2007, the harassment and persecution of HRDs took various forms. They were taken into custody for interrogation, placed under residential surveillance or house arrest, monitored in their homes and followed by police and other security officers. Their personal correspondence and communications, particularly via the internet and mobile phone, were monitored by “cyber-police”. Some were detained or jailed. Many underwent police searches of their private

¹ CHRD, “The Perils of Defending Rights: A Report on the Situation of Human Rights Defenders in China (2006)”, May 4, 2007, http://crd-net.org/Article/Class9/Class11/200705/20070504163029_4196.html

residences and loss of personal belongings to illegal confiscation. Some were severely beaten by unidentified persons thought to be linked to officials. A number were sent to Re-education through Labor (RTL) or sentenced to prison.

Especially worrying trends in 2007 included (1) the use of laws, especially the crime of “inciting subversion of state power”, to punish individuals exercising the right to freedom of expression, (2) arbitrary detention in extra-judicial facilities such as RTL and “black jails”, and (3) targeted persecution of leading rural and labor organizers, human rights lawyers, and independent writers and journalists.

On the basis of this report’s findings and analyses, CHRD makes the following recommendations to key players. These recommendations are elaborated in the Conclusion of the report.

To the Chinese government

1. The National People’s Congress Standing Committee (NPCSC) must act to interpret Article 105(2) of the Chinese Criminal Law to clarify and precisely define the meaning of the terms “incitement,” “subversion” and “state power,” as well as the specific conditions under which an act of expression may constitute “incitement to subversion of state power.”
2. The NPC must abolish the RTL system. In addition, all individuals detained in “black jails” and other illegal detention facilities must be released immediately and the facilities must be immediately closed.
3. The NPC must amend the newly revised “Lawyers Law”.
4. The NPC should conduct a constitutional review of the State Council’s “Regulations of the Administration of Internet News Reports”.
5. The NPC should conduct a constitutional review of the “Regulations for Registration and Management of Social Organizations”.

To the international community

1. The UN Human Rights Council, the E.U. and concerned governments should take appropriate measures under their mandate to strengthen their programs protecting and assisting China’s HRDs.
2. China’s “human rights dialogue” partners must critically review the impact of their decades-long “diplomatic engagement.” Such “dialogues” must identify concrete benchmarks and set timetables.
3. The relevant UN human rights bodies must monitor the Chinese government’s implementation of its obligations to inform Chinese citizens about international human rights and facilitate their participation in human rights activities.
4. International key players must keep up their advocacy work, campaigning for imprisoned and harassed HRDs.

About this report:

This report is the second CHRD annual report on HRDs. It has been compiled and edited by Chinese activists, including scholars and lawyers, with editorial and translation assistance from international supporters. It is based on information CHRD collected from January 1 to December 31, 2007, which includes news and reports published by HRDs in China and CHRD’s own

publications (such as *China Human Rights Briefings*). Information on important developments in early 2008 has been added as much as possible. In March 2008, CHRD circulated a draft of this report in Chinese for general public comments. The current version has been revised on the basis of the corrections and sound suggestions.²

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. Reports in this series include:

“[‘Inciting Subversion of State Power’: A Legal Tool for Prosecuting Free Speech in China](#)”, published on January 8, 2008.

“[‘Silencing Complaints: Human Rights Abuses against Petitioners in China](#)”, published on March 11, 2008.

“[‘Black Jails’ in the Host City of the ‘Open Olympics’](#)”, published on September 21, 2007

² The report in Chinese is available here http://www.crd-net.org/Article/Class1/200803/20080320222150_8130.html

Part I. Norms and Definitions

In 1999, the U.N. passed what is known as the Declaration on Human Rights Defenders (General Assembly Resolution 53/144 [Distri. GENERAL A/RES/53/144, 8 March 1999])³. Article 1 of the Declaration stipulates:

“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.”

According to the Declaration, HRDs are defined as “individuals, groups and associations... contributing to...the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals”.

It is important to note that the Chinese version of this definition has some obvious mistakes: “individuals, groups and associations who have made huge contribution to the effective elimination of all violations of human rights and fundamental freedoms of nationalities and individuals.” First of all, “peoples” cannot be translated as “nationalities”. Secondly, the use of the qualifier “huge” distorts the original meaning and in effect excludes from the definition many ordinary citizens who make small but significant contributions to the defense of human rights.

In addition to stipulating the right to defend human rights, the Declaration also reaffirms states’ responsibilities to:

- “Protect, promote and implement all human rights and fundamental freedoms” (Article 2)
- “Promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education” (Article 15)
- “Conduct a prompt and impartial investigation or ensure that an inquiry takes place” when there is a violation of human rights within its territory (Article 9)
- Take all necessary measures to ensure that HRDs are protected against “any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights” to defend human rights. (Article 12)

This report examines the extent to which the Chinese government has fulfilled its responsibilities to actualize the rights and freedoms of HRDs as guaranteed in the Declaration. This report also analyzes the relevant laws, regulations and systems and proposes concrete suggestions to improve the government’s protection of and support for HRDs.

³Also known as the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

Part II. An Assessment of Two Key Freedoms for Defending Rights

The UN Declaration on Human Rights Defenders singles out two freedoms as key to the effective functioning and protection of HRDs: freedom of expression and freedom of association and assembly. Neither of these liberties was respected by the Chinese government in 2007. HRDs were frequently harassed and punished for exercising these basic human rights.

1. Freedom of expression

Although Article 35 of the Chinese Constitution guarantees the right to freedom of expression, China has not formulated corresponding laws to realize this right in practice. Therefore, when individuals' right to freedom of expression is violated, especially when the law is used to deprive them of this right, Chinese citizens have no effective legal mechanisms that they can resort to for remedy.

In 2007, authorities focused their restrictions of free expression on two types of media in particular, telecommunications and the print media. Individuals who dared to speak up for human rights were often charged with criminal offenses and prosecuted.

Telecommunications control

As the internet and its related telecommunications services have become major tools for Chinese citizens to receive, transmit, exchange and publish information, they were also the media the government tried hardest to control in 2007. Government institutions tightened their grip over telecommunications through a complex administrative management system, whereby authorities issued administrative regulations and daily instructions to telecommunications companies. These regulations and instructions were dictated to the internet service providers (ISPs), who then proceeded to delete postings and close or block websites containing the "sensitive" information specified by authorities.

a) Administrative regulations and daily instructions

Government departments used administrative regulations and daily instructions to closely monitor, censor and control the internet. Chinese citizens not only lacked the freedom to express independent (political) opinion on the internet, but were often subjected to surveillance when they used the Internet. Even more alarmingly, the internet became a tool for persecuting free expression, as articles posted on the internet were used as "evidence" to prosecute individuals. The ways in which the regulations and instructions were used was extensively documented in a joint CHRD and Reporters Without Borders (RSF) report, [*Journey to the Heart of Internet Censorship*](#), published in October 2007.

In addition, government regulations, such as the "Regulations of the Administration of Internet News Reports"⁴, required that all internet media be run by organizations registered with or recognized by the government and that the qualifications of such organizations be subjected to regular inspection. This made it impossible for individuals or unregistered groups to publish independent information on their own websites without risk of penalty. When authorities deemed

⁴ 《互联网新闻信息服务管理规定》

published information “sensitive”, they could use the Regulations as a justification to close down or block such “unregistered” websites.

In 2007, there were several notable administrative regulations on telecommunication media such as mobile phones which in effect constrained the flow of information and access to information as well as invading privacy.

On December 17, the Beijing Municipal government released a notice⁵ stating that individuals who sent mobile phone text messages that "propagate and spread rumors" and "endanger public safety" would be investigated and held legally liable by the Beijing Public Security Bureau (PSB) with assistance from the Telecommunications Department as well as relevant government departments and telecommunications companies.⁶

On December 20, the Guangdong Provincial NPCSC passed a regulation⁷ stating, “In the event of a major emergency that endangers state safety, public safety and social stability, public and state security organs of people’s governments above prefecture level may adopt measures such as temporarily shutting down of [internet and other telecommunications] networks...for as long as 24 hours.” This established a precedent whereby public security organs were given the power to suspend networks-- the internet and mobile phone networks —during major emergencies.

b) Actions to implement regulations and instructions

Typically, article postings, blogs and websites considered “sensitive” were blocked, deleted or closed down. Individuals responsible for the postings, blogs and websites were sometimes forewarned about the imminent censorship, either directly by the authorities involved or indirectly by the internet providers, which in some cases appeared to be practicing self-censorship and in others appeared to be instructed by authorities to do so. The authorities gave many reasons for the enforcement actions, including “17th Party Congress security”, and users publishing “harmful information” and failing “to file a certain required document”. Sometimes no reason at all was given. Individuals who suffered repeated censorship were often “advised” to cease their rights defense work altogether.

However, websites and blogs showed remarkable resilience in the face of forced closure. Through means such as making concessions such as modifying or changing headlines and content and threatening to take legal action against the ISP concerned, the censored websites or blogs often managed to re-open. China Information Consultation Net (中国国情咨询网), for example, was closed by the authorities eighteen times (as of September 19, 2007) since it was founded in November 2005. After its closure in May 2006, the relevant authorities re-opened it a month later, reportedly due to international and domestic pressure and advocacy following the website’s public appeal for assistance.

⁵ “Notice Regarding the Further Regulations and Management of the Use of Mobile Phone Text Messages in the Release of Public Information” 《关于进一步规范本市手机短信息发布公共信息管理工作的通知》

⁶ CHRD, “Beijing to Punish Mobile SMS Users for ‘Endangering Public Security’ and ‘Spreading Rumors’,” December 23, 2008, http://www.crd-net.org/Article/Class9/Class10/200712/20071224131450_6851.html.

⁷ “Guangdong Province Computer Information System Security Protection Regulations” 《广东省计算机信息系统安全保护条例》

During the 17th Party Congress in October 2007 alone, “about 2,500 websites, blogs and forums were closed in the space of a few weeks”⁸ according to RSF. It is impossible for CHRD to document all closures, but Appendix I contains examples of websites and blogs promoting human rights, expressing public opinion and monitoring government abuses that suffered official censorship in 2007.

A variety of other methods have been used by the Chinese government to enforce these regulations and instructions. For example, hours after the CHRD and RSF report, *Journey to the Heart of Internet Censorship*, was published, the head of the Beijing Information Office (which is in charge of internet control) circulated an order to websites and ISPs to update their lists of banned keywords to include those used throughout the report in order to prevent online circulation of the report. As a result of this order, internet users in China searching for the banned keywords received no results.⁹

Control of freedom of expression on the internet could also take more roundabout forms cloaked in seemingly legitimate concerns. For example, in August 2007, two harmless-looking virtual police “appeared” on many government, e-commerce and news websites as an initiative of the Jiangxi Provincial Police to tackle internet pornography. Reportedly, the virtual police were available 24 hours a day and responded immediately to requests or reports of “criminal activity” from internet users.¹⁰ On November 28, in a similar “Fight Internet Pornography Campaign” by Mianyang City, Sichuan Province, over 2,000 websites and internet forums were closed down, including many politically sensitive websites, such as China Citizens Monitor Net (中国民间监督网), an anti-corruption and citizen watch website.¹¹



Table 1: Virtual police figures, Jiangxi Province

Control of the Print Media

On January 1, 2007, “Regulations on Reporting Activities in China by Foreign Journalists during the Beijing Olympic Games and the Preparatory Period”¹² came into effect. According to the Regulations, foreign journalists are no longer required to apply to provincial foreign affairs offices for permission to carry out reporting in China—they only have to obtain the consent of individuals or organizations they want to interview. Chinese reporters, by contrast, were not granted similar privileges.

⁸ RSF, “Press Freedom Round-up 2007,” January 2, 2008, http://www.rsf.org/article.php3?id_article=24909

⁹ CHRD and RSF, “How Cyber-censors Blocked Dissemination of Report on Internet Censorship,” February 1, 2008, http://crd-net.org/Article/Class9/Class15/200802/20080202012157_7456.html

¹⁰ *Legal Daily*, “Jianxi Virtual Police Starts Working, Equipment Stolen in Games Can be Reported to Police,” August 22, 2007, http://www.legaldaily.com.cn/2007fjdt/2007-08/22/content_685231.htm

¹¹ RFA, “Sichuan Mianyang Closes Over Thousand of Websites,” November 28, 2007, <http://www.rfa.org/mandarin/shenrubaodao/2007/11/28/websites/>

¹² 《北京奥运会及其筹备期间外国记者在华采访规定》

Overall, the Chinese government did not loosen its grip over the print media in 2007. Although the Chinese Constitution guarantees freedom of the press, Article 11 of the “Regulations on the Administration of Publication”¹³ promulgated in 1997 by the State Council demands that each publisher obtain the sponsorship of a government agency (a “sponsoring” office) and of the agency supervising the sponsoring agency (an “oversight office”) recognized by the administrative department for publication under the State Council. The Regulations has become an insurmountable obstacle to anyone intent on independent publishing.

The Chinese government also continued its routine practice of banning newspapers and books. For example, on January 11, 2007, a book by democracy activist, Yao Lifa (姚立法), entitled *I Accuse: The Road to Politics by a Member of the People's Congress*, was banned, along with seven other books, by the General Administration of Press and Publication (GAPP). Authors of books did not acquiesce. Two of them filed lawsuits against GAPP, the first of their kind in Chinese history. However, the courts refused to hear the lawsuits, acknowledging to one of the plaintiffs, “The court is in every way restricted by the government.”¹⁴

Publications beyond bounds acceptable by the authorities were not always banned immediately but were instead pressured to forgo their focus on so-called “sensitive” political and social issues. On March 5, *Cai Jing* (财经), a financial magazine, was forced by “higher authorities” to replace a number of its feature articles which focused on property and housing rights, sensitive issues in China, with those that discussed the stock market instead.

2007 also saw some roundabout ways of penalizing out-of-line publications and journalists. In mid-November, after international reports of toxic ingredients found abroad in goods exported from China, authorities suspended advertisements of medicine, medical treatment and health food in *Southern States Metropolitan News* (南国都市报), *Jinan Times* (济南时报), *Wenzhaixun Post* (文摘旬报), and *Books and Magazine Post* (书刊报), publications known to be particularly outspoken on social and political issues, as punishment for “publishing many untrue advertisements”. In July, the Publicity Department declared that Pang Jiaoming (庞皎明), a journalist at *China Economic Times*, had “fabricated news” when he published a highly-publicized report exposing the use of inadequate materials in one of China’s most important construction projects. The Publicity Department then warned all news media in the country to not employ Pang.

The lack of protection of journalists’ safety was another very serious problem restricting press freedom in 2007. On November 13, two reporters from *Jingji Cankao News* (经济参考报), Xiao Bo (肖波) and Wang Wenzhi (王文志), went to a company based in Henan to investigate allegations of serious pollution. Upon arrival, the two were immediately surrounded by factory staff, and their journalist IDs confiscated. The police came to the factory, took the two to the police station and interrogated them. The journalists were released only after mediation by their newspaper company and the local publicity department. Xiao and Wang returned to the factory the day after, this time armed with permission to report from the local publicity department, but

¹³ 《出版管理条例》

¹⁴ CHRD, “China’s Press Czar vs. Authors of Censored Books,” March 22, 2007, <http://www.crd-net.org/Article/ShowArticle.asp?ArticleID=3743>; CHRD, “China’s Press Czar vs. Authors of Censored Books, Chapter II,” April 26, 2007, http://www.crd-net.org/Article/Class9/Class15/200704/20070428085449_4117.html

they again found themselves surrounded and even beaten by a number of the men from the factory.

See Appendix II for more selected cases of print media censorship as documented by CHRD in 2007.

Persecution of Free Speech

In 2007, Chinese courts continued to use trumped-up charges to prosecute individuals for exercising the right to freedom of expression.

One of the authorities' favorite charges to criminalize free expression was article 105(2) of the Chinese Criminal Code, which stipulates the crime of "inciting subversion of state power." (See the section "3. Inciting subversion of state power" for a detailed discussion) A plethora of other charges were also invoked to punish those who dared to write or report independently. For example, Qi Chonghuai (齐崇淮), a *Fazhi Morning Post* reporter known for his reporting on social justice issues, has been detained without prosecution for "extortion and blackmail" since June 25, after reporting on a construction scandal associated with the Chinese Communist Party (CCP) Committee in Tengzhou City, Shandong Province. Another reporter, Sun Lin (孙林, also known as Jie Mu (子木)), has been detained for "illegally carrying of firearms" by the Nanjing authorities since May 30, 2007. Prior to his detention, he reported for the overseas Internet news website, Boxun, on cases of forcible demolitions in Nanjing, which attracted much attention to the issue.

2. Freedom of association and assembly

Officially, there are between 32,000 and 35,000 registered civil society organizations in China.¹⁵ However, they are not "Non-Governmental Organizations (NGOs)" as commonly understood internationally. Strictly speaking, they are "Government Organized NGOs (GONGOs)". Currently, many individuals representing Chinese "NGOs" in international arenas (such as the EU and the UN) are actually government employees in associations (e.g. All China Federation of Trade Union) and research institutions that are subordinated to various government departments.

The operating environment of truly independent civil society groups did not improve at all in 2007. The government did not relax any of the policies or legal regulations it used to control such groups. In addition, it continued to suppress freedom of assembly by severely punishing organizers of demonstrations or protests and strictly banning meetings or gatherings by groups and loosely-connected individuals under suspicion because of their rights activism, including dissident writers, public-minded intellectuals, and lawyers, particularly at politically "sensitive" times.

¹⁵ Ministry of Civil Affairs of the People's Republic of China, "China's Civil Society Organizations Has Grown to About 320,000 Organizations with 3,000,000 Employees 《我国民间组织发展到近 32 万个》", December 18, 2006, available here: <http://www1.mca.gov.cn/artical/content/200511714400/20061218152250.html>; Ding Yuanzhu, "Speeds Up the Slow Development of Civil Society Organizations 《丁元竹：为发育缓慢的社会组织提速》," *the Beijing News*, April 21, 2008.

Freedom of association

Policies and regulations adopted by the authorities to suppress freedom of association can be broadly divided into the following two categories:

- 1) Policies and regulations that severely restrict the establishment, survival and effective operations of civil society groups (which include political opposition parties, independent unions, peasant associations, etc.)
- 2) Policies and regulations that prohibit civil society groups from contacting, cooperating with or receiving aid from international organizations for the purpose of peaceful activities.

1) Policies and regulations that severely restrict the establishment, survival and effective operations of civil society groups

Since the “Regulations for the Registration and Management of Social Organizations”¹⁶ came into effect in October 1998, it has been an effective tool for the government to control freedom of association. Under the Regulations, all civil society groups have to register with and must be approved by the Ministry of Civil Affairs or its provincial counterparts. To do so, an applicant organization must first find a “business/management sponsoring office” and an “oversight office” within the government willing to sponsor it.

In practice, few civil society groups manage to associate with an “oversight office”. As a result, some of them operate without registration and run the danger of being closed down for being “illegal organizations”. Many civil society groups such as Wenling Farmers Association (温岭农民协会), Pingnan Home of Green (屏南绿色之家) and Shouguang Goodwill Volunteers (寿光市爱心义工) were banned in 2007 as “illegal organizations” using the Regulations (see Appendix III and Case Study 1).

Case Study 1: HIV/AIDS organization closed for being an "illegal organization"

On August 16, 2007, Dongzhen-Nalan Cultural Communication Co. Ltd. (东珍纳兰), a well-respected HIV/AIDS organization founded in Henan Province in 2003, released a statement saying that because of pressure from Kaifeng City government, Henan Province, its AIDS project and its Dongzhen Community Activity Centre in Weishi County, Henan had to be suspended.

According to Dongzhen-Nalan's staff, police went to their office on August 15 and ordered them to close down, claiming that they had operated for a long time without “registration” and that they were engaged in “illegal association”. The police removed items from the office, and told the staff to leave Kaifeng within two days or else there would be danger.

Even when civil society groups manage to register properly, once their activities show any real independence, higher authorities, sometimes through the local police bureaus, will then put pressure on their oversight offices, which in turn press their sponsoring offices to warn the

¹⁶ 《社会团体登记管理条例》

groups against overstepping acceptable boundaries and to threaten to disassociate from them if they do not heed the warnings. Even if these offices could withstand the pressure, the groups sponsored by them may not have their status renewed by the civil affairs administration and thus become “illegal”.

As a result of the government restrictions, many civil society groups are forced to register as a commercial firm in order to function legally. However, as “for-profit” corporations, they are confronted with various financial and tax issues that they have little capacity to handle. To make matters worse, they are vulnerable to being closed down by the authorities for “violating” tax regulations.

A few independent civil society groups do manage to exist, even if only briefly, despite all the aforementioned obstacles. However, such groups, especially if their work involves “sensitive” issues, are targeted for monitoring and surveillance by the State Security police (*guo an*, under the State Security Bureau) and the National Security police (*guo bao*, under the PSB). Their phones and email are constantly monitored by the police and their websites are sometimes forcibly closed down. Police sometimes raid their offices and confiscate their computers. Individuals in such groups are routinely taken away by security agents for “a chat”. During the “chat”, the individual has to “report” to the police on their group’s activities, and they are often “persuaded” to “cooperate” with the authorities. Some of them could even be detained or “disappeared” for days or weeks for the purpose of intimidation (See Case Study 2: Head of HIV/AIDS Organization Treads Fine Line).

Case Study 2: Head of HIV/AIDS Organization Treads Fine Line

Wan Yanhai (万延海), head of the prominent AIDS organization, Aizhixing Institute, is no stranger to forced “chats” and disappearances.

Wan was disappeared between November 24 and 27, 2006. At an interview in November 2007, when asked whether he was worried about being kidnapped again prior to the World AIDS Day, Wan said, “Living in such a society, it is abnormal if you are not worried. I try my best to maintain a free mind, but acting freely could be dangerous sometimes. So when I encounter a difficult situation, I may have to give it up [to ensure my safety].”

Not long after this interview, on December 26, 2007, Wan was summoned by Beijing authorities to “a chat” while he was working in Yunnan Province. Wan had to hurry back to Beijing, where authorities picked him up in a car, then detained and interrogated him for some thirty hours. Wan’s family and colleagues were not able to contact him during his forced “disappearance”. Upon release, Wan could not divulge details about the “chat”.

2) Policies that prohibit civil society groups from contacting, cooperating with and receiving aid from international organizations for the purpose of peaceful activities

Insufficient funding is a problem for many civil society groups, but it is even more so for those in China because of the difficulties and dangers involved in obtaining foreign funding. The

situation is worse for those who dare to combat corruption and human rights violations. The Chinese government has used various methods, such as requiring foreign foundations that operate openly in China to register with and be approved by the authorities, in order to ensure that the foundations are under the government's control and are "self-disciplined". Although Chinese government departments, GONGOs and other state agencies have received enormous amounts of foreign funding (funding from foreign governments, international foundations and charities), civil society groups that attempt to gain access to similar sources of funding are attacked as "under the control of foreign powers hostile to China", "receiving the assistance of foreign subversive forces" and attempting to organize a "colored revolution".¹⁷ As a result, independent civil society groups rarely receive foreign assistance. Groups that do, despite all odds, have to tread very carefully in order not to violate certain unspoken, ambiguous rules.

Case Study 3: Members of Independent Chinese PEN Barred from Attending Hong Kong Conference

Between February 2 and 5, International PEN invited forty Chinese writers, many of them members of Independent Chinese PEN, to attend its first Asia regional conference in Hong Kong. However, only fifteen of them were able to attend, as authorities barred the others from crossing into Hong Kong.

On January 5, Liu Shui (刘水), a Gansu writer, was denied a Hong Kong and Macao Pass (港澳通行证) to go to Hong Kong because, according to police at the office which issues the pass, he would "endanger state safety and affect state image". Similarly, Li Jianhong (李剑虹), a Shanghai dissident writer, was unable to attend the conference because authorities denied her a pass twice, in November and December.

Around the same time, Beijing-based writer, Zhang Yihuo (章诒和), was "advised" by officials not to attend the conference. A number of other writers, such as Qin Geng (秦耕), Zan Aizong (咎爱宗) and Zhao Dagong (赵达功), went as far as Shenzhen, the city bordering Hong Kong, only to be turned back by police at the security checks.

Even the seemingly harmless act of meeting international organizations abroad can be considered a "threat to state security" by authorities. Many activists are denied passports for such purposes as the public security institutions that process their passports are the same as those monitoring them. Members of groups working on less sensitive issues or those with official sponsorship are often denied opportunities by their sponsoring offices or the police in charge of monitoring them to meet international organizations or participate in activities abroad. This "approval process" occurs informally. Disapproval is conveyed through means such as inviting the activists for a "chat", a "cup of tea" or a "meal". If these methods are ineffective, the police then stop the individuals concerned at the border to prevent them from leaving the country and even confiscate their passports. Those who manage to participate in international activities without prior approval are, when they return to the country, sometimes summoned, forced to "chat" or

¹⁷ See Wen Chuan, "A Survey of Pseudo-American Think Tanks: Second CIA in Action 《美国伪智库调查》," December 28, 2007, *the Globe*, http://news.xinhuanet.com/globe/2007-12/26/content_7315955.htm

“explain” to authorities the details of their activities while abroad, as well as giving names of participants in events they attended and sponsors of the events. (See Case Study 3)

These policies and legal regulations to “manage” civil society organizations have in effect infringed their rights to freedom of assembly and association and seriously obstructed the healthy growth of civil society and the work of defending human rights. They explain why, apart from a few human rights websites run by individual HRDs with the help of volunteers and citizen journalists (such as 64tianwang, Citizen’s Rights and Livelihood Watch, etc.), no human rights organizations could operate openly, independently and effectively in China in 2007. (See Appendix III for selected cases of restrictions of freedom of association as documented by CHRD in 2007.)

Freedom of assembly

In 2007, the government continued to use law enforcement tactics to suppress the right to freedom of assembly. The police routinely refused to approve requests for peaceful gatherings and demonstrations, broke up such events, and punished their organizers when the events occurred without prior approval which was practically impossible to obtain in the first place.

In 1989, soon after the Tiananmen demonstrations were crushed, the NPCSC promulgated the “Law of the PRC on Assemblies, Processions and Demonstrations” (hereafter referred to as “the Assembly Law”¹⁸). According to the Law, to hold an assembly, procession or demonstration, there must be a person or persons responsible for the event. The person(s) responsible must submit a written application for approval by the relevant public security institutions five days prior to the event. The application needs to specify details such as the name, occupation and address of the person(s) responsible and the slogans and vehicles to be used.

The Assembly Law contains so many prohibitions against holding meetings or demonstrations that it might more accurately be called the Anti-Assembly Law. The Assembly Law also gives too much decision-making power to the PSB. The police have the power not only to reject applications for holding events but also to punish organizers if they violate any of the many restrictions articulated in the Assembly Law. For example, Article 33 not only restricts organizer(s) of an assembly to local residents, but it also gives the local PSB power to punish those who violate this restriction:

“If a citizen, in a city other than his place of residence, starts or organizes an assembly, a procession or a demonstration by local citizens, the public security organ shall have the authority to detain him or send him back by force to his place of residence.”

When individuals do submit applications with the PSB to host assemblies, demonstrations or processions in accordance with the law, the local PSB almost always rejects the application or intentionally delays its processing. In the eighteen years since the Regulation was enacted, the PSB has approved no applications submitted by citizens for holding demonstrations against government policies, regulations or officials. The PSB often invokes the vaguely-defined concept of “public security” or “public order” described in Article 12 (4) of the Assembly Law

¹⁸ 《中华人民共和国集会游行示威法》

as grounds for rejecting an application (see Case Study 4). In more extreme cases, the local PSB even arrests and prosecutes the applicant for filing the application. Article 12 states:

“No permission shall be granted for an application for an assembly, a procession or a demonstration which involves one of the following circumstances:

- (1) opposition to the cardinal principles specified in the PRC Constitution;
- (2) harming the unity, sovereignty and territorial integrity of the state;
- (3) instigation of division among the nationalities; or
- (4) the belief, based on sufficient evidence, that the holding of the assembly, procession or demonstration that is being applied for will directly endanger public security or seriously undermine public order.”

When their applications are rejected by the PSB, organizers of these events have little recourse. According to Article 13 of the Assembly Law:

“If the person(s) responsible for an assembly, a procession or a demonstration does not accept the competent authorities' decision not to grant permission, he may apply to the people's government at the same level for reconsideration within three days of receiving notice of the decision, and the people's government shall make a decision within three days of receiving the application for reconsideration.”

What if the individuals concerned are dissatisfied with the result of the reconsideration? The Assembly Law fails to stipulate any further step, such as filing an administrative lawsuit. Without such a stipulation, the individuals concerned are unable to dispute the reconsideration and as a result, the local government effectively becomes the final arbiter of the dispute. Additionally, “local government” is a vague referent, leaving the applicant with no specific office to appeal for further adjudication, which in practice often causes confusion and delay of adjudication.

The Assembly Law clearly offers inadequate protection of the right to freedom of assembly as guaranteed in the Chinese Constitution and various international human rights instruments. It is in urgent need of amendment.

Case Study 4: Application for Demonstration Rejected Because It "Damages Social Order"

On January 9, 2007, farmers in Putian City, Fujian Province, applied to Fuzhou City PSB for a demonstration scheduled to be held on January 16. Not until the evening of January 19 did the farmers receive notification from the PSB that their application had been rejected. The farmers, who were about 600 in number, were dissatisfied and applied to the city government for a review of the decision. The city government upheld the PSB's decision, claiming that the demonstration “damages social order”. The farmers then filed an administrative lawsuit to overturn the decision, but the city's Intermediate People's Court has neither accepted nor rejected the case.

In addition to the Assembly Law, other legal regulations have also seriously restricted citizens' right to freedom of assembly. For example, Article 18 of the Regulations on Letters and Visits¹⁹ states:

“Where two or more letter writers or visitors intend to present the same letter-or-visit matter through a 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 to inhibit collective petitioning. With very few resources, the government can then prevent mass protests in front of government offices and control a group of petitioners by targeting the main representatives of the group.

Because the authorities never approve applications for assemblies, demonstrations or processions against government policies, actions or officials, groups have resorted to organizing spontaneous events without seeking prior approval. No official statistics regarding the number of demonstrations in China in 2006 or 2007 have been made available. However, official statistics for previous years suggested that the number of “mass incidents” had steadily increased to 85,000 in 2005.²⁰ It is impossible to document all of the spontaneous demonstrations in 2007, but Appendix IV enumerates those which met official suppression for demanding justice or rights protection. These incidents illustrated that, not only were the rights to association and assembly not respected, but large-scale police efforts were often made to suppress and silence citizens who exercised their basic human rights.

Analyzing the record of suppressed assemblies and demonstrations, CHRD finds that groups that commonly organize and participate in such events include:

- farmers/villagers
- workers (including migrant workers)
- petitioners
- victims of forced eviction
- members of Christian house churches

¹⁹ 《信访条例》 Letters and Visits, or petitioning, refers to when citizens bring grievances about lower levels of government to higher authorities for redress. For an analysis of how the Regulations on Letters and Visits violate other basic human rights, see CHRD, “Silencing Complaints: Human Rights Abuses Against Petitioners in China,” available here.

²⁰ For articles suggesting a steady increase in the number of protests in China in recent years, see *People's Daily Online*, “China Strives to Prevent and Handle Mass Incidents,” December 10, 2006, http://english.people.com.cn/200612/10/eng20061210_330626.html; *the New York Times*, “Pace and Scope of Protest in China Accelerated in '05,” January 20, 2006; Congressional-Executive Commission on China, “Party Officials: Social Instability Not Serious, Party Campaigns Will Solve,” March 7, 2006, <http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingel=44112>. Although Chinese officials reported a decrease in the number of protests between 2005 and 2006, such reports tended to be vague and did not give the actual figure of the number of protests in 2006. For example, see the Central Committee for Comprehensive Management of Public Security, “Transcript of the Plenary Session of 2007,” January 16, 2007, <http://www.chinapeace.org.cn/wszb/20070116/wz.htm>

CHRD also finds that most events concern the following broad categories of rights:

- *Land rights*: Many demonstrations and protests in 2007 were spurred by alleged land appropriation for profit by local officials (operating often in collusion with commercial developers).
- *Workers' rights*: Factory workers and migrant laborers also staged sit-ins and demonstrations and strikes to protest unpaid wages or hazardous working conditions in 2007.
- *Housing rights*: Protests against forced evictions and demolitions without adequate compensation, especially because of the construction of Olympics facilities, made up a large proportion of spontaneous protests last year.
- *Reproductive rights*: Villagers in some provinces have complained about violence against women and their families for violating the “one-child” family planning law.
- *Rights to freedom of expression*: Petitioners are particularly targeted for suppression when they petition collectively.
- *Right to health*: Demonstrations for the right to health focus on two main areas, for better treatment and care for HIV/AIDS patients and against environmental pollution. Protests against the latter increased in 2007. The head of the State Environmental Protection Administration admitted, “An ever-deteriorating environmental situation has resulted in a rising number of ‘mass incidents’.”²¹
- *Religious freedom*: Authorities still disperse and persecute individuals who organize and attend house churches.

Case Study 5: For Beijing, Even a Dinner Party Proved Intolerable

Any gathering of dissidents and activists can put the authorities on edge, even when the nature of the event is innocuous. This was even more the case in Beijing in 2007, where it was nearly impossible for activists to hold meetings. For example, on December 21, Beijing police blocked about a dozen people from attending a dinner party of Independent Chinese PEN (ICPC) on December 22. The police warned many individuals against attending the gathering. Some individuals were put under house arrest to prevent them from going. As some of the dissidents live outside of the capital, police from other regions were also enlisted to prevent them from attending.

Those subjected to some form of house arrest (or “soft detention” (软禁)) in connection to this incident included ICPC vice-president, Jiang Qisheng (江棋生); ICPC council member, Liu Xiaobo (刘晓波); and other well-known scholars, writers and HRDs such as Xu Liangying (许良英), Zhang Zuhua (张祖桦), Wang Lixiong (王力雄), Liu Di (刘荻), Liu Ning (刘柠), Wang Guangze (王光泽), Li Heping (李和平), Chen Yongmiao (陈永苗), Jia Jianying (贾建英), Li Hai (李海), Qi Zhiyong (齐志勇), Li Jianhong (李剑虹), Liao Yiwu (廖亦武), Zhao Dagong (赵达功), Jiang Danwen (蒋亶文), Qin Geng (秦耕), Wen Kejian (温克坚) and Liu Yiming (刘逸明).

²¹ State Environmental Protection Administration, “Mass Incidents' on Rise as Environment Deteriorates,” July 5, 2007, available here: http://english.zhb.gov.cn/zwxw/hjyw/200707/t20070705_106248.htm

Part III. A Fragile Movement in Emerging Civil Society

While the overall environment remained repressive, CHRD finds indications of a growing human rights consciousness among Chinese citizens in 2007. As China became more integrated into the international community, its rulers could not simply pick and choose what the world had to offer—as commercial goods crossed borders, so did ideas and values. International human rights organizations’ criticisms and documentation of China’s human rights abuses made it impossible for the government to ignore or deny the violations. At the same time, Chinese people became more aware of China’s human rights obligations. Both individuals and groups took many initiatives to promote and protect human rights. They pushed for reform of the existing system against all odds. They demonstrated great courage and resourcefulness in adopting new strategies to make the system work or expose its defects. Many of them were punished severely by authorities for their efforts and paid a heavy price with their freedom and personal safety. This chapter elaborates on both aspects of the burgeoning rights defense movement, part of an increasingly assertive civil society in China.

1. Expanding Participation

Examining the actions undertaken by ordinary citizens organizing to promote and protect their legal, constitutional and/or human rights (see Appendix V), CHRD observes several positive trends in 2007.

Chinese citizens beyond the usual dissident community pressed for greater civil and political liberties. In the beginning of the year, 1010 petitioners released an open letter calling on the Chinese People’s Political Consultative Congress (CPPCC) and the NPC, then in session, to enact a number of legal reforms to better protect civil and political rights. In October, a member of the Anhui Provincial CPPCC Standing Committee, Wang Zhaojun (汪兆钧), published an open letter advocating freedom of expression. In November, Guo Quan (郭泉), Nanjing Normal University Associate Professor, published a series of public letters calling for a multi-party democracy for China. In December, a group of academics and lawyers proposed abolishing Re-education Through Labor (RTL), a form of extrajudicial detention.

Many Chinese became acutely aware of their rights to health and to a clean environment. On June 1, about 20,000 demonstrators in Xiamen City, Fujian Province, protested against the plan to build a chemical plant in the city, eventually forcing the city government to abandon the plan. This much-celebrated success, together with many other less successful citizens’ actions against pollution, shows that the right to a clean environment is likely to continue to grow in importance and galvanize many sections of the population, leading to a larger number of actions in defense of rights in the years to come. As the Xiamen demonstration indicates, rights to freedom of expression and assembly are instrumental to seeking protection of the social and collective right to clean air and water.

With the passage of the “Property Law”²² in 2007, Chinese citizens now have a legal claim to their private property and they have actively defended it. From the emergence of many so-called

²² 《物权法》

“nail households” (people who refuse to abandon their houses when facing forced demolitions), to the public notice issued by 40,000 villagers in 72 villages in Fujin City, Heilongjiang Province, declaring their rights to 100,000 hectares of village land allegedly expropriated by local officials, these actions illustrate rising consciousness among citizens of legal property (housing and land) rights, fundamental to securing social and economic human rights.

In 2007, the rights defense movement also saw participation and involvement by people of increasingly diversified social backgrounds, with a visible presence of professional and middle classes. As more people from white-collar, property-owning social groups defend their own interests and rights (such as property and consumer rights, the right to privacy, and the right to a



Figure 1: a HRD provides legal education to migrant workers

clean environment), they become aware of the instrumentality of civil and political rights to the struggle for their more immediate interests. Their struggle also exposes them to systemic injustices, thus making them aware of other groups' struggles and encouraging them to regard these groups in a more sympathetic light. The participation of members of the middle class, who are technologically savvy, knowledgeable about the law, and more resourceful in organizing, has enriched and strengthened the rights defense movement, which has until now been shaped by labor organizers, villagers, and the tiny elite circle of public intellectuals (including writers and journalists) and public-interest lawyers.

As the rights defense movement matures, participants have developed a repertoire of approaches and actions which proved popular in 2007:

- open letters or petitions addressed to top leaders, signed by individuals, protesting against particular human rights abuses
- legislative proposals addressed to legislative bodies or individual representatives to the NPC, making specific suggestions and calling for legal reforms for the protection of rights.
- lawsuits against government departments, officials or corporations for alleged violations of human rights
- demonstrations, sit-ins and marches
- public forums for debating policies and discussing strategies for action

These methods, especially releasing open letters and filing lawsuits against the government, are considered not highly confrontational and relatively effective. Many rights defenders have used them. Of course, when they are used to demand human rights in relation to highly sensitive political issues such as seeking justice for those killed in the 1989 Tiananmen demonstrations, or when they are used during certain sensitive periods, such as the Olympic Games, the authorities still retaliate against rights activists for having employed such methods. This is even more the case when those defending human rights are from less privileged social backgrounds, such as petitioners and farmers.

It is important to note that, in 2007, as more Chinese citizens had access to modern telecommunications tools, activists were able to reach and mobilize a greater number of people to defend human rights within a shorter period of time. The authorities were left with less advance warning to nip activist initiatives in the bud. However, the authorities' increasingly sophisticated control over telecommunications technology may mean that this advantage could disappear in the near future.

Even if actions taken by citizens to defend rights eventually "fail", as they often do, to overturn a policy decision, change the law or obtain the release of prisoners of conscience, they expose the limitations and defects of the existing system, raise public awareness and stir up public demand for greater protection of rights. In this sense, regardless of their concrete, immediate outcomes, these rights defense activities have a positive impact on the long-term promotion of human rights.

2. Risks Confronted by Human Rights Defenders

In 2007, many HRDs were frequently subjected to various kinds of persecution and retaliation, including:

- Arbitrary detention²³
 - house arrest (or "soft detention" 软禁)
 - detention in illegal temporary facilities or "black jails" such as inns or government buildings
 - Re-education through Labor (RTL)
 - arrest and imprisonment on trumped-up or groundless charges
- Torture, violent assaults and other cruel, inhuman or degrading treatment
- Disappearance
- Police monitoring
 - residential surveillance
 - being followed by security agents
 - wire-tapping
 - monitoring of internet communications
- Other forms of harassment and intimidation
 - being summoned by police for questioning
 - having private residences searched and raided
 - confiscation of personal property
 - being barred from practicing law (human rights lawyers)

²³ According to the WGAD's methods, deprivation of a person's liberty is "arbitrary," if the case falls into at least one or all of three categories (<http://www.unhchr.ch/html/menu6/2/fs26.htm>). A) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty; B) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (i.e., rights to free opinion, speech, expression, press, assembly, association, and demonstration, etc.); C) When the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.

To better illustrate the situation faced by HRDs in 2007, below CHRD divides HRDs into two groups according to type: 1) human rights activists and 2) human rights lawyers. “Human rights activists” includes all individuals and groups who participate in the defense of human rights. “Human rights lawyers” refers more specifically to those who help victims of human rights violations to seek accountability and remedy through legal procedures, often offering legal consultation or defending their cases in court free of charge. This is only a rough classification, intended to highlight the different risks faced by different kinds of HRDs in 2007.

Human rights activists

Arbitrary Detention

House arrest (or “soft detention” 软禁)

Authorities routinely put HRDs under house arrest and restrict their freedom of movement, especially when they want to bar them from protesting or submitting petitions to government offices, meeting other HRDs or attending international events. Families of imprisoned or detained HRDs are often subjected to house arrest as well, as the authorities strive to ensure that they remain silent over the situation of the HRDs concerned.



Figure 2: Gao Yaojie

For example, **Gao Yaojie** (高耀洁), a 76-year-old doctor and one of China’s most prominent HIV/AIDS activist, was put under house arrest to prevent her from traveling to the US to receive a prestigious human rights award. The retired doctor was detained at her house on February 1 and prevented from traveling to Beijing to apply for a US visa. Authorities in Zhengzhou, Henan Province warned her against traveling abroad and kept her under surveillance for weeks. Following international protest, and with the intervention of US Senator Hillary Clinton, Gao was allowed to travel to Beijing, where she obtained a 14-day visa to the US.

On November 3, dozens of well-known HRDs and dissidents such as **Mo Shaoping** (莫少平), **Hu Jia** (胡佳) and **Zeng Jinyan** (曾金燕) were put under house arrest or administrative detention to prevent them from attending a memorial service for Bao Zunxin (包遵信), an influential dissident intellectual who inspired the 1989 pro-democracy movement. About 200 people who had planned to attend the service were prevented by the police from going.²⁴



Figure 3: Zeng Jinyan and her baby daughter under house arrest

Detention in illegal temporary facilities or “black jails”

Chinese police routinely detain HRDs in government buildings, police-owned or government-run hotels, or rent hotel rooms for the purpose of incarceration. (See the section, “Black Jails”, for a detailed discussion.)

²⁴ CHRD, “Beijing Police Prevented Hundreds from Attending Memorial for Dissident Intellectual,” November 4, 2007, available here: http://www.crd-net.org/Article/Class9/Class15/200711/20071105051014_6239.html

On December 18, a group of plainclothes police barged into the home of **Li Jianhong** (李剑虹, also known as Xiaoqiao (小乔)), dissident writer known for her articles promoting human rights, and put her under house arrest. The day after, Li and her father were taken to the police station. The policemen refused to release Li and threatened her father that if he disagreed with them detaining Li at a hotel, he would be detained at the police station. Li was then detained at a hotel between December 19 and 23. Li was detained to prevent her from attending an Independent Chinese PEN gathering scheduled to be held on December 22 in Beijing. Police told Li the detention was requested by the National Security Unit of Beijing PSB.²⁵

Huang Yan (黄燕), a friend and assistant to the disappeared human rights lawyer Gao Zhisheng (高智晟), was kidnapped on September 22 outside of her residence in Haidian District, Beijing, by the National Security Unit of Beijing PSB. Huang was kidnapped the same day Gao was taken away by Beijing police. They first detained her for four days at a hotel near Beijing International Airport, where she was beaten, before handed her to the National Security Unit of Hubei PSB. She was then detained at an inn in Jingzhou, Hubei Province until she was released on October 23. During her detention in Jingzhou, Huang was also beaten and mistreated.

Re-education through Labor

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 a system of arbitrary detention that is frequently used to punish HRDs without charge or trial. (For more detailed analysis, please see the section on 1. Re-education through Labor later in this report.)

Li Guohong (李国宏), from Chongqing City, Sichuan Province, is a laid-off workers' representative at Zhongyuan Oil Field. Li and other representatives have been petitioning higher authorities about proper compensation for the dismissed workers. On October 31, Li went to Puyang City, Henan Province, where Zhongyuan Oil Field is headquartered, to learn about a lawsuit the dismissed workers are going to file in Beijing against the oil field. While there, Li was promptly administratively detained for fifteen days. He was due to be released on November 16, but the authorities instead sent him to 18 months of RTL for “gathering crowds to create trouble”.²⁶

On August 18, to seek fair treatment for dismissed teachers, a group of Hunan teachers' representatives knelt in front of the national flag in Tiananmen Square. Although **Zhou Guanghong** (周光红), also a dismissed teachers' representative from Hunan Province, did not participate in the “kneel-in”, he was punished for being the alleged leader of the representatives. On October 9, Zhou was sent to 18 months of RTL for “gathering crowds to disturb social order”.

Arrest and imprisonment

In 2007, a number of HRDs have been arrested, detained and imprisoned on trumped-up or groundless charges. The arrests of Yang Chunlin (杨春林) and Hu Jia (胡佳) have especially

²⁵ CHRD, “Shanghai Writer Li Jianhong Detained,” December 20, 2007, available here: http://www.crd-net.org/Article/Class9/Class10/200712/20071220105227_6832.html

²⁶ CHRD, “Zhongyuan Oil Field Workers' Representative Sent to Re-Education through Labor Camp,” November 20, 2007, available here: http://www.crd-net.org/Article/Class9/Class10/200711/20071120041415_6494.html

highlighted the authorities' heightened intolerance of those who direct international attention to China's human rights abuses as the Olympics approach.



Figure 4: Yang Chunlin

Yang Chunlin (杨春林) is a laid-off worker from Jiamusi City, Heilongjiang Province. He has been representing peasants in Fujin City, Heilongjiang, in fighting against land appropriation by the local government. Yang was detained on July 6 and on August 13 formally arrested on suspicion of "inciting subversion of state power" for collecting signatures to endorse the open letter, "We Want Human Rights, not the Olympics". While in detention, Yang is said to have been tortured and coerced to confess. On March 24, 2008, Yang was sentenced to five years' imprisonment and two years' deprivation of political rights for "inciting subversion of state power".

Hu Jia (胡佳) is one of China's most prominent HRDs. He became involved in activism as an AIDS activist in 2001. His activism soon extended to reporting and speaking out against all kinds of human rights violations across the country. Hu's activism attracted much official retaliation and harassment. Hu and his wife, Zeng Jinyan (曾金燕), had been under "residential surveillance" (jianshi juzhu) without legal authorization since April 2004. Despite being under residential surveillance, Hu refused to be silenced, continuing to report on rights violations prior to the Games. Hu was taken from his home on December 27 and formally arrested on January 28, 2008. Hu was sentenced to three-and-a-half years' imprisonment and one year's deprivation of political rights for "inciting subversion of state power" on April 3, 2008.



Figure 5: Hu Jia in Tiananmen Square

Torture

In 2007, a number of Human Rights activists were subjected to torture, beatings or other cruel, inhuman or degrading treatment. The case of **Chen Xiaoming** (陈小明), a well-known Shanghai housing right activist who died of liver cancer during his 15-month incarceration, was one of the worst cases of torture in 2007. Chen was detained in February 2006 and convicted of "disrupting social order" and sentenced to two years imprisonment in January 2007. Chen had hepatitis B and during his incarceration he developed liver cancer which killed him on July 1, 2007. Chen's cancer progressed undetected because he was denied access to appropriate medication and medical attention despite his and his family's repeated complaints about his degenerating health and severe pains. The prison's repeated denials indicate a clear intention to punish Chen by leaving him in agonizing pain and suffering from the rapidly advancing illness.

Yang Maodong (杨茂东, also known as **Guo Feixiong** (郭飞雄) was another HRD subjected to torture during incarceration in 2007. Yang, a scholar, writer, activist and legal adviser was detained in September 2006 and sentenced to five years' imprisonment and a fine of RMB 40,000 for "operating an illegal business" in November 2007. In January 2007, Guo was chained to a bed frame for forty consecutive days. In February, he was forced to sit on a "Tiger Bench"--the torture victim is made to sit upright on a long bench, his hands tied behind his back. His

thighs are fastened with a rope to the bench while his feet are raised off the floor by bricks placed under his feet. This puts extreme strain on the knees and is a very painful form of torture, especially for an extended period of time—for four hours. Also in February he was also hung up by his arms, his face, arms and genitals beaten by electric cattle prods and his face slapped several dozen times until it was swollen. On March 19, 2007 the police again beat him for about five minutes.

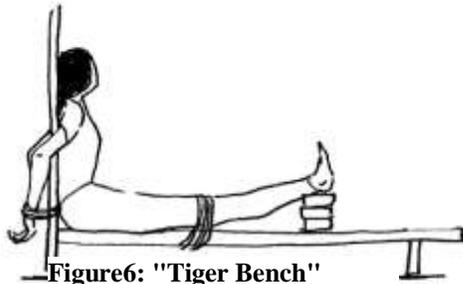


Figure6: "Tiger Bench"

Disappearance

Forced disappearance of HRDs was not uncommon in 2007. For example, **Yao Lifa** (姚立法), a former elected representative to the NPC of Qingjiang City, Hubei Province and also a democracy activist, was forcibly disappeared for a month in October 2007.

Illegal Monitoring

Illegal monitoring of HRDs was a common practice in 2007. Many activists in Beijing and elsewhere were monitored and tailed by police during politically

“sensitive” time periods such as the NPC session in March and the anniversary of the Tiananmen demonstration in June. Often HRDs were monitored without being forewarned, but sometimes they were told in advance. For example, **Liu Feiyue** (刘飞跃), founder of the Hubei-based human rights website, Citizens’ Rights and Livelihood Watch, was told by local police in March 2007 that he would be “closely monitored and followed round the clock for the next few months”.

Other forms of harassment and intimidation

Summoning HRDs and threatening them is a routine practice by China’s police, and 2007 was no exception. For example, on April 13, **Zhang Jianping** (张建平), a petitioner and HRD who has consistently reported official persecution of petitioners on the internet, was taken away from his home in Changzhou City, Jiangsu Province and interrogated for 11 hours by the local police. The police alleged that Zhang was using the internet to “browse, distribute and incite subversion of state power.”

On September 10, the police said Hubei HRD, **Yao Lifa** (姚立法), was "spreading rumors" following his interview with Radio Free Asia in which he spoke about changes in the public transport system and clashes between public bus owners and the police in Qingjiang City, Hubei Province. He was criticized for telling the outside world about these incidents in Qingjiang and for violating China's “News Law”, a law which in fact does not exist.

Neither Zhang nor Yao was charged. Police routinely summoned HRDs to intimidate them with the intention of discouraging them from continuing with their human rights activities.

The examples cited in this section represent only a small selection of cases and are intended to illustrate common forms of harassment and persecution experienced by HRDs in 2007. For a fuller list, please see Appendix VI.

Human rights lawyers

China's lawyers still lack truly independent professional associations to protect and support their work. Although there are more independent-minded committees within government-organized lawyers associations, officials often interfere with the work of these committees. For example, the Beijing Lawyers Association had a "Professional Committee on Constitutional and Human Rights Law." Lawyers serving on the committee, including several young lawyers who had defended human rights activists in "sensitive" cases, met regularly to discuss cases or initiatives involving human rights or public interest and coordinate their activities. In July 2007, the Bureau of Judicial and Legal Management ordered the association to abolish the committee and replace it with two other committees, "Professional Committee on Charitable Legal Services" and "Professional Committee on the Study of the Constitution." Membership in these two committees was subjected to new standards of qualification determined by the authorities.

Lawyers who often took human rights cases or who provided professional legal assistance to victims of rights violation were targeted for disappearance, beating, harassment, monitoring, and intimidation, and some were barred from practicing law. These acts of government seriously undermined the independence, personal freedom and safety required by lawyers to practice their profession properly. In this section, CHRD documents some of these cases.



Disappearance

Gao Zhisheng (高智晟): Formerly a lawyer and director of the Beijing Shengzhi Law Firm, which had its license suspended by the Beijing Bureau of Judiciary Affairs in November 2005, Gao represented defendants who were persecuted for activities associated with the banned sect, Falun Gong, and unofficial Christian house churches. Gao was also outspoken in the overseas media about rights violations.

Figure 7: Gao Zhisheng

Gao was "disappeared" on September 22, 2007. It is believed that Gao was taken away by police officers from the State Security Bureau and the National Security Unit of Beijing PSB. In the evening of October 28, Gao called Beijing-based activist, Hu Jia (胡佳), but nobody else has heard from him since his disappearance.

Gao disappeared while on parole for "inciting subversion of state power", a "crime" he was convicted of on December 22, 2006. Days before his disappearance, he wrote to the US Congress urging members to focus on China's human rights before the Olympics. Gao was "disappeared" for four months in 2006 before he was tried and convicted of the crime.

Torture and Beating

Li Heping (李和平) practices law at the Gaobo Longhua Law Firm in Beijing and has defended people persecuted for Christian family church activities, members of the Falun Gong, victims of forced eviction, and independent writers.

On September 29, 2007, Li was abducted by unidentified men, believed to be police from the National Security Unit of the Beijing PSB, outside of his law firm. The men put a hood on his

head, dragged him into a car and took him to an unknown location where he was beaten with electric cattle prods for hours. While torturing him, the men shouted, "Will you leave Beijing? Get out of Beijing! Otherwise, we'll beat you whenever we see you." Several days before the attack, police from the Beijing PSB's National Security Unit had verbally ordered Li and his family to leave Beijing. Li refused. The police had since then ostentatiously followed and monitored him.

The police have never acknowledged responsibility for Li's kidnapping and assault. The kidnappers were never held accountable for their illegal act. After his release, Li continued to be harassed and followed round the clock by Beijing police.

Yang Zaixin (杨在新) is a Guangxi-based lawyer known for his work helping villagers defending land rights in Sanshan Village, Guangdong Province and in providing legal aid to Chen Guangcheng (陈光诚), an imprisoned HRD.

On April 9, Yang was barred from leaving his residential compound by security guards who called a group of unidentified individuals to beat him. Yang sustained injuries to his head, ears, chest and legs.

Barred from practice

The most common means used by authorities to prevent lawyers from representing clients in "sensitive" cases involving human rights-- such as cases concerning freedom of religion and of expression-- was to pressure law firms not to hire the "problematic" lawyers and to refuse to recommend them for annual renewal of their licenses to the Bureau of Judiciary Affairs.

In recent years, a number of human rights lawyers have been deprived of their licenses to practice law, including Henan lawyers, Li Wusi (李午祀) and Li Subin (李苏滨); Shanghai lawyers, Zheng Enchong (郑恩宠) and Guo Guoting (郭国汀); Beijing lawyer, Gao Zhisheng (高智晟); and Guangdong lawyers, Tang Jingling (唐荆陵), Guo Yan (郭艳) and Yang Zaixin (杨在新). In 2007, at least two more lawyers had their licenses revoked.

Zhang Jiankang (张鉴康) is best known for acting as defense lawyer for villagers prosecuted for defending land rights in Sanshan Village, Guangdong Province, in retaliation for which his license was temporarily suspended in November 2006. On March 28, 2007, Zhang's law firm, Shanxi Diyi Law Firm, decided against paying Zhang's annual membership fee to the local Lawyers' Association, which meant that Zhang could lose his license to practice law. The firm claims that the authorities have pressured it by insinuating that if they did not comply, their firm might be closed.

Li Jianqiang (李建强) has represented writers, journalists, and organizers of opposition parties in recent years, including the writer, Yang Tianshui (杨天水); poet, Li Hong (力虹); activist/artist, Yan Zhengxue (严正学); and dissident, Chi Jianwei (池建伟). In June, the Shandong Provincial Bureau of Judiciary Affairs rejected Li Jianqiang's application to renew his license to practice law without giving any reasons.



Figure 8: Li Jianqiang

Harassment and Monitoring

Zheng Enchong (郑恩宠) was formerly a lawyer who provided legal assistance to victims of forced evictions and housing activists in Shanghai. For these activities, he was imprisoned for three years for “leaking state secrets”. Zheng was released in 2006, but he could no longer practice as a lawyer because, according to Chinese law, once convicted of any crime, a lawyer cannot return to the profession. Though he lost his license, Zheng continued to provide legal consultation to victims of housing property rights abuses.

Since his release, he remains under close police surveillance and his contact with the media and supporters is obstructed by police. On July 24, 2007, he tried to attend the trial of a Shanghai real estate tycoon who was involved in illegal dealings of properties and the forced eviction of many Shanghai residents, but was barred from leaving his home, roughly handled and briefly detained by the police. On July 29, after the Shanghai PSB police forcibly barred him from attending Sunday church service, Zheng went on a 14-hour hunger strike. On November 8 and 25, Zheng was interrogated for seven hours by the Shanghai police and was warned not to speak with foreign journalists about a corruption case in Shanghai.

Part IV. Tools of Persecution: An Analysis of the Laws and Institutions

The persecution of HRDs has been systematic, carried out by a centralized state employing such organs as the National Security Unit (under the Ministry of Public Security), the State Security Unit, the CCP Committee on Politics and Law—which controls the Procuratorate and the courts—, and a variety of detention facilities including detention centers, prisons, RTL camps and illegal detention facilities.

The sections below analyze the extra-legal nature of RTL and “black jails”, two types of detention facilities frequently used to incarcerate HRDs. The crime of “inciting subversion of state power”, clearly used in 2007 for the purpose of persecuting and imprisoning HRDs, and the newly-amended Lawyers Law, which threatens to punish human rights lawyers, will also be examined. Detention facilities and legal regulations were not the only means the authorities used to punish HRDs. They are highlighted here because they have continued to play a major role in the persecution of HRDs in 2007 and because of their illegality and unconstitutionality.

1. Re-education through Labor

In 2007, the extra-legal detention system, RTL, remains a major tool of state punishment and retaliation against dissent and activism. RTL is an administrative measure. It occurs outside of any judicial process and is “administered” directly and arbitrarily by law enforcement officials. Without access to legal counsel or judicial trial, individuals can be detained for a maximum of four years.

It is estimated that about 3.5 million individuals have been sent to RTL camps since it came into existence in 1957.²⁷ RTL has been used widely to persecute political dissidents because of the ease and speed with which it can be used by law enforcement officials to punish individuals without any judicial procedures. In recent years, RTL has been widely used to target petitioners, opposition party organizers, human rights activists, Falun Gong practitioners and members of house churches.²⁸

Appendix VI contains cases of HRDs sent to RTL as documented by CHRD in 2007. In 2007, RTL was used to punish HRDs for their human rights activities. The case of **Liu Jie** (刘杰), a HRD from Heilongjiang Province, clearly illustrates RTL’s abusive nature. On October 8, Liu released a public letter signed by 12,150 petitioners calling on leaders at the 17th Party Congress



Figure 9: Qiqihaer RTL camp, where Liu Jie is currently held without charge or trial

²⁷ Hu Xingdou (胡星斗), “Proposal to the Central Committee of the CCP, State Council and the NPC Regarding the Abolition of the Re-education through Labor System,” (就废除劳动教养制度致中共中央、全国人大、国务院的建议书), November 9, 2003; Veron Mei-ying Hung, “Reassessing Reeducation through Labor,” *China Rights Forum*, No. 2, 2003.

²⁸ It is believed that tens of thousands of Falun Gong practitioners have been detained in RTL since the crackdown on the sect around 1999; many rights defenders have also been detained in these facilities since the emergence of the rights defense movement in 2002. CHRD has documented petitioners being sent to RTL in a recent report, “*Silencing Complaints: Human Rights Abuses Against Petitioners in China*,” March 11, 2008, http://crd-net.org/Article/Class9/Class11/200803/20080314221750_8056.html

to enact reforms to better protect human rights. Three days later, Liu was seized by Beijing police and sent back to Heilongjiang Province for detention. During her detention, Liu was charged with “gathering crowds to disturb social order” and her case was sent to the Procuratorate. However, the Procuratorate decided against prosecuting Liu due to lack of evidence. Failing to punish Liu using the criminal law system, on November 12, the authorities sent Liu to 18 months’ RTL for “instigating trouble and disturbing social order” even though there was no evidence at all to suggest that she was guilty of the “crime”.

RTL: A Legal Analysis

RTL is clearly in contravention of international human rights law prohibiting arbitrary deprivation of liberty and guaranteeing free and fair trials, for example the International Covenant on Civil and Political Rights (ICCPR), and it is also in contravention of the Chinese Constitution:

“Everyone has the right to liberty and security of person.... Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.” (Article 9, ICCPR)

“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...” (Article 37, Chinese Constitution)

Apart from its contravention of international human rights law and the Chinese Constitution, a second and related problem with RTL is that it has no firm legal basis in Chinese law. Article 8 of China’s Legislative Law and Article 9 of China’s Administrative Punishment Law state that punishment which deprives citizens of their personal freedom can “only be formulated into laws by the National People’s Congress and its Standing Committee.”²⁹ Since the three documents governing RTL, “Decision Regarding the Question of Re-education through Labor,” “Supplementary Regulations Regarding Re-education through Labor,” and the “Trial Methods for the Implementation of Re-education through Labor,” were formulated by either the State Council or the Ministry of Public Security, they are not “laws” because they were not promulgated by the NPCSC or the NPC.³⁰

In addition, Article 10 of China’s Administrative Punishment Law states, “Administrative legal regulations can stipulate administrative penalties except those that restrict personal freedom.”

²⁹“People’s Republic of China Legislative Law” (中华人民共和国立法法), http://www.gov.cn/test/2005-08/13/content_22423.htm

³⁰ The first document, “Decision Regarding the Question of Reeducation Through Labor,” was approved by the NPCSC and promulgated by the State Council in 1957. The second document was “Supplementary Regulations Regarding Reeducation Through Labor,” issued by the State Council in 1979. The third and last document was the “Trial Methods for the Implementation of Reeducation through Labor,” approved by the State Council and promulgated by the Ministry of Public Security in 1982.

As an administrative penalty that deprives citizens of their personal freedom, RTL is clearly in direct conflict with the Administrative Punishment Law.

Calls for Abolishing RTL

Since the 90s, there have been calls from Chinese civil society as well as the international community to abolish RTL. In the late 90s, even establishment legal professionals and scholars began to openly call for its abolition. Some NPC representatives and CPPCC members have proposed that the NPCSC abolish RTL. In March 2007, bills calling for the abolition of RTL were again put forward during the NPC. At the same time, the “Draft Bill on the Correction of Illegal Behavior” was once again included in the NPCSC legislative plan, which means that it might be made into law at a later date.³¹

Meanwhile, civil society continued to challenge the RTL system. On December 4, 2007, 69 prominent Chinese citizens, including a number of legal scholars, submitted a petition to the NPC and the State Council requesting that they undertake a constitutional review of the RTL system, with the ultimate aim of abolishing the system.

There is indication that challenges to RTL received some recognition by judicial authorities. Some local courts have stopped throwing out, as a matter of course, lawsuits filed against RTL decisions or RTL authorities, as was the case in the past. On October 29, 2007, Chen Chao (陈超), a villager sent to RTL in Yichuan County, Henan Province, filed an administrative lawsuit against the decision to send him to RTL by the Luoyang City RTL Committee. Chen alleged that one of the three documents governing the use of RTL is inconsistent with the Administrative Punishment Law and the Legislative Law. His lawsuit was accepted by Sigong District Court in Luoyang City.³²

2. “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 indefinite period of time without charge or trial. Black jails form an integral part of an illegal system that intercepts and arbitrarily detains petitioners, a system that has become more extensive and systematic as China prepares to host the Olympics and attempts to remove



Figure 10: petitioners in Beijing (Photo: Associated Press)

³¹ The Draft Bill has not been made public, thus it is unclear to what extent the system it outlines significantly departs from the RTL system. Also, similar bills were included in the NPCSC legislative plan in the past but were never made into the law in the end.

³² On March 25, 2008, Hualong District People's Court in Puyang City, Henan Province, held a hearing on the decision to send Li Guohong (李国宏), a laid-off workers' representative at Zhongyuan Oil Field, to 18 months of RTL by Puyang City RTL Management Committee. The court is to announce the verdict at a later date.

unwanted people from its cities and out of sight of the international community.

Individuals become petitioners when they take action to make formal complaints to government authorities at higher levels about injustices they have experienced at the hands of local government after having judged that they have no reasonable prospect of seeking redress at the local level. The complaints often have roots in violations of human rights, such as housing and workers' rights. Although not all petitioners are HRDs, petitioners are often the most enthusiastic supporters of human rights, having been victims of human rights violations themselves. For example, on October 8, 12,150 petitioners signed an open letter calling for protection of basic human rights. The use of draconian measures such as black jails to persecute petitioners thus weakens the rights defense movement that draws much of its support from ordinary people like petitioners. The case of Zheng Dajing (see Case Study 6) illustrates particularly well how a petitioner and an HRD could be particularly vulnerable to this form of arbitrary detention.

For more information about black jails, see the CHRD report, [Black Jails in the Host City of the 'Open Olympics'](#), published in September 2007. For more information about the situation of petitioners in general, read [Silencing Complaints: Human Rights Abuses against Petitioners in China](#), published by CHRD in March 2008.

Case Study 6: Petitioner/Human Rights Defender Zheng Dajing detained in “black jail”

On September 7, 2007, Hubei petitioner and human rights defender, Zheng Dajing (郑大靖), was kidnapped in Beijing by Hubei police and returned to his hometown. At the time of his kidnapping, Zheng was surveying petitioners and researching 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 was detained, beaten and abused at the black jail at Sigou Tobacco Purchasing Station in Yunxi County. The local government claimed that the jail was merely a “Class for Petitioners who Have Adopted Unusual Means to Petition” and was established according to central government directives.

Zheng had been petitioning for years because his house was illegally occupied by the local government. Since early 2007, Zheng actively helped hundreds of petitioners and defended their rights.

3. Inciting subversion of state power

“Inciting subversion of state power” is a crime stipulated in Article 105(2) of the Chinese Criminal Code. It has been routinely used by the authorities to detain and imprison individuals or send them to RTL camp solely for exercising their right to freedom of expression. In the report, [“Inciting Subversion of State Power”: A Legal Tool for Prosecuting Free Speech in China](#), published in January 2008, CHRD documented 41 such cases between 2000 and 2007. Not all of the cases were of individuals who can be categorized as HRDs. Among them, there are prominent HRDs such as Yan Zhengxue (严正学) and Hu Jia (胡佳), illustrating the fact that the

government employs this legal tool to punish HRDs for exercising their right to freedom of expression.

There are two main problems with Article 105(2). First, the text of the law is vague and does not require that any potential or actual effect of an act be demonstrated in order to establish that a crime has been committed. Thus, the “evidence” often consists of no more than the writings of an individual or simply shows that he/she circulated certain articles containing dissenting views, without any effort being made by the prosecution to show that the expression had any potential or real subversive effect. That is to say, speech in and of itself is interpreted as constituting incitement of subversion.

Second, the text of the law fails to clearly define the key concepts, “subversion” and “state power,” and to precisely specify what constitutes “subversion” and “state power.” Thus, anything from calling for an end to one-party rule to criticizing corruption has been construed as “inciting subversion of state power.”

In 2007, at least twelve HRDs were arrested, detained or imprisoned for this crime: Hu Jia (胡佳), Chen Shuqing (陈树庆), Chen Sizhong (陈思忠), Zhang Sanmin (张三民), Jing Chu (荆楚), Li Hong (力虹), Lu Gengsong (吕耿松), Wang Guilan (王桂兰), Yang Chunlin (杨春林), Yan Zhengxue (严正学), Ye Guoqiang (叶国强) and Ye Guoqiang (叶明君).

4. The Lawyers Law

The amended “People’s Republic of China Lawyers Law” (hereafter “Lawyers Law”) was adopted by the NPCSC in October 28, 2007. The amendments included changes of some problematic articles. For example, whereas previously, the law had allowed the court to limit the lawyer’s access to case documents, now the lawyer has the right to access prosecution documents and documents in the case files from the day the Procuratorate takes on the case.

However, the Lawyers Law has not improved the independence of lawyers associations nor offset the negative impact Article 306 of the Criminal Law has on the work of criminal lawyers. Article 306 states:

“During the course of criminal procedure, any defense lawyer and legal representative who destroys or falsifies evidence, or assists parties concerned in destroying or falsifying evidence, or threatening or luring witnesses to contravene facts, change their testimony or make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention...”

The Procuratorate³³ used Article 306, in particular, the clause referring to “providing false evidence” (律师伪证罪), to investigate or prosecute about 500 lawyers between 1997 and 2005,

³³ The Procuratorate is not just a prosecutor. It is a legal oversight body and in some cases it serves investigative functions. Most importantly, heads of the Procuratorate and the PSB are often in-charge of the Committee of Politics and Law (政法委), which oversees and decides on important and “sensitive” cases behind doors, issues orders to presiding judges on how to handle such cases. As a result, there exists an imbalance of power between the

according to one official source cited by knowledgeable lawyers. It is unclear how many of the lawyers were convicted. Even when the Procuratorate knows that the lawyer concerned is not going to be convicted, it makes use of this article to threaten, persecute and retaliate against the lawyer. Article 306 has been called “the lawyers’ killer”, and since its introduction, it has been strongly criticized by legal scholars and human rights organizations. As a result of its use to intimidate and dissuade lawyers against taking “sensitive” cases, the number of lawyers handling criminal cases has not increased even though the overall number of lawyers has grown. Many lawyers are afraid of handling criminal cases. On average, each Chinese lawyer handles fewer than one criminal case a year. Currently over 70% of criminal cases have no involvement of lawyers at all.³⁴

An especially worrying addition to the newly amended “Lawyers Law” is Article 37. It states:

“In their professional activities, lawyers' personal rights are not to be violated. When a lawyer is acting on behalf of, and speaking in defense of, a defendant, he/she will not be legally responsible. However, this does not apply to lawyers whose speech endangers the national security, or who maliciously slanders others and seriously disturbs the order of the court.”

Article 37 provides opportunity for the state to characterize lawyers’ speech as dangerous, maliciously slanderous, and a disturbance of the order of the court, thus infringing on their right to freedom of expression as well as their obligation to defend their client. The article goes against the internationally widely accepted view that lawyers are exempt from prosecution for statements made in court.

Lawyers’ statements made in court need to be exempted from prosecution because of the nature and ethics of the profession. Article 35 of the PRC Criminal Procedural Law states:

“The responsibility of a defense lawyer shall be to present, according to the facts and law, materials and opinions proving the innocence of the criminal suspect or defendant, the pettiness of his crime and the need for a mitigated punishment or exemption from criminal responsibility, thus safeguarding the lawful rights and interests of the criminal suspect or the defendant.”

Similarly, the All-China Lawyers Association’s “Professional Ethics and Disciplinary Norms of Practice for Lawyers” states:

“The lawyer should be honest, trustworthy, and diligent and dedicatedly fulfill his/her duty to safeguard the legitimate interests of the client.” (Article 5)

prosecution and the defense as the PSB, the Procuratorate and the judiciary work together against the accused and the lawyer.

³⁴ Jiang Shan (江山), “Chen Xingliang on the Current Situation and Predicament of Chinese Lawyers (陈兴良谈中国律师业的现状与困境),” www.peoplelaw.com.cn, <http://www.peoplelaw.com.cn/jiuban/talking/fye.asp?type=18>

“Lawyers should make full use of their professional knowledge and skills, to dedicatedly fulfill their duty to complete the entrusted matter in accordance with the law and to safeguard the legitimate interests of the client as much as possible.” (Article 24)

To realize these duties, lawyers collect as much evidence favorable to their clients’ interests as possible and refute the views and evidence presented by the opposing side. In this process, the lawyer will inevitably express views that are in direct conflict with the interests of the opposing side, the prosecutors who work for the interests of the state. However, if the prospect arises that this kind of behavior on the part of defense attorneys can be prosecuted as a crime, then this has the effect of curbing criminal lawyers and lawyers in general in their efforts to defend their clients as well as of discouraging lawyers from taking cases which may bring the wrath of powerful authorities down upon them.

Even if lawyers make inaccurate statements in court, they should not be prosecuted for “malicious libel” or “disrupting court order”. If the lawyer is suspected of breaching court order, the court could recommend that the lawyers associations take disciplinary action against the lawyer, but he/she should not be held legally accountable. The key term in Article 37 is “endangering national security”. What is “national security” and what kinds of expression endanger national security? Such provisions are vaguely defined, lack specific operational standards and cannot withstand close scrutiny. They are open to misinterpretation and abuse by the relevant officials and departments. In the name of vaguely defined “national security”, lawyers can be persecuted for anything they say in court or in public. Human rights lawyers, especially those who are involved in “sensitive” cases involving crimes such as “inciting subversion of state power”, “subversion of state power”, “leaking state secrets” or practicing Falun Gong, face possible persecution or retaliation under this article.

The laws and regulations discussed here go against international conventions. For example, the Chinese government participated in the drafting of the U.N.’s “Basic Principles Regarding the Role of Lawyers” in 1990. “Basic Principles Regarding the Role of Lawyers” states that lawyers enjoy the rights to freedom of expression, belief, association and assembly and that lawyers have the right to establish and participate in the management of their own professional organizations to represent their own interests.

CHRD is worried that, just as “inciting subversion of state power” has become a tool for suppressing freedom of expression, the newly amended “Lawyers Law” will be used as a tool to infringe upon the independence of lawyers and to persecute human rights lawyers.

Part V. Conclusion: Recommendations

Although the Chinese government voted in support of the UN Declaration on Human Rights Defenders in 1999, eight years on, in 2007, China's HRDs still faced persecution and a generally harsh environment for engaging in activities that promote and protect human rights. CHRD proposes to the Chinese government and international community several concrete benchmarks that must be met to demonstrate efforts to improve the protection of HRDs in China in 2008 and beyond.

To the Chinese government:

- 1) In order to progressively work toward abolishing state persecution of free speech, the NPCSC must act to interpret Article 105(2) to clarify and precisely define the meaning of the terms "incitement," "subversion" and "state power," as well as the specific conditions under which an act of expression may constitute "incitement to subvert state power." Such conditions must explicitly exclude any non-violent activity in the exercise of the right to freedom of expression, including expression critical of political parties and government authorities. While interpretation is the most expeditious means of addressing the violations of human rights being committed through the application of this provision, CHRD believes that the Criminal Law must be amended to address the ways state security crimes are being used to penalize the exercise of rights. A thorough revision of the articles of the Criminal Law on crimes endangering state security, as recommended by the UN Working Group on Arbitrary Detention ten years ago, is long overdue and should be put on the NPCSC's agenda at the earliest possible date.
- 2) To eradicate arbitrary detention and arrest, the NPC must abolish the RTL system. In addition, all individuals detained in "black jails" and other illegal detention facilities must be released immediately and the facilities must be immediately closed. All punishment that involves deprivation of liberty must be carried out through the judicial system and articulated in the Criminal Law, and where there are inadequate procedural guarantees, relevant legal reform must be undertaken.
- 3) To end political interference, promote the independence of lawyers and protect their personal safety and freedom, the NPCSC must amend the newly revised "Lawyers Law". Firstly, the Lawyers Law should be revised to make clear the independence and legitimacy of lawyers associations as self-governing professional organizations. Secondly, Article 37 of the Lawyers Law should be withdrawn. Thirdly, the NPCSC should amend the Lawyers Law and Criminal Law in the spirit of the UN's "Basic Principles Regarding the Role of Lawyers," which the government has supported, and to ensure that lawyers enjoy the rights to freedom of expression, belief, association, assembly and the right to establish and participate in the management of their own professional organizations to represent their own interests.
- 4) To protect freedom of expression on the internet and end persecution of online human rights activists, the NPC should conduct a constitutional review of the State Council's "Regulations of the Administration of Internet News Reports" since much of the

administrative ordinance clearly violates Article 35 of the Chinese Constitution which guarantees freedom of expression.

- 5) To protect freedom of association, the NPC should conduct a constitutional review of the “Regulations for Registration and Management of Social Organizations”. The requirement that an organization has to be associated with a governmental “oversight unit” restricts the ability of citizens to exercise their rights to freedom of association and assembly, guaranteed in the Chinese Constitution, making it impossible for them to take part in activities to protect and promote human rights.

To the international community:

- 1) The UN Human Rights Council, the EU and concerned governments should strengthen international mechanisms for protecting HRDs. They should take appropriate measures under their mandate to strengthen their programs protecting and assisting China’s HRDs. Since HRDs play a key role in the process of actualizing human rights, the UN Human Rights Council has the responsibility to safeguard its Special Procedure for the protection of HRDs - the Special Rapporteur on Human Rights Defenders - and ensure that the Special Rapporteur can work effectively under the specific mandate. The Special Rapporteur on Human Rights Defenders should request to visit China as soon as possible to inspect the conditions under which China’s HRDs operate and meet with HRDs and the families of imprisoned HRDs.
- 2) China’s “human rights dialogue” partners must critically review the impact of their decades-long “diplomatic engagement.” Such “dialogues” must identify concrete benchmarks and set timetables. These “dialogues”, some dating back to the early 1990s, appear to have produced few concrete outcomes, given the on-going crackdown on human rights activism in China. Democratic governments’ “human rights diplomacy” with the government of an unaccountable authoritarian state, such as China, must be transparent and publicly accountable in order to have credibility. The current human rights dialogues lack serious public oversight as they are held behind close doors and NGO representatives are not allowed to participate unless permitted by the Chinese government.
- 3) The relevant UN human rights bodies must monitor the Chinese government’s implementation of its obligations to inform Chinese citizens about international human rights and facilitate their participation in human rights activities. For example, the government failed to inform the public and solicit feedback on its periodic reports to the Committee Against Torture (CAT), and to inform the public about CAT’s General Observations in response to China’s reports. Furthermore, the UN should make sure versions of international human rights instruments and documents detailing their implementation in China should be accurately translated and easily accessible by Chinese citizens on the internet. It is very difficult for Chinese citizens to hold the government accountable to its international human rights obligations if they are poorly informed. The Chinese government has failed to widely publicize in China its own treaty-body obligations in China. Currently, many of the Chinese versions of such documents are

either unavailable or very difficult to locate on the relevant UN websites.³⁵ Some documents are not accurately translated, as demonstrated by the errors found in the translation of the definition of HRD in the UN Declaration on Human Rights Defenders.

- 4) International key players must keep up their advocacy work, campaigning for imprisoned and harassed HRDs. The international community's concern for and actions on behalf of China's HRDs have been essential to improving China's human rights environment, and especially important to those HRDs who have lost their freedom. The advocacy for individuals makes Chinese authorities watch their behavior, which sometimes means a certain improvement of the HRDs' treatment in prison or even an early release. International monitoring also has an effect in providing a measure of moral support and moral legitimacy to activists carrying on with their arduous struggle under repressive conditions.

³⁵ For example, CHRD has not been able to find the Chinese version of China's report to the UN Committee against Torture (CAT) on its implementation of the Convention Against Torture, nor the Chinese version of CAT's views and recommendations to the Chinese government in response to its report.

Appendix I: Selected Cases of Blogs and Websites Censored in 2007

Human rights-related websites

- Between October 10 and November 27, Private Property Rights Web (私有权益网) was closed following an order from the Beijing PSB, which said the closure was for “17th Party Congress security”. In addition to information about forced demolitions, it also provides information to people whose property was expropriated by the state in earlier eras and who are now in disputes with the government concerning the ownership of their property.
- On November 20, Gandan Xiangzhao (肝胆相照), one of China’s largest Hepatitis B online discussion forums, was closed by the Beijing Communications Bureau for failing to file a certain record required of health information websites. However, it is strongly suspected that the closure was related to the website being used to defend the rights of Hepatitis B patients.
- Websites of grassroots human rights organizations in China, including CHRD (维权网), Citizens’ Rights and Livelihood Watch (民生观察), 64tianwang (天网) and Independent Chinese PEN (独立中文笔会) were blocked, hacked and repeatedly temporarily closed throughout 2007.

Websites which express independent opinion and monitor conduct of government officials

- On November 23 and 26, Freedom Net (自由网), an anti-corruption website, was blocked temporarily by the authorities. Freedom Net has been blocked eight times since it started operation in August 2007.
- Since May 2007, Chinese Shenzheng Net (中华申正网), a website that has reported on social issues and government corruption since July 2005, has been repeatedly blocked by the authorities after having reported many cases of corruption in Shanghai.
- On September 17, China Information Consultation Net (中国国情咨询网) was closed down after it launched a “First Direct Internet Election of China’s Top Leader” page where people could vote for either President Hu or Premier Wen. Twenty-four hours after its launch, the Shanghai PSB ordered it to close down. This is the eighteenth time China Information Consultation Net was closed down, but this time for the shortest duration, just twelve hours.
- On December 12, a webpage on the government-run Xiamen Net (厦门网) which allowed Xiamen citizens to discuss and vote on the construction of a controversial chemical plant was closed down after nearly 90% of voters opposed the plant.
- On June 26, authorities closed Anhui-based news website, Chinese People (中国百姓网), reportedly in retaliation for its reporting on the persecution of a former Shanghai policeman who blew the whistle on local official corruption. Shanghai police went to Chengdu, Sichuan Province, where the website’s Internet Service Provider (ISP) was

located and took the company's server away, explaining that Chinese People contained "illegal information".

- On November 30, "Yangzie," a well-known internet forum for poets, was closed. Although the website is now available at another address, it refuses postings from poets whose political views are deemed sensitive.

Websites/blogs of individual outspoken activists

- On January 8, the host of the influential corruption watch website, Li Xinde (李新德), found that his personal homepage was blocked. The site, China Public Opinion Watch (中国舆论监督网, <http://www.yuluncn.com/>) has played an important role in exposing official corruption in China. Li was notified by the homepage's ISP in Xiamen City, Fujian Province, that Xiamen internet police had ordered the closure based on the justification that the page contained mostly "harmful information."
- On February 6, the day after it went online, the overseas-based blog of Tibetan writer, Woese (唯色), was blocked. Woese decided to host her blog overseas after her previous one hosted in China was blocked three times by the authorities.
- Since November 22, One Newspaper (壹报), a blog that focused on China's social issues, had been blocked by the government. On December 24, 2007 after Zhai Minglei (翟明磊), the blog's owner found out that it could be accessed again, he used the blog to call on authorities to lift their ban on eight other dissident blogs and websites. On December 27, Zhai's blog was blocked again.
- In early December, Zhejiang writer, Zan Aizong's (詹爱宗) blog, which criticizes social ills, was closed without notification either from sina.net, the ISP, or the relevant government departments that manage the internet.

Appendix II: Selected Cases of Print Media Censorship in 2007

- On January 11, 2007, Wu Shulin (邬书林), vice-president of the General Administration of Press and Publications (GAPP), announced at a meeting the banning of eight books on Chinese recent history and politics. The books included, for example, Xiao Jian's (晓剑) *Vicissitudes* about the historical period between the Xinhai Revolution and the Great Leap Forward.
- In 2007, the magazines, *Lifeweek* (三联生活周刊), *Star Daily* (北京娱乐信报) and *Bai Xing* (百姓) were pressured by the CCP Publicity Department (formerly the Propaganda Department) to stop reporting on political and current affairs and specialize in culture and entertainment news instead.
- On June 4, Chen Yunfei (陈云飞), a businessman from Dazhou, Sichuan Province, placed an advertisement in *Chengdu Evening Post* called "a tribute to the strong mothers of June Fourth victims," referring to those killed by the People's Liberation Army in Beijing on June 4, 1989. He was promptly put under residential surveillance for half a year by the Chengdu City PSB. Seven staff members of the newspaper, including its assistant editor, were fired following the incident.
- In July, after it was discovered that a program produced by Beijing Television was fabricated, the reporter concerned was arrested on criminal charges, and the Publicity Department demanded a shake-up in the media industry, ordering the media to not report "negative" news.
- *Minjian Magazine*, which focuses on social issues and provides useful information to individuals and organizations defending human rights, was barred from publishing in July because, according to the authorities, it was an "illegal" publication.
- A Beijing-based independent publication, *China Development Brief*, was ordered to close. Nick Young, a Briton who had edited the publication and the website for nearly 12 years, received an order from Beijing police to shut the online publication on July 4, 2007. The magazine was established in 1995 and served as an information exchange platform for Chinese and international NGOs. It covered issues concerning the environment, health and labor. Beijing police said the magazine had violated social research regulations.
- In May, *China New Observer* (中国新观察), an independent magazine focused on China's political and economics issues, was closed by the authorities because it was an "illegal publication".

Appendix III: Selected Cases of Restrictions of Freedom of Association in 2007

- In February, 180 peasants from Wenling City, Zhejiang Province who had applied to establish the “Wenling Farmers Association” released a number of public letters which described their plight. Repeated applications to officially register the organization had been ignored. The letters called on the central government to pay attention to the peasants’ situation. However, the association has continued to be suppressed by the local government. It is still viewed as an “illegal organization”, and its activities are banned.
- The Pan-Blue Alliance of Chinese Nationalists continued to be suppressed by the authorities, and many of its key members were harassed and incarcerated. The Pan-Blue Alliance of Chinese Nationalists is an internet community that recognizes the Nationalist Party. Its members have run in local People's Congress elections as independent candidates, and it has written about rights-defending activities and land disputes. Officially, the Union is illegal.
 - On May 25, Cai Aimin (蔡爱民) was detained by police while assisting farmers traveling to Beijing to complain about the corrupt local government which had confiscated farm land without providing fair compensation. Cai was subsequently sent to RTL camp for one year and nine months for "disturbing public security".
 - At the end of May, Sun Buer (孙不二, also known as Wen Yan (文炎)), was taken by police from his home in Wuhan. He has not been seen since.
 - In June, Zhang Zilin (张子霖), a key member of the Union of Chinese Nationalists in Hunan Province, was arrested for "fraud and extortion". Zhang was convicted of the crime and sentenced to two years' imprisonment. The case concerned a financial dispute between Zhang and a female friend. Zhang's lawyer claimed that the dispute had already been resolved in September 2006 and that the police station involved in the case had returned to Zhang a fine previously levied on him.
 - On June 6 and 9, respectively, Xie Fulin (谢福林) and Li Dongzhuo (李冬卓) were taken from their homes in Hunan Province and administratively detained for 10 and 15 days respectively.
- In September, the Shandong Shouguang Bureau of Civil Affairs banned Shouguang Goodwill Volunteers (寿光市爱心义工), an organization established by ordinary citizens to help elderly people as well as children with no opportunities to attend school. The Bureau claimed that the organization was not registered. In June 2007, the Bureau and municipal by-law enforcement officers had intervened to stop a charity show the Volunteers had organized to raise money for the education of six children. Two months later, the Bureau issued a statement in the local *Shouguang Daily* that the Volunteers were banned and their property confiscated.
- On September 29, Pingnan Department of Civil Affairs issued a “Decision of Administrative Punishment” against Pingnan Home of Green (屏南绿色之家), an

environmental organization with about 1700 members established by well-known environmentalist, Zhang Changjiang (张长建), in Pingnan County, Ningde City, Fujian Province. The Department said that because the organization had never been registered, it was an “illegal organization” and had to be closed down. Although Zhang requested an administrative review of the decision, the Pingnan County government maintained the original decision to close the organization. Zhang had applied to register the organization, but the application was never approved.

Appendix IV: Selected Cases of Suppression of Freedom of Assembly in 2007

Suppression of protests for land and housing rights

Sanshan Village, Nanhai County, Guangdong Province³⁶

On January 19, more than 1000 armed riot police cleared a sit-in by villagers in Sanshan Village, Nanhai County, Guangdong Province. More than 40 protesters were detained after being beaten, including several elderly villagers. Most of them were later released. Since 2005, villagers in Sanshan Village have protested against local officials and land developers who allegedly colluded to appropriate the villagers' land for profitable development projects and kick-backs.

In April, seven villagers were sentenced to six months to four years in prison for “extortion and blackmail”. It is believed that their sentences were punishments against their land rights activism.

On October 31, one of the seven villagers, Chen Ningbiao (陈宁标), died in prison. While in detention, Chen was beaten several times and served poor food. Since June, he had felt unwell, but he was denied medical treatment until he was in serious pain. Upon examination, Chen was discovered to have terminal liver cancer. In July, his family applied for his release for medical treatment but was denied. The family believed his death to be closely linked to earlier mistreatment and denial of medical treatment.

Hua Lou Street, Wuhan City, Hubei Province

On January 21, about a thousand residents of Hua Lou Street, Wuhan City, Hubei Province, demonstrated against the government's forcible demolition of their properties. Police followed the procession but did not interfere. However, on the same day, Chen Shenxi (陈顺喜), an arrested resident representative, was charged with “gathering crowds to disturb social order”. Chen was later sentenced to two years' imprisonment immediately commuted to three years' probation.

Xiaosanpan Village, Wenzhou, Zhejiang Province

On January 22, Lin Bingchang (林炳长), a fishermen's representative, was formally arrested on charges of “tax fraud” and “destruction of a government development project”. Lin was released on bail on March 16 but has continued to suffer police harassment for his activism. Since 2003, Lin has led the local fishermen's efforts to protest against forced appropriation of fishing areas by the government for commercial projects and to demand fair compensation.

Longwan Village, Chaozhou, Guangdong Province

On February 4, more than a hundred villagers demanded the release of their representatives and were beaten by thugs hired by the local authorities in Longwan Village, Chaozhou, Guangdong Province. Several villagers were injured and two were hospitalized. Since April 2006, the

³⁶ For more information, please see CHRD, “Jail Sentences Upheld for Nanhai Protesters of Forced Land Eviction,” October 28, 2008, http://www.crd-net.org/Article/Class9/Class10/200710/20071028112048_6149.html; CHRD, “Guangdong: Rural Protesters Sentenced on Trumped-up Charges,” April 11, 2007, http://www.crd-net.org/Article/Class9/Class15/200704/20070413171213_3965.html; CHRD, “Nanhai farmers abducted by plainclothes officials, trumped up charges likely to follow,” June 12, 2006, http://www.crd-net.org/Article/Class9/Class15/200606/20060614160746_1403.html.

villagers have demanded audits of village accounts as village leaders were suspected of selling their land for personal profit. They have also taken legal action against the implicated officials but the court has refused to accept the case.

Anqiao New Village, Chaohu City, Anhui Province

On February 14, Chaohu city government in Anhui Province sent officials, PSB officers and hired “demolition teams” to evict residents of Anqiao New Village. They clashed with around 400 protesting villagers. At least four villagers were injured.

Shabei Village, Conghua City, Guangzhou Province

On March 27, about a hundred police and officials from the local government clashed with dozens of protesting villagers in Shabei Village. The local government officials angered the villagers when they tore down trees in an orchard that forms part of the 3000 mu of farmland that the local government allegedly forcibly appropriated from the villagers. During the confrontation, some villagers even threatened to set themselves on fire. In the end, 17 villagers were detained.

Beijing

On April 10, police in riot gear evicted protesting residents who lived next to the CCTV building. CCTV bought the area to expand the TV station to prepare for Olympics reporting. Residents there staged numerous protests against their eviction in the past year.

Guyuan City, Ningxia Muslim Autonomous Region

On June 25, armed police clashed with several hundred villagers who were protesting against the government's confiscation of their land in order to build an airport. More than 40 villagers were taken away.

Shanwei Village, Guangdong Province

On August 24, villagers in Shanwei Village, Guangdong Province protested against a power station erecting poles on the villagers' land. The authorities dispatched over a thousand armed police officers with their armored vehicles to the village and fired teargas. Many villagers were injured and a group was taken away. The collarbone of one villager was broken by a stray bullet while another villager was seriously injured by the police and was sent to the hospital. In 2005, Shanwei villagers were suppressed after protesting against the confiscation of farm land for the power station.

Ganyi Village, Jiangyong County, Hunan Province

On September 4, all two hundred households of Ganyi Village, Jiangyong County, Hunan Province jointly opposed the sale, without villagers' approval, of their forests by the village committee. They also protested against the village committee's persecution of villagers who defended their rights and demanded that the 12 villagers arrested for defending the villagers' rights be released immediately or tried fairly in accordance with the law. In response, the local government mobilized a large group of judicial officials to threaten the villagers, telling them joint protests were illegal and they would be arrested as well.

Nanguo Upper Village, Xian Province

On August 20, in Nanguo Upper Village, Xian Province, several hundred old people began a silent sit-in protest against the government's forced demolition of their homes. A week later, several hundred police, municipal by-law enforcement officers and hired men dispatched by the local government forcibly dispersed the demonstrators by carrying each of them to police vehicles which transported them away.

Fujin City, Heilongjiang Province

On December 8, 40,000 villagers from 72 villages in Fujin City, Heilongjiang Province released a public notice declaring their right to 100,000 hectares of land in their villages. Since 1994, the villagers claimed, officials at various levels in Fujin had appropriated 100,000 hectares of village land and paid artificially low prices in compensation. In one village, Dongnangang Village, Changan Township, 900 villagers had taken back 1,000 hectares of land previously appropriated. The villagers distributed the land equally among themselves. They also recalled the village chief, considered the culprit in the appropriation.

Four days later, on December 12, Fujin village representative, Yu Changwu (于长武) was detained by the National Security Unit of the Fujin City PSB. Another representative, Wang Guilin (王桂林), was also promptly detained. Yu and Wang were sent to, respectively, two and one and a half years of RTL. Another representative from Fujin City, Yang Chunlin, was convicted of "inciting subversion of state power" and sentenced to five years on March 24, 2008, due to his defense of the villagers' land rights.

Suppression of protests for workers rights

Urumqi, Xinjiang Uyghur Autonomous Region

On January 22, security guards attacked about 50 migrant workers protesting against unpaid wages in Urumqi, injuring at least twelve people. The workers were reportedly protesting at the offices of their employer, Yahong Land Development Company. When several workers' representatives attempted to enter the building, the guards, armed with clubs and knives, attacked.

Changchun City, Jilin Province

On April 2, about 200 dismissed workers from Dongfeng Chemical Plant in Changchun City went to petition at the Provincial CCP Committee Office and the Letters and Visits Office, but they were forcibly dispersed. About 20 petitioners were beaten, two so severely that they were sent to the hospital.

Changsha City, Hunan Province

On April 20, about 400 soldiers from different counties and cities in Hunan Province went to petition the Changsha Provincial CCP Committee. The authorities mobilized a large number of PSB, military police and officials to seal off the area around the CCP committee office and disperse bystanders and other petitioners. When the petitioners arrived, they were forcibly carried away by the officials.

Tiananmen, Beijing

On August 18, after failing to achieve any tangible results by petitioning in Beijing, fifty teachers representing more than eight hundred dismissed teachers in Shaoyang City, Hunan Province,

knelt in front of the national flag in Tiananmen Square. They were promptly taken away and sent back to Shaoyang where they were detained for as long as seven days. Zhou Guanghong (周光红), a teachers' representative from Shaoyang City, was detained after the incident although he did not participate in the "kneel-in". The authorities believed that he was the leader and sent him to 18 months of RTL for "gathering crowds to disturb social order" on October 9.

Tiananmen Square, Beijing

On August 28, about 300 workers of a private construction company were on their way to protest against their employer in Tiananmen Square when they were intercepted by the police and sent away using six public buses.

Nanchong City, Sichuan Province

On September 3, two hundred local PSB officers surrounded retired workers of the Sichuan Nanchong Transport Company who were staging a silent sit-in in front of the city government building. The police took away at least ten of the workers' representatives.

Inner Mongolia, Shanxi, Hubei, Heilongjiang Provinces

In September, discharged soldiers staged a series of protests in four different provinces.

On September 3, two thousand discharged soldiers in three railway schools in Inner Mongolia, Shanxi, and Hubei (from six thousand discharged soldiers recruited earlier by the Railway Authority for re-training) demonstrated their dissatisfaction with the way the schools treated them by rioting and smashing facilities. Local Public Security officers and special tactical response teams were dispatched, fierce clashes ensued and some twenty people were injured and five arrested. The fact that the protests occurred in three different locations on the same day is evidence of coordination rarely seen in recent demonstrations in China.

On September 14, another group of discharged soldiers at the Heilongjiang Qiqiha'er Railway School protested against their school at the train station. They were met by the police and a tactical response team. The police and the soldiers clashed. Ten soldiers were injured and five arrested.

Meishan City, Sichuan Province

On December 3, 1,035 workers from 505 factories in Meishan City, Sichuan Province, released a public appeal letter exposing the earlier illegal detention of seven workers' representatives by police at Chengxi Police Station and Meishan City PSB Dongpo District Sub-division. The letter called on the officials responsible for the illegal detention to apologize and compensate the detainees. Six days later, on December 9, Xu Guangfu (徐光福), one of the seven representatives mentioned in the letter, was severely beaten by three unidentified men.

Suppression of protests for reproductive rights

Rong County, Bobai County and Yilin County, Guangxi Province

On May 17, 19, 23, 29, 30, several thousands villagers in at least a dozen townships in Rong County and Bobai County protested against the misconduct of local government officials in the implementation of family planning policy. The villagers surrounded and set fire to a number of

township government buildings. The local government dispatched military police who injured several dozens villagers and arrested over a hundred villagers. Reportedly, nearly 10 people (villagers and police) died in the conflict. According to the villagers, the local government had turned fines for violating the family planning policy into a source of income. Motivated by profit, local government officials had begun to raid and demolish the homes of those who violated the policy, levying large and repeated fines, and forcibly sterilizing women.

On August 22, six farmers from Yilin county were sentenced to between 18 months and 3 years in prison for “attacking government and [Communist] Party departments”.

Suppression of protests for rights to health and a clean environment

Shuitoutong Village, Cenxi City, Guangxi Province

On January 12, twelve farmers were formally arrested on suspicion of “obstructing public duties” for protesting land and water pollution from a paper mill that had been operating illegally in Shuitoutong Village. Since Zhongtaifu Paper Mill started to operate in 2001, villagers had sued the mill for pollution which they claimed was killing their crops. The plant was ordered to close by provincial environmental officials but nonetheless continued to operate. Two days before the arrests, local authorities told residents to prepare for a meeting with managers of the mill. When about 100 residents arrived at the meeting, they were dispersed by PSB officers with pepper spray. In anger, some villagers smashed the windows of the police cars.

Houlong Village, Jingnan County, Fujian Province

On February 5, more than 60 villagers from Houlong Village held a sit-in at the local government offices to protest against the construction of a waste dump in their village. About 30 thugs hired by the local government forcibly dispersed the protestors and at least one protestor was injured. On February 7, 1,700 villagers went to the government offices to protest again, and they were once again met by official violence.

Zhengzhou, Henan Province

On April 11, 350 HIV/AIDS patients from Gangwang Township in Zhecheng County, were prevented by 300 police officers in 30 police vehicles from entering the provincial capital, Zhengzhou, where they were going to petition the government for effective HIV/AIDS treatment and better welfare. Two activists, Zhu Ruiyi (朱瑞允) and Li Xia (李霞), were detained for leading the patients. The petitioners had been infected with HIV after donating blood in government-backed blood drives. Although the government had agreed to provide them with medical treatment, petitioners said the drugs were ineffective and no alternative drugs were provided.

Xiamen, Fujian Province

On June 1 and 2, citizens of Xiamen demonstrated against the construction of a Xylene chemical factory in the city. Some of the demonstrators, numbering in the thousands and at one point about 20,000, also staged a sit-in in front of the city government building. The authorities released a notice claiming that the demonstration was illegal and arrested about 10 demonstrators. They were detained for as long as two months before being released.

Guangzhou City, Guangdong Province

On August 2 and 3, the International HIV/AIDS Legal Forum, scheduled to be held in a hotel in Guangzhou, was canceled. The forum hosts, Dongzhen-Nalan Cultural Communications Co. and Asia Catalyst (a US organization), were pressured to cancel by the National Security Unit under Beijing PSB.

Songxia Village, Changle City, Fujian Province

On September 6, about a thousand villagers protesting against pollutants released from the local Xinhai Steel Factory in Songxia Village were dispersed by two hundred policemen. Many villagers were injured and three were taken away for questioning.

Ningling County, Shanqiu City, Henan Province

On November 18 and 19, about sixteen HIV/AIDS patients representing 116 HIV/AIDS patients in Ningling County were barred from accessing their old medical records at Ningling County Maternal and Child Health Care Center. The representatives staged a peaceful sit-in at the Health Care Center in order to obtain the records and were dispersed by Ningling County PSB. The demonstrators were threatened with tear gas and the anti-riot police carried some female representatives away. Four female HIV/AIDS representatives, Wang Dongling (王冬玲), Cui Yuling (崔玉玲), Lu Xiuzhi (吕秀芝) and Zhai Xianzhi (翟献芝), were detained. They were released by November 29.

Suppression of gatherings of dissidents, petitioners and activistsBeijing

On July 8, over 100 petitioners from across the country went to the Great Hall of the People, shouting slogans such as “Against Corruption, We Want Human Rights”. They were taken away by the police and sent back to their home areas.

Beijing

On July 11, about 400 petitioners went to Tiananmen where they protested and were forcibly dispersed by the police. About 100 of the petitioners from Tangshan and Shijiazhuang in Hebei Province were taken to the Beijing PSB Tiananmen Sub-division where they were interrogated and allegedly beaten by police.

Beijing

On November 3, apparently under orders from the highest authorities, large contingents of policemen were mobilized to block mourners from attending a memorial service for Bao Zunxin (包遵信), an influential dissident intellectual who inspired the 1989 pro-democracy movement. About 200 people who had planned to attend the service were prevented by the police from going.³⁷

Suppression of religious gatheringsChencun Village, Xiuwu County, Henan Province

³⁷ CHRD, “Beijing Police Prevented Hundreds from Attending Memorial for Dissident Intellectual: Government must change habit of crackdown during “sensitive” times/events”, May 11, 2007, available [here](#).

On January 6, police raided a Christian family church gathering held in Chencun Village. Police claimed that the gathering was illegal and confiscated the church's belongings. Eleven participants in the gathering were detained at the Huifeng township police station; two of whom were released the next day.

Zhangchong Village, Jinzhai County, Anhui Province

On January 24, police and officials from local Bureau of Religious Affairs raided a Christian family church gathering in Zhangchong Village. Police checked and recorded the identification card numbers of the more than 60 Christians and took their pictures. Three leaders of the church were taken away for questioning but were released later the same day. Police also confiscated Bibles and other church possessions. Police did not produce any search warrant or detention order. One church leader, Zhang Yunsheng, was warned to stay out of Zhangchong village, not to organize gatherings of more than 15 people, and not to include minors under the age of 18. Police claimed that they came in response to residents' complaints about noise.

Appendix V: Examples of Citizen Actions to Defend Human Rights in 2007

Open Letters

Right to equal treatment

On August 29, Lu Jun, the editor of a Hepatitis B online discussion forum, and Ji, both from Wujiang City, Jiangsu Province, went to Hewlett Packard's China headquarters in Beijing to deliver a letter with five thousand signatures condemning a sub-contractor of HP for discrimination. The letter was an internet initiative started on August 5, concerning the firing of twenty-two Hepatitis-B carriers last November by Wujiang division of Cal-Comp Electronics after a physical examination. The letter demands that HP condemn Cal-Comp Electronics and urges the latter to improve its behavior towards Hepatitis-B Carriers. If the situation persists, the letter says, HP should sever its relationship with the sub-contractor.

Human rights

On September 28, 261 individuals in Shanghai who applied to become Olympics volunteers signed a joint letter addressing China's leaders, the International Olympics Committee and international human rights organizations. The letter detailed the human rights violations in China since it successfully became the host of the 2008 Olympics. It called on the international community to focus on China's human rights situation so that China could fulfill its human rights promises and the 2008 Beijing Olympics could be in keeping with the Olympic spirit.

Right to expression and association

After Chang Kun (常坤), HIV/AIDS activist and former student at Xinjiang Teachers Training College, was suspended by his college for truancy on November 30, 2006, reportedly because of his HIV/AIDS activism at the college, an online petition was circulated on the internet protesting Chang's suspension. Over a hundred people signed the petition.

Freedom of association and other civil and political rights

In a public letter dated December 12, 12,000 petitioners called for the release of Liu Jie, petitioner and human rights activist from Beian City, Heilongjiang Province, who had been sent to RTL for 18 months in November for organizing a public letter calling for political and legal reforms. In the letter of December 12, the petitioners argued that sending Liu to RTL violated the Chinese Constitution and the ICCPR, which guarantee freedom of expression. The letter also called for the abolition of the RTL system, which has been used to deprive individuals, particularly petitioners like Liu, of personal freedom without legal procedures.

Legislative Proposals

Right to freedom of movement and freedom to choose one's residence

On August 15, Beijing lawyer, Cheng Hai, of Zhenghai Law Firm sent a proposal signed by twenty-eight individuals to the Office of Legislative Affairs of the State Council (国务院法制办). The proposal argues that many of the household registry policies articulated in rules and documents issued by the Public Security Bureau actually violate China's Household Registration Regulations (中华人民共和国户口登记条例) passed by the National People's Congress Standing Committee in 1958. The Regulations are the only set of laws passed at the highest level that

concern household registration. The proposal suggests that the government investigate the PSB's household registry practices during its on-going fifth comprehensive regulation clearing work. The proposal recommends that practices which violate the Regulations should be repealed or annulled.

Right to liberty and security of person (against arbitrary detention)

In a public letter addressed to the State Council, dated November 29, 2007, sixty-nine Chinese legal scholars called for the abolition of Re-education Through Labor. The scholars cited four reasons for calling for abolition. First, RTL directly violates the right to personal freedom as guaranteed in the Chinese constitution; second, it clashes with a number of laws such as the Legislative Law and the Administrative Punishment Law; third, it violates the International Covenant on Civil and Political Rights (ICCPR), which China has signed (but not yet ratified); and fourth, RTL violates the principle that the punishment must be proportionate to the crime and it grants police the power to jail people. The scholars called for an investigation into the system to examine its compatibility with the Constitution with an eventual view to its abolition.

Collective petitioning

Workers rights

Retired teacher representatives who went to petition in early September in Kunming, the capital of Yunnan Province, were threatened by officers from the local PSB. Amongst the representatives, one Teacher Wei was summoned on September 22 and 24 and told that she would suffer serious consequences if she was interviewed by foreign media again. In Yunnan, retired teachers from community-run (*minban*) schools are treated worse than teachers managed by local governments. The teachers alleged that the local government had not treated them according to the Teachers Law and the relevant enterprise school regulations. In recent years, they have been petitioning the government for better treatment.

Workers rights

On May 28, about 2000 dismissed soldiers under the government scheme, *junzhuan ganbu*, from Yantai City, Shandong Province, went to petition the city government for a number of welfare provisions and subsidies to which they claimed they were entitled under the relevant central government regulations. About 300 policemen blocked their entry to the government building. Most of the petitioners eventually left after the government promised to solve the problem "at a later date". Reportedly, the same group of dismissed soldiers went back to petition the city government again on July 17.

Workers rights

On November 4, a group of nine dismissed soldiers from Zhoukou, Henan Province, went to petition in Beijing and were intercepted and detained for ten days. The soldiers had earlier issued a public letter addressing President Hu Jintao and Premier Wen Jiabao concerning the mistreatment of dismissed soldiers.

Lawsuits

Freedom of expression

On August 5, Shanghai internet user, Du Dongjing's (杜冬劲) suit against China Telecom for blocking his website went to trial. Du had created a financial software website on a foreign server. Earlier in 2007, he noticed he could not log on to the website and later found out that the site was blocked by the internet ISP provider, China Telecom. On March 9, through his lawyer, Du sued China Telecom and the court accepted the case. Previously, lawsuits had been filed against internet companies for blocking websites, but courts refused to hear them. This was the first time that a court had agreed to hear such a case, giving activists hope that there would be more avenues for fighting against internet blocking.

Freedom of expression

On August 16, Beijing lawyer, Liu Xiaoyuan, from Yitong Law Firm sued Sohu for contract violation when it hid nine of his articles written between June and August. Beijing Haidian District People's Court formally agreed to hear the case. It was the first time anyone had sued internet companies for hiding their articles.

Freedom to access information

On September 10, paraplegic human rights defender, Zhang Jianping (张建平), from Changzhou City, Jiangsu Province, lost his case against the local Public Security Bureau. In April, the Bureau accused Zhang of accessing an "anti-revolutionary" foreign website and forbade him access to the internet. Zhang sued the PSB, but Wujin District Court in Changzhou City upheld the PSB's punishment. A number of other human rights defenders who went to hear the case were not allowed in the court. One person who tried to attend, Wei Daohua (魏道华) from Yixing, was sent home by the police and placed under house arrest.

Right to liberty and security of person (against arbitrary detention)

On November 21, CHRD learned that Sigong District Court in Luoyang City, Henan Province, had accepted a lawsuit against the Luoyang Re-education Through Labor (RTL) Committee. The lawsuit had been filed by Chen Chao, a Henan villager sent to RTL. The lawsuit alleged that the Trial Implementation Method, a 1982 law that governs the use of RTL, was inconsistent with the Administrative Penal Code adopted in 1996 and the Law of the PRC on Legislation adopted in 2000.

Freedom of movement

On November 16, well-known Beijing lawyer, Li Jingsong (李劲松), filed a lawsuit against the National Security Unit of the Beijing PSB, Haidian District Sub-division for restricting his freedom of movement on November 2 and 3. On those dates, officials from Beijing PSB Haidian District Sub-division threatened Li in order to prevent him from attending the memorial service for Bao Zunxin, an influential dissident intellectual who inspired the 1989 pro-democracy movement. The file was sent to Haidian District People's Court. According to Li, he filed the lawsuit to tell the PSB and other security forces that it is illegal to restrict citizens' freedom of movement. Li also wanted to use the lawsuit to remind ordinary citizens that they should stand up for their rights and not tolerate the government's illegal behavior.

Other Types of Citizen Actions

Strike

On December 10, 2000 workers of the Shenzhen Yuansheng Light Industry Limited Company went on strike. The workers were protesting against the company adding many harsh conditions when the workers' contracts were renewed. They believed the conditions to be a violation of labor laws. On December 13, when 200 workers went to petition at the Labor Department, they were blocked by police.

Hunger strike

Chang Kun (常坤), HIV/AIDS activist and former student at Xinjiang Teachers Training College, went on a hunger strike on World AIDS Day on December 1. The year before, on November 30, 2006, the college suspended him for truancy, reportedly because of his HIV/AIDS activism at the college. For a year, the college had refused to release his hukou (household registration record), which caused him much trouble. To protest against his persecution, he went on a hunger strike on World AIDS Day. The college immediately agreed to process his request to release his hukou.

Appendix VI: Examples of Persecution of Human Rights Activists in 2007

Arbitrary detention

House arrest/residential surveillance

Li Xige (李喜阁) is a HIV/AIDS activist from Henan Province who, since August 2006, has been put under house arrest by police from Ningling County, Henan Province. Li's work to promote and protect the right to health has been seriously impeded by the house arrest.

For example, on December 13, she was barred from attending a training session, jointly organized by the All China Women's Federation (ACWF) and the UN Women's Development Fund, at which she was invited to speak. Li sent her husband, Sun Jianfeng (孙建峰), to deliver the speech on her behalf. Although Sun was accompanied to the venue in Beijing by staff from the ACWF International Cooperation Division, he was barred from entering by a fellow participant, Zhao Jie (赵洁), who was also the head of the children's rights division of ACWF Henan.

Yuan Weijing (袁伟静), wife of imprisoned HRD, Chen Guangcheng (陈光诚), an English teacher, became the victim of retaliation by local authorities after helping her husband to reveal the use of violence in the local birth control campaign and publicly opposing the illegal imprisonment of her husband. Since September 2005, she has been under residential surveillance. Yuan continued to be subjected to house arrest, surveillance, and restrictions on her movement in 2007.

For example, on October 29, when Yuan was on her way to see a dentist in Linyi City, Shandong Province, six policemen who had been monitoring her prevented her from boarding the bus. She then tried to walk but was pulled back by the six men, who grabbed her shoulders and pushed her. Despite repeated complaints to various PSB in Shandong Province after the incident, none of the bureaus was willing to respond. Yuan has also been barred from visiting her husband since October.

For more information:

[Yuan Weijing, activist, under residential surveillance, house arrest.](#) (May 31, 2007)

[Thanks speech by Yuan weijing on behalf of her husband Mr Chen GuangCheng](#) (September 2, 2007)

[Wife of Jailed Human Rights Defender Barred from Seeking Medical Treatment](#) (October 31, 2007)

[Shandong Officials Continue Harassing Wife of Jailed Human Rights Defender](#) (November 24, 2007)

Xu Yonghai (徐永海), a Christian activist and a HRD on the right to religion, was put under house arrest by police between August 1 and 8 to prevent him from participating in human rights activities and meeting media as Beijing tightens security to mark the one year countdown to the Olympics on August 8. On August 8, when he tried to go out to buy medicine, police brought him in for questioning for 7 hours, keeping him until the end of the day.

Qi Zhiyong (齐志勇), a June 4th victim and disability rights activist from Beijing, was put under house arrest by Beijing police between May 30 and June 6 during the sensitive anniversary of the Tiananmen Square Protest in 1989. Qi was also under house arrest for several days in the beginning of August as Beijing tightens security to mark the one year countdown to the Olympics on August 8.

Gao Yaojie (高耀洁), a 76-year-old doctor and one of China's most prominent HIV/AIDS activist, was put under house arrest to prevent her from traveling to the US to receive a prestigious human rights award. The retired doctor was detained at her house on February 1 and prevented from traveling to Beijing to apply for a US visa. Authorities in Zhengzhou, Henan Province warned her against traveling abroad and kept her under surveillance for weeks. Following international protest, and with the intervention of U.S. Senator Hillary Clinton, Gao was allowed to travel to Beijing, where she obtained a 14-day visa to the U.S.

On November 3, dozens of well-known human rights defenders such as **Mo Shaoping** (莫少平), **Hu Jia** (胡佳) and **Zeng Jinyan** (曾金燕) were put under house arrest or administrative detention to prevent them from attending a memorial service for Bao Zunxin (包遵信), an influential dissident intellectual who inspired the 1989 pro-democracy movement. About 200 people who had planned to attend the service were prevented by the police from going.

For more information:

[Beijing Police Prevented Hundreds from Attending Memorial for Dissident Intellectual](#)

(November 4, 2007)

Detained in illegal detention facilities such as inns and black jails

Li Jianhong (李剑虹, also known as Xiaoqiao (小乔)), dissident writer known for her articles promoting human rights, and put her under house arrest. The day after, Li and her father were taken to the police station. The policemen refused to release Li and threatened her father that if he disagreed with them detaining Li at a hotel, he would be detained at the police station. Li was then detained at a hotel between December 19 and 23. Li was detained to prevent her from attending an Independent Chinese PEN gathering scheduled to be held on December 22 in Beijing. Police told Li the detention was requested by the National Security Unit of Beijing PSB.

For more information:

[Shanghai Writer Li Jianhong Detained](#) (December 20, 2007)

Huang Yan (黄燕), a friend and assistant to the disappeared human rights lawyer Gao Zhisheng (高智晟), was kidnapped on September 22 outside of her residence in Haidian District, Beijing, by the National Security Unit of the Beijing PSB. Huang was kidnapped the same day Gao was taken away by Beijing police. They first detained her for four days at a hotel near Beijing International Airport, where she was beaten, before handed her to the National Security Unit of Hubei PSB. She was then detained at an inn in Jingzhou, Hubei Province until she was released on October 23. During her detention in Jingzhou, Huang was also beaten and mistreated.

Zheng Dajing (郑大靖): Petitioner and human rights defender from Hubei Province. He has been detained since September 2007 at an illegal black jail without charge or trial at Yanco Station, Hongtai Yuansigou Village, Hubei Province. He has been detained there since after he was intercepted in Beijing and sent back to Hubei Province in September. See Case Study 5 for more information about Zheng.

Re-education through Labor

Liu Jie (刘杰), from Beian City in Heilongjiang Province, is a petitioner. Since 2003, Liu has annually organized petitioners to submit open letters advocating legal and political reforms. On October 8, Liu released a public letter signed by 12,150 petitioners calling on leaders at the 17th Party Congress to reform. Three days later, Liu was seized by the Beijing Police and sent back for detention in Beian City, Heilongjiang Province, by interceptors from Beian City Military Farm Bureau PSB. During her detention, Beian City PSB sent her case to the Procuratorate but the latter refused to prosecute her due to lack of evidence. Liu was then sent to 18 months of RTL for “Instigating trouble and disturbing social order” on November 12.

For more information about Liu, please see:

[Human Rights Defender Liu Jie’s Re-education through Labor Decision Upheld](#) (February 22, 2008)

[Human Rights Defender Liu Jie Denied Treatment for Eye Illness at RTL Camp](#) (December 28, 2007)

[Human Rights Defender Liu Jie Sentenced to Re-Education through Labor](#) (November 12, 2007)

[Police Detain Organizers of Open Letter to 17th Party Congress](#) (October 22, 2007)

[Organizer of Open Letter to Party Congress Seized by Police](#) (October 11, 2007)

Cai Aimin (蔡爱民), from Henan Province, is a member of the Pan-Blue Alliance of Chinese Nationalists, an officially illegal internet community affiliated with the Nationalist Party of Taiwan. Cai is a democracy activist and has exposed numerous cases of corruption. On May 25, was detained by police while assisting farmers traveling to Beijing to complain about the corrupt local government which had confiscated farm land without providing fair compensation. Cai was subsequently sent to RTL camp for one year and nine months for “disturbing public security”.

Li Guohong (李国宏), from Chongqing City, Sichuan Province, is a laid-off workers' representative at Zhongyuan Oil Field. Li and other representatives have been petitioning higher authorities about proper compensation for the dismissed workers. On October 31, Li went to Puyang City, Henan Province, where Zhongyuan Oil Field is headquartered, to learn about a lawsuit the dismissed workers are going to file in Beijing against the oil field. While there, Li was promptly administratively detained for fifteen days. He was due to be released on November 16, but the authorities instead sent him to 18 months of RTL for “gathering crowds to create trouble”.

For more information, please see:

[Zhongyuan Oil Field Workers' Representative Sent to Re-Education through Labor Camp](#) (November 20, 2007)

Zhou Guanghong (周光红): Zhou is a dismissed teachers' representative from Shaoyang City, Hunan Province. On August 18, to seek fair treatment for dismissed teachers, a group of Hunan teachers' representatives knelt in front of the national flag in Tiananmen Square. Zhou did not participate in the "kneel-in", but was punished for being the alleged leader of the representatives. On October 9, Zhou was sent to 18 months of RTL for "gathering crowds to disturb social order".

Liu Houshun (刘厚顺), from Wendeng City, Shandong Province, has led fellow villagers to petition about a village head who refused to step down after being voted out in an election. Liu was intercepted while petitioning and administratively detained for 7 days during October 2007. Authorities alleged that during detention, Li damaged some properties of the detention facility and for that he was sent to 12 months of RTL for "damaging public and private properties" on October 25.

Arrests and Imprisonment

Hu Jia (胡佳) became an AIDS activist in 2001. He is co-founder of the Beijing Aizhixing Institute of Health Education as well as Loving Source, a grassroots organization dedicated to helping children from AIDS families. Due to his criticism of the government's failures in AIDS prevention and care, he had been repeatedly harassed and beaten by police. Hu has reported violations of many different human rights, giving interviews to overseas press and writing about other activists' plight. Prior to his detention on December 27, Hu and his wife, Zeng Jinyan (曾金燕), had been under "residential surveillance" (jianshi juzhu) without legal authorization since April, 2004. Despite being under residential surveillance, Hu refused to be silenced, continuing to report on rights violations prior to the Games.

Hu was taken from his home on December 27 and formally arrested on January 28, 2008 on suspicion of "inciting subversion of state power". On March 18, Hu was tried by the Beijing Municipal No. 1 Intermediate People's Court. On April 3, Hu was sentenced to three-and-a-half years' imprisonment and one year's deprivation of political rights for "inciting subversion of state power."

For more information, please see:

[Hu Jia, Found Guilty for Criticizing Pre-Olympics Abuses, Sentenced to 3 Years & 6 Months](#) (April 3, 2008)

[Court to Announce "Olympic Detainee" Hu Jia's Verdict on April 3](#) (March 31, 2008)

[Hu Jia's mother's plea for justice and conciliation](#) (March 19, 2008)

[Hu Jia on Trial: Rights to Free Speech and Due Process Violated](#) (March 18, 2008)

[Hu Jia's Trial for "Inciting Subversion of State Power" Scheduled for March 18](#) (March 13, 2008)

[On Eve of 6-Month Countdown to Olympics, Police Stepped up Harassment on Zeng Jinyan](#) (February 7, 2008)

[Hu Jia Formally Arrested: Authorities Impervious To International Protest](#) (February 1, 2008)

[Detained Activist Hu Jia Denied Access to Lawyer, His Family Harassed](#) (January 5, 2008)

[Hu Jia Detained on Suspicion of "Inciting Subversion of State Power"](#) (December 28, 2007)

[Beijing-based Activist Hu Jia Beaten by Police on the 179th Day of Residential Surveillance](#) (November 10, 2007)

Zhang Zilin (张子霖) is a key member of the Pan-Blue Alliance of Chinese Nationalists, an officially illegal internet community affiliated with the Nationalist Party of Taiwan. In recent years, he has been active in defending human rights and is known for his investigation of land appropriation in Jiangyong County, Hunan Province. On February 22, 2008, he was convicted of “fraud and extortion” and sentenced to 2 years’ imprisonment. The case concerns a money dispute between Zhang and a female friend. Zhang’s lawyer claimed that the dispute was resolved in September 2006, and the police station involved in the case had returned to Zhang a fine previously levied on him. However, nine months after the resolution of the dispute, the PSB arrested Zhang for “fraud and extortion”.

Chen Sizhong (陈思忠) and **Zhang Sanmin** (张三民): Chen and Zhang are villagers’ representatives from Sanmenxia Reservoir District, Shanxi Province. Villagers allege that the local government have appropriated the land and money designated for resettling villagers displaced by the construction of the reservoir. Chen and Zhang were taken away by the police around the time villagers declared their right over the land allegedly appropriated. Chen was charged on December 15 and Zhang on December 16, both on suspicion of “inciting subversion of state power”. They are now awaiting trial.

Yang Chunlin (杨春林) is a laid-off worker from Jiamusi City, Heilongjiang Province. He has been representing peasants in Fujin City, Heilongjiang Province, in fighting against land appropriation by the local government.

Yang was detained on July 6 and on August 13 formally arrested on suspicion of “inciting subversion of state power” for collecting signatures to endorse the open letter, “We Want Human Rights, not the Olympics”. While in detention, Yang is said to have been tortured and coerced to confess. Yang was tried on February 19, 2008. During the trial, Yang was subjected to inhuman and degrading treatment. On March 24, Yang was sentenced to five years’ imprisonment and two years’ deprivation of political rights for “inciting subversion of state power”. Court police hit Yang several times with electric batons when he attempted to speak with his family who attended the sentencing hearing.

For more information, please see:

[“Olympics Prisoner” Yang Chunlin Sentenced to Five Years in Prison](#) (March 24, 2008)

["Olympics Detainee" Yang Chunlin Ill-treated during Trial](#) (February 22, 2008)

[Activist Yang Chunlin Tried for Demanding Human Rights Prior to the Olympics](#) (February 20, 2008)

[Detained Heilongjiang Activist, Yang Chunlin, Allegedly Tortured and Ill-treated](#) (October 7, 2007)

[Heilongjiang activist, Yang Chunlin, denied access to lawyer, at risk of torture and ill-treatment](#) (September 25, 2007)

Lin Yingqiang (林应强), from Cangshan District, Fuzhou City, Fujian Province, is a representative of villagers who have been petitioning for years because the local government has allegedly withheld funds designated for compensating the villagers for village land appropriated in 1996. He was arrested on December 13, 2007 for “extortion of the government” and is now awaiting trial. In April prior to his arrest, Lin and a number of villagers petitioned in Beijing.

They were intercepted and have since then been beaten a number of times by unidentified men believed to be hired by the local government.

Liu Shenggui (刘升贵) is a villager from Sanshan Township, Nanhai County, Guangdong Province. He was an activist in local protests against forced land eviction and official corruption. He was arrested on July 27 for “disturbing social order” and is now awaiting trial.

For more information about Nanhai villagers, please see:

[Jail Sentences Upheld for Nanhai Protesters of Forced Land Eviction](#) (October 28, 2007)

Lu Gengsong (吕耿松) is a Hangzhou-based freelance writer. In addition to authoring the book, *A History of Corrupt CCP Officials*, Liu frequently posted articles criticizing the government and reports of human rights violations online. He was detained on August 24. Lu was convicted of “inciting subversion of state power” on February 5, 2008 and sentenced to four years imprisonment and one year political rights deprivation.

For more information, please see:

[Writer/Activist Lu Gengsong Sentenced to Four Years in Prison](#) (February 5, 2008)

[Lu Gengsong, writer and activist, under formal arrest](#) (September 30, 2007)

[Hangzhou Public Security Bureau Rejects Lu Gengsong's Request for Lawyer](#) (September 21, 2007)

[Pro-democracy Activist Detained for “Inciting Subversion”](#) (August 25, 2007)

Qi Chonghuai (齐崇淮) is a *Fazhi Morning Post* reporter known for his articles exposing local corruption, social injustices and human rights violations. He was detained on June 25, 2007 and arrested on suspicion of “extortion and blackmail” by Tengzhou City Public Security Bureau (PSB) in Shandong Province. He is awaiting prosecution.

Ye Guoqiang (叶国强) and **Ye Mingjun** (叶明君) are, respectively, brother and son of the imprisoned housing rights activist Ye Guozhu (叶国柱). After Guozhu’s imprisonment, Guoqiang and Mingjun have continued their activism on housing rights and other human rights issues. On September 30, they were both detained on suspicion of “inciting subversion of state power”, but were later released on bail awaiting trial.

For more information, please see:

[Son and Brother of Ye Guozhu, the "Olympics Prisoner," Detained](#) (October 1, 2007)

Wang Guilan (王桂兰), a petitioner from Hubei Province outspoken about human rights abuses directed at petitioners. She is one of the main organizers of a couple of public letters addressed to the government calling for reforms that better protect human rights. In mid-December, Wang was detained on suspicion of “inciting subversion of state power” but was released after a month’s detention.

Jing Chu (荆楚, also known as Wang Dejia (王德佳)) is an internet writer from Quanzhou County, Guilin City, Guangxi Province. Jing is also one of the founders of China Human Rights Forum (中国人权论坛) and known for his articles promoting freedom of expression. He was

detained on December 14 on suspicion of “inciting subversion of state power” but was later released on bail awaiting trial.

Chen Shuqing (陈树庆) from Hangzhou City, Zhejiang Province, is a dissident writer and leading member of the Chinese Democratic Party. Chen is also known for his articles promoting democracy and the right to vote. He was convicted of “inciting subversion of state power” and sentenced to four years imprisonment and one year deprivation of political rights on August 16, 2007.

Li Hong (力虹) is the editor-in-chief of the well-known website, Aegean Sea. He has written articles which criticize and document human rights abuses. Sixty-two of these articles later became “evidences” for his conviction. He was convicted of “inciting subversion of state power” and sentenced to six years imprisonment and one year deprivation of political rights on March 19, 2007. Shortly after Li had started serving a 6-year prison term early this year, he was diagnosed with a form of muscular dystrophy that could lead to paralysis and even death. Despite his family's repeated calls for his release for medical treatment, the authorities have denied his application for release.

For more information, please see:

[Jailed Writer Li Hong's Health Rapidly Deteriorating](#) (December 11, 2007)

[Imprisoned Poet Li Hong's Application for Release on Medical Bail Denied](#) (September 22, 2007)

Wu Lihong (吴立红) is a farmer from Zhoutie Township, Yixing City, Jiangsu Province. Since the 90s, Wu has frequently reported on environmental problems in the Tai Lake area such as illegal dumping of industrial waste by companies. His work embarrassed and offended local officials and the polluting industry. On August 10, he was convicted of “fraud and extortion” and sentenced to three years imprisonment, fined RMB 3,000 and ordered to return RMB 45,000 that was “extorted”.

For more information, please see:

[Environmentalist Wu Lihong sentenced to 3 years in jail on "extortion" charges](#) (August 10, 2007)

Zeng Jianyu (曾建余) from Lu County, Sichuan Province, was a former representative to Lu County NPC. During his 9-year tenure as a NPC representative, Zeng tackled environmental pollution, promoted human rights and monitored law enforcement officials in the county. In recent years, Zeng is best known for his research and report on land grabbing and pollution issues associated with the Jiangbei Powerplant. He was convicted of “fraud” and sentenced to 2.5 years imprisonment on February 15, 2007.

Zhou Yuanwu (周远武) is a worker representative at Jingchu Wineries. After the wineries went bankrupt in 2002, Zhou and other workers have been petitioning about appropriate compensation for the dismissed workers. He was convicted of “obstructing the performing of official duties” on May 15 and sentenced to 2.5 years imprisonment.

Qiao Yanbing (乔延兵) is a dismissed soldier under the government scheme “junzhuan ganbu”. Qiao is a representative of soldiers in the scheme, many of whom are dissatisfied with it, and has been petitioning for the last ten years for better welfare and treatment for these soldiers. On November 16, Qiao was arrested on suspicion of “using a cult to undermine the implementation of national laws and forging documents”. On January 3, 2008, Qiao was convicted of the crime and sentenced to four years imprisonment in a secret trial.

Chen Shuxi (陈顺喜) is a representative of residents in Hua Lou Street, Wuhan City, Hubei Province, who have been demanding adequate compensation for their forcibly demolished property. On October 29, Chen was convicted of “gathering crowds to disturb social order” and sentenced to two years imprisonment immediately commuted to three years parole.

Liu Guiqin (刘贵琴) is a local petitioner and HRD in Yunxi County. In May 2007, the County government wanted to use her influence to quell a wave of petitioning in Yunxi and hired her as a petition mediator. However, less than a month later, the local PSB arrested her. In mid-October she was convicted of “illegal possession of documents containing state secrets” and sentenced to 18 months of imprisonment.

Yang Yunbiao (杨云彪): Yang became a housing rights activist after he protested and clashed with the police when his home was forcibly demolished to make way for Zhejiang Holiday Resort in August 2006. On September 11, 2007, Yang was convicted of “obstructing the police from carrying out their public duty” and sentenced to two years imprisonment.

Zhu Yufu (朱虞夫) and **Zhu Ang** (朱印). Zhu Yufu is a Hangzhou democracy activist and Zhu Ang is his son. The father and son were tried on July 10, 2007, and convicted of “beating police and hindering public duty” and sentenced to, respectively, two years in prison and one year in prison with an 18-month delay of serving the term.

In 1999, Zhu Yufu served seven years in prison for founding the *Opposition Party* magazine and distributing articles which publicize the Chinese Democratic Party. After his release in 2006, he spoke out against the torture he suffered in prison and continued to promote democratization.

On April 18, 2007, while questioning the father and son without showing any legal authorization outside of their apartment, policemen roughly handled and injured Zhu Ang. Upon seeing his son injured, Zhu Yufu pushed one policeman away from his son. This incident was used as “evidence” to convict them of their “crime”.

For more information, please see:

[Veteran Democracy Activist Sent back to Prison](#) (July 12, 2007)

[Information about Zhu Yufu](#) (September 18, 2007)

Yan Zhengxue (严正学): Artist and independent writer. In 1993, while a representative of the Jiaojiang District People’s Congress in Zhejiang Province, Yan was beaten by police. His ensuing lawsuit against the PSB attracted the attention of both domestic and international media. Later, Yan was falsely accused of stealing a bicycle and sentenced to two years of RTL. Upon

his release, Yan began his work in defense of human rights, litigating against officials on behalf of fellow citizens.

On April 13, 2007, Yan was convicted of “Inciting subversion of state power” and sentenced to three years imprisonment and one year deprivation of political power.

Torture

Chen Xiaoming (陈小明): a Shanghai housing right activist and legal counsel who represented many victims of forced evictions in filing lawsuits against officials responsible for the evictions. Chen was detained on February 15, 2006. He was held in secret detention between February and May 2006 during which police allegedly at least twice tortured him at the Luwan District PSB in Shanghai. After police finally acknowledged that Chen was in their custody, Chen was convicted of “disrupting court order” and sentenced to two years imprisonment on January 9, 2007.

Chen had hepatitis B and during his incarceration he developed liver cancer which killed him on July 1, 2007. Chen’s cancer progressed undetected because he was denied access to appropriate medication and medical attention despite his and his family's repeated complaints about his degenerating health and severe pains. The prison’s repeated denials indicate a clear intention to punish Mr. Chen by leaving him in agonizing pain and suffering from the rapidly advancing illness.

For more information, please see:

[CHRD Submission to UN Special Procedures on behalf of human rights defender Chen Xiaoming, alleging torture and mistreatment](#) (July 26, 2007)

[Chen Xiaoming, m, imprisoned housing rights activist](#) (May 31, 2007)

Hua Huiqi (华惠棋) became a HRD after his home was forcibly demolished in 2001. Hua, a Protestant, focuses his work on protecting housing right and the right to religion.

Hua was incarcerated between January 25 and July 25 for “obstructing official business”. Prior to his detention, Hua and his 76-year-old mother were beaten by Beijing police while on their way to petition about forced evictions on January 26. On October 11, Hua was beaten at his rented home by Chongwen District police under Beijing PSB. He was beaten so severely that he fainted and did not regain consciousness until the next day. On October 17, Hua was again beaten by the police monitoring him when he requested to use the toilet at his house.

Chen Guangcheng (陈光城), from Linyi City, Shandong Province, was convicted of “intentionally damage property and gather crowds to disturb transport order” and sentenced to four years and three months imprisonment on March 11, 2006. It is believed that Chen was imprisoned for exposing extensive violence in the implementation of the government's population policy in Linyi City.

In June 2007, Chen was beaten by fellow inmates under the instruction of the prison authorities. During his imprisonment, Chen has also been insulted, fed poor quality food, given insufficient bedding and barred from accessing the books brought by his family.

For more information, please see:

[Thanks speech by Yuan weijing on behalf of her husband Mr Chen GuangCheng](#) (September 2, 2007)

[Chen Guangcehng, Human Rights Defender in Prison, Update: Officials Ignored Requests for Medical Parole and for Filing Complaints to Higher Court about Verdict](#) (March 23, 2007)

[A Comprehensive Communiqué on the Case of Chen Guangcheng to UN Special Procedures](#) (February 13, 2007)

Yang Maodong (杨茂东, also known as **Guo Feixiong** (郭飞雄), is a scholar, writer, activist and legal adviser best known for his work assisting a failed effort in the village of Taishi, Guangdong Province, in late 2005, to remove the village chief suspected of corruption.

Guo was detained on September 14, 2006 and sentenced to five years' imprisonment and a fine of 40,000 RMB for "operating an illegal business" on November 14, 2007. In January 2007, Guo was chained to a bed frame for 40 consecutive days. In February, Yang was forced to sit on a "Tiger Bench"-- the torture victim is made to sit upright on a long bench, his hands tied behind his back. His thighs are fastened with a rope to the bench while his feet are raised off the floor by bricks placed under his feet. This puts extreme strain on the knees and is an extremely painful form of torture, especially for an extended period of time—for four hours. Also in February he was also hung up by his arms, his face, arms and genitals beaten by electric cattle prods and his face slapped several dozen times until it was swollen. On March 19, the police again beat him for 5-6 minutes.

For more information, please see:

[Activist Yang Maodong Sentenced to Five Years in Prison](#) (November 14, 2007)

[Detained Human Rights Defender Yang Maodong Reports Being Tortured during Interrogation](#) (June 1, 2007)

Mao Hengfeng (毛恒凤) is a Shanghai activist who has been active in defending housing rights and opposing forced evictions and also in promoting women's reproductive rights. On January 12, 2007, Mao was convicted of "damaging hotel property" and sentenced to two-and-half years in jail. Prosecutors accused Mao of breaking two desk lamps worth about \$900 during her detention by police at a guest house. Mao's lawyers argued that the hotel only asked guests to pay \$7 for each damaged lamp.

For months during Mao's incarceration, she was forced to sit and sleep on the cold and wet concrete floor because the cell she was confined in had no chairs or bed. When she was transferred from the detention center to the Shanghai Women's Prison on May 15, she was made to wear a thin shirt that hardly covered her and she was beaten when she complained about it. Mao continues to suffer mistreatment in prison. For example, on October 26, 2007, Mao was stripped naked and tied to a bed, where she was left for some twenty days. During this period, Mao was force-fed, beaten and humiliated. She is now held in Shanghai Women's Prison, Shanghai.

[Human Rights Defender Mao Hengfeng Tortured in Prison](#) (July 4, 2007)

[Mao Hengfeng, f. imprisoned activist](#) (May 31, 2007)

[The Conviction of Mao Hengfeng: Trump-up Charges against a Human Rights Defender](#)
(January 12, 2007)

Guo Qizhen (郭起真) is a Hebei writer with many articles critiquing the government for its human rights records. He was sentenced to four years' imprisonment for "inciting subversion of state power" in October 2006.

In June 2007, Guo was beaten by fellow prisoners under the instructions of the prison authorities. When his family visited him on June 18, they noticed that he was so severely injured that he was unable to hold his neck up or walk properly. Guo is in poor health and has a crippled leg, but the prison authorities have denied him treatment, citing their view that he is "an important political prisoner". In February 2008, he has been confirmed to have a necrotic thigh after a physical check-up. It is believed that the lack of treatment while in prison and the beatings have caused the necrosis. He is now at No. 4 Prison in Hebei Province.

Sun Xiaodi (孙小弟) is an environmentalist. He is active in defending the right to health and campaigning to expose corruption and uranium pollution in Gansu Province. On May 23, 2007, Sun and his daughter were beaten by unidentified men on a public bus in Beijing, where he was seeking medical treatment; the day after, Sun was beaten by four to five unidentified men who warned him against "being nosey" in the inn he was staying; on August 19, he was summoned by Gansu police who warned him against "making noise to the outside world...or else [face] immediate arrest."

Wang Qingnan (黄庆南). Wang is a labor rights activist from Longgang area, Shenzhen. He is involved with a grassroots organization that provides legal advice to workers. On November 20, Wang was knifed by two unidentified men. Wang sustained six serious knife wounds and was immediately sent to Shenzhen Longgang Hospital. The doctors there said Wang's left leg sustained such serious injuries that it is unlikely he will be able to use it again.

Jing Jingbo (井镜波) is a labor rights activist in Dongguan Guangdong Province. On December 15, triad members went into Jing's office in Dongguan and smashed the windows and office furniture. The evening before, the triad members extorted RMB 8,000 from Jing and warned him to stop his activities in defense of labor rights.

Sun Ailing (孙爱玲) is a representative of AIDS patients from Gongyi City, Henan Province. Most of these patients contracted the disease after transfusions of contaminated blood supplied by an illegal blood trade that the local government was involved in. On April 7, on their way to petition Gongyi City government about the welfare of AIDS patients, Sun and her father were beaten by a group which included staff members from Gongyi City government.