



Chinese Human Rights Defenders (CHRD)

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Promoting human rights and empowering grassroots activism in China

Annual Report on the Situation of Human Rights Defenders in China (2008)

Introduction

The year 2008 was marked by a number of events in China of national and international significance, including the March protests in Tibetan areas, the Beijing Olympics, the Sichuan earthquake and the tainted milk scandal. Woven into the narrative of these events were the efforts of human rights defenders to promote human rights. While the perseverance and creativity displayed by human rights defenders was a cause for hope, the fact remains that ten years after the Declaration on Human Rights Defenders was adopted by the United Nations General Assembly in 1998, the Chinese government continued to fail to safeguard nearly every right that the Declaration urges governments to protect.

Freedom of expression was one of the rights most regularly violated as the authorities tried to control discussion of major events and prevent any expression which might reflect poorly on the government. In the days leading up to and during the Olympic Games in August, petitioners and potential protestors were rounded up, forcibly returned home and sent to illegal and secret detention facilities known as “black jails”. After the May 12 earthquake in Sichuan and the tainted milk scandal, which broke on July 16, citizen journalists and aggrieved parents who questioned the role of the government in the deaths and injuries of thousands of children had their postings and blogs deleted and their protests broken up by the police.

The March demonstrations in Tibetan areas met massive oppression and led to a number of rights violations, while subsequent arrests and trials brought to the fore the lack of independence of China’s judiciary. Defendants were reportedly tortured, their trials were unfair and failed to meet international legal standards, and lawyers who offered legal aid to defendants were reprimanded and threatened. Officials later resorted to similar tactics to dissuade lawyers from accepting cases related to the tainted milk scandal as well.

Throughout 2008, individuals were persecuted for promoting human rights. Some were arbitrarily detained, tortured, or “disappeared” by officials, while many human rights defenders and their families were harassed and monitored. A number of prominent human rights

defenders were detained or imprisoned for extended periods, including Huang Qi (黄琦), detained for assisting parents of those killed in the Sichuan earthquake, Hu Jia (胡佳), imprisoned for criticizing rights violations related to the Olympic Games, and Liu Xiaobo (刘晓波), formally arrested for “inciting subversion of state power” for organizing *Charter 08* and commemorative activities for the 20th anniversary of the 1989 Tiananmen Massacre.

Despite the risk of persecution, many ordinary Chinese were inspired to participate in activities defending human rights. Of particular note, 2008 saw the continued growth of the nascent rights defense movement (*weiquan yundong*). Increasing numbers of citizens took part in the struggle to defend their legal, constitutional and human rights through non-violent means, using the constitution and international laws and norms as their tools. Many joined this movement in 2008 after experiencing injustice and mistreatment at the hands of the state, such as having their homes forcibly demolished or suffering the effects of pollution. Particularly striking was the diversity of backgrounds of those who took action to defend their own and others’ rights. They included lawyers, public intellectuals, farmers, migrant workers, teachers, soldiers and small property owners. Indeed, to a large extent, people with no formal training in law or access to formal education about their rights were the movement’s driving force.

While their actions were largely peaceful, several protests around the country turned violent. Violence on the part of protestors was in most cases a reaction to heavy-handed actions taken by police and officials to disperse crowds or otherwise deal with mass “unrest”.

Against this background, it is encouraging that, since its publication on December 9, more than 8,000 mainland Chinese from all walks of life have signed *Charter 08*, a manifesto calling for democracy and human rights in China. Though officials have harassed, intimidated and persecuted the *Charter’s* drafters and supporters--- searching the homes and confiscating the property of some signatories and summoning and warning over a hundred others--- the vast majority have not retracted their endorsement. The widespread and passionate support for *Charter08* was a cause for optimism at the end of a turbulent year.

About this Report

Definition

This report examines the extent to which the Chinese government has failed to fulfill its promises to protect the rights and freedoms of HRDs as guaranteed in the Declaration on Human Rights Defenders (General Assembly Resolution 53/144 [Distri. GENERAL A/RES/53/144,

8 March 1999], hereafter referred to as “the Declaration”), passed by the UN in 1998. Article 1 of the Declaration on Human Rights Defenders 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”.

Relevance

Although the Declaration is not legally binding, the rights it affirms are already proclaimed in other international instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). China has signed both the ICCPR and the ICESCR, which are legally binding.¹ Some rights are also guaranteed in the Chinese Constitution, such as freedom of expression, association and assembly (Article 35) and the right to criticize the government (Article 41). Moreover, as a UN member state, the Chinese government is obligated to cooperate with the Special Procedures on thematic issues, such as the protection of HRDs, even if it has not ratified the relevant treaties protecting these rights. Finally, as a member of the UN Human Rights Council, the Chinese government in particular has an obligation to uphold these human rights.

Since the establishment of the mandate holder on the situation of human rights defenders in 2000, the Special Representative of the UN Secretary-General on the Situation of HRDs (2000-2008) and its successor the Special Rapporteur on HRDs (March 2008 – present) have submitted eight annual reports on the situation of HRDs around the world.

The 2008 annual report submitted to the Human Rights Council by the Special Rapporteur documented a total of 493 communications (letters of allegations of human rights violations²) sent to 79 states between December 11, 2007, and December 10, 2008.³ Of all communications, 42 of them were sent to China, which made up nearly 10% of the total. China was one of the forty-eight states which responded to the communications.⁴ However, as the Special Rapporteur observed, the Chinese government “has consistently challenged the alleged facts in every communication, and concluded there is no connection between the criminal charges imposed on the alleged victims because of their human rights activities.”⁵

Despite the Chinese government's elaborate denials in these well-documented cases of persecution of HRDs (see Appendix II), CHRD believes that efforts by human rights organizations have contributed to better monitoring of the situation of HRDs in China at an international level. The Special Rapporteur's communications with the Chinese government have steadily increased in recent years, and so have the Chinese government's responses to these communications. This 2008 annual report on the situation of HRDs, as well as many individual cases CHRD has submitted to the mandate holder every year since 2006, play a part in exerting increasing pressure on the Chinese government to better protect its HRDs.

Structure

Part I of this report analyzes case studies and relevant laws and regulations, assessing the extent to which the government has failed to protect the key freedoms essential for defending human rights. Part II assesses the extent to which the government has failed to fulfill its responsibilities to actively promote human rights education and protect HRDs. Finally, Part III proposes concrete suggestions to improve the government's protection of and support for HRDs. This report also includes two appendices: Appendix I lists the cases of 88 HRDs who were detained, formally arrested, charged, tried, sentenced to prison, detained in black jails, sent to Re-education through Labor camps, or detained in psychiatric institutions during 2008. This includes updates to the cases of HRDs whose detention or imprisonment was originally reported in CHRD's 2007 annual report but who remained in prison or detention for part or all of 2008. Appendix II includes a summary of communications between the Chinese government and the UN regarding the situation of specific cases of persecution of HRDs, many of which were documented by CHRD in this report or the 2007 annual report.

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Part I: An Assessment of Key Freedoms Essential for Defending Human Rights

A. Freedom of Assembly

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;*
- (b) To form, join and participate in non-governmental organizations, associations or groups;*
- (c) To communicate with non-governmental or intergovernmental organizations.*

- Declaration on Human Rights Defenders, Article 5

Crackdowns on Assemblies Protesting Rights Abuses

Peaceful assemblies and demonstrations protesting rights abuses and demanding redress were common across China in 2008, as frequent infringements on citizens' rights continued apace in the absence of an independent judiciary and other fundamental institutions necessary to address problems of widespread government corruption, collusion between officials and the business community, the uneven development of the economy, and other such issues.

However, the ““Law of the PRC on Assemblies, Processions and Demonstrations””⁶ (hereafter referred to as “the Assembly Law”) and other administrative regulations fail to safeguard the rights of citizens to engage in such peaceful assemblies and demonstrations.⁷ Although the preamble of the Assembly Law asserts citizens' freedom of assembly, the balance of the law outlines a cumbersome application process, numerous restrictions against holding assemblies and the corresponding punishments against organizers if they violate any of the guidelines. Furthermore, the Assembly Law gives too much decision-making power to the Public Security Bureau (PSB), which has the power to reject applications as well as to punish organizers. In the nineteen years since the Assembly Law was enacted, the PSB has approved no applications submitted by citizens to hold demonstrations against government policies, regulations or officials. Citizens who have applied to demonstrate have not only been denied approval, but have also often been retaliated against by the authorities. (See Case Study 1)

Case Study 1: Retaliation against Applicants for Permission to Demonstrate in Olympics Protest Zones

The gap between official rhetoric and practice was particularly striking during the Beijing Olympics. In an attempt to demonstrate that the government was honoring its commitment to improving its human rights record as promised during its bid to host the Games, Liu Shaowu (刘绍武), head of the Public Security Unit of the Beijing Olympics Organizing Committee, held a news conference on July 23 to announce the establishment of four Beijing parks as "peaceful assembly and protest zones". Individuals who wished to organize a gathering or demonstration would have to first submit an application five days in advance to the Beijing Municipal PSB Law and Order Corps.

By August 19, the last day applications could be submitted, there had been 74 applications submitted by 146 Chinese citizens and 3 submitted by 3 foreign citizens, according to information provided by the government. A government spokesperson reported that "after consulting with the authorities concerned or their work units, all individuals who submitted demonstration applications had their problems resolved, and decided on their own accord to withdraw their applications." Two applications were denied for "not completing proper procedures", while one was simply rejected.⁸

The truth could not have been further from the government's claim. Citizens who submitted applications, following proper legal procedures, instead found themselves faced with severe consequences: they were placed under surveillance by police, forcibly returned to their hometowns and placed under house arrest, or detained. Of those detained, some, like Beijing dismissed soldiers' representative **Dan Chun (单春)** were placed under house arrest; some, like Henan activist **Liu Xueli (刘学立)** were sent to Re-education through Labor (RTL); while others were formally arrested and convicted of crimes, like Fujian "barefoot lawyer" **Ji Sizun (纪斯尊)**, who was sentenced to three years' imprisonment for "forging documents and seals of national agencies" by Taijiang District Court in Fuzhou City, Fujian Province on December 23.⁹ Others were prevented from submitting an application, like **Wang Jinsheng (王进生)**¹⁰, a victim of forced eviction from Linyi County in Shandong Province, who was intercepted en route to Beijing and forcibly sent home, and **Liu Guohui (刘国慧)**¹¹, another victim of a forced eviction, who was told that her application package could not be delivered.

As it is virtually impossible to obtain official approval for protests, groups instead resort to organizing without permission or gathering spontaneously. As a result, nearly every

demonstration or assembly convened in response to an abuse of citizens' rights becomes a theater for further abuses, as police are frequently called in to disperse these "illegal" gatherings, often violently, and organizers routinely suffer official reprisals or are held criminally liable.

In 2008, most assemblies and demonstrations were limited to a single area, though there were a few notable exceptions, such as the protests or riots in the Tibetan areas in March; the "Wengan Incident"¹² in Guizhou in June; the "Menglian Incident"¹³ in Yunnan in July; the "Longnan Incident"¹⁴ in Gansu in November; a taxi drivers' strike which ultimately swept across a number of provinces; protests by laid-off community-run school (*minban*) teachers and retired teachers' groups; and protests by dismissed veterans and others. These larger demonstrations were joined by anywhere from thousands to tens of thousands of people. Whether small or large, local or cross-provincial, these demonstrations were born from citizens' anger, frustration, or sense of injustice over issues in the following areas:

a. Land disputes and forced demolitions

Land disputes and forced evictions and demolitions continued to spark a large number of demonstrations and assemblies in 2008, as business interests and government officials frequently colluded to seize land from citizens without offering adequate compensation. For instance,

- From April 9 to April 13, more than 6,000 villagers protested after more than 100,000 mu (an area equivalent to 1/6 of an acre) of land was seized for development as a golf course in Longqiao Town, Longhua District, Haikou City, Hainan Province. Haikou City Party Secretary Chen Ci (陈辞) personally led armed policemen and local policemen to encircle the protestors in armored vehicles, launching over 100 tear gas canisters to disperse the crowd. The vehicles stayed outside the villages, preventing villagers from entering or exiting, and a large group of citizens were seized by the authorities. In the clash that ensued, more than 300 villagers were injured and 8 police vehicles were burned. Police blocked off the area, refusing access to domestic and international media, and interrogating any passers-by.¹⁵
- On November 17, sixty petitioners were dispersed and taken into custody by police while they were petitioning in Wudou District, Longnan City, Gansu Province. After the Sichuan earthquake on May 12, the Longnan City government declared that the administrative headquarters was to move to Dongjiang Town. However, after the authorities flattened the town, the government decided to move elsewhere. The petitioners were among those in the town who were discontent with the false move, as

they were not given appropriate compensation or resettled after their farmland and homes were forcibly confiscated and demolished. The next day, thousands of citizens gathered outside government offices in Longnan City and demanded that the authorities explain the situation and release those detained. The crowds grew larger and larger, until, at its peak, official media estimates figured "approximately 2,000" individuals had gathered, while internet reports placed the crowd at over 10,000. Around 10 a.m., between 400 and 500 military and local police officers were summoned by the local government to disperse the crowd using tear gas. A group of the assembled petitioners was attacked by police, leading to a violent clash between petitioners, letters and visits officials, and police. Over a thousand protestors were injured, some seriously. The authorities allege that at least sixty policemen were injured and government property was damaged.¹⁶

b. Environmental protection

When citizens gather to protest pollution or other environmental concerns, it is usually the interests of businesses, rather than the government, that are at stake. However, because of endemic problems of corruption and collusion between local officials and business leaders, and the interest of local governments in attracting showy commercial development projects in order to claim "political achievements", officials often deal with these protests harshly.

- On April 14, about a thousand villagers from Maa Town, Dinghai District, Zhoushan City, Zhejiang Province staged a protest against the allegedly toxic gas emitted by the Hebang Chemical Plant. After the plant started trial production in March, eleven villagers were admitted to the local hospital due to poisoning. Hundreds of anti-riot and armed police were mobilized by the local authorities to suppress the protest. Three villagers were injured.¹⁷
- On May 4, about 200 people participated in a march in Chengdu to protest the construction of a petrochemical plant in nearby Pengzhou City. On May 9, Chen Daojun (陈道军), a cyber-activist from Chengdu, was criminally detained for "inciting subversion of state power". Around the same time, three other activists, Xin Wu (辛吴, also known as "Chengdu white handkerchief"), Shi Jianhua (施建华) and Lin Yong (林勇, also known as Li Li (李力)), were put under administrative detention. The activists were detained for posting articles that "created, spread and stirred up rumor", "using the internet to spread harmful information" and "inciting" the "illegal" demonstration, said a police spokesperson at a press conference in Chengdu on May 10.¹⁸

c. Workers' strikes and protests

In 2008, labor disputes arose in many types of business, and strikes, protests, and petitions were frequent occurrences.

- On November 14, a protest by nearly one hundred retired workers from five different factories in Wuhan City, Hubei Province was broken up by police. The protesters were demonstrating outside of the Wuhan City government building when police rushed out of the building and forcibly confiscated their banners. In the process, two protestors were injured. Three workers were taken into custody but were later released. The workers have repeatedly petitioned about compensation, pensions and medical insurance after they were forcibly dismissed from their jobs when their factories were restructured in the 1990s.¹⁹
- On November 3, eight thousand taxi drivers went on strike in Chongqing; on the 10th, one hundred and sixty taxi drivers in Yongdeng City, Gansu Province and over one hundred drivers in Sanya City, Hainan Province went on strike as well. All three strikes took place over exorbitant rental fees charged by taxi companies enjoying a monopoly in their respective cities, the failure of local governments to properly oversee the businesses, and the lack of protection of drivers' right and interests.²⁰

d. Diverse grievances of petitioners

Petitioning is still the most popular means of seeking justice for Chinese citizens whose rights have been violated, and millions petition locally and in Beijing every year.²¹ Fearful that large groups of petitioners could potentially turn into a protest, Article 18 of the Regulations on Letters and Visits (信访条例) restricts the number of representatives allowed for any petitioning group to five individuals. Article 18 thus provides a pretext for the police to punish groups of petitioners. For example:

- On April 18, Jiang Hailiang (姜海亮), a representative of teachers from community-run (*minban*) schools, was sent to one year of RTL by the Luoyang City RTL Management Committee. Jiang was punished for “gathering over a thousand teachers...to illegally gather and demonstrate, and seriously disturb the local social order”. The “illegal” demonstration occurred on November 5, 2007, when about 2,000 teachers collectively petitioned at the Yichuan County Letters and Visits Bureau.²²



Picture 1: a group of teachers from citizen-managed schools petitioning in Henan Province
(Photo: Civil Rights and Livelihood Watch)

- On July 8, about a hundred teachers from community-run schools in Longhui County, Hunan Province, collectively petitioned the county government. They alleged that the County Chinese Communist Party (CCP) Secretary and other government officials failed to fulfill their promises to the teachers regarding pensions and other benefits. The petitioning teachers were forcibly returned to their hometowns by county officials.²³

e. Commemorative activities

The government continues to regard commemorative gatherings--- whether they are held to mark the memory of deceased individuals whose death exposed official wrongdoing or to remember past “sensitive” events--- as extremely threatening. On January 2, the one-year anniversary of the death of Shanghai housing rights activist **Duan Huimin (段惠民)**, who died after being beaten by interceptors, Shanghai police sent 300 officers and a number of police vehicles to monitor the area around Duan's home to prevent citizens from gathering to commemorate his death. Over 90 petitioners who travelled to Duan's home were detained at nearby Penglai middle school and held for six hours before being released, according to Radio Free Asia (RFA).²⁴

After the Sichuan Earthquake, local officials were extremely vigilant in preventing parents from gathering to mourn children who died when their schools collapsed. Officials did not distinguish between gatherings in which parents sought to honor the memory of their children and those in which they explicitly sought government explanations for the collapse of their children's schools, and responded to the peaceful gatherings of parents with force. For example, on June 12, a month after the earthquake, more than 100 family members who had planned to visit the

former site of Juyuan Middle School in Dujianyan City, Sichuan Province, where more than 300 students and teachers were killed, were blocked by hundreds of police conducting "traffic control". Also on June 12, nearly 1000 family members who had lost their children in the collapse of Beichuan Middle School in Mianyang City, Sichuan Province, were dispersed by a large group of policemen on their way to visit the site of the school to mourn their children, according to one media source.²⁵

f. Interference with peaceful gatherings of activists

In 2008 the Chinese government continued to disturb, obstruct, and disperse (sometimes violently) all types of meetings, forums, seminars, and other peaceful forms of assembly which human rights defenders convened or in which they participated. The government pressured work units in charge of assembly halls to deny HRDs use of meeting spaces. Officials placed individuals under house arrest so they could not attend scheduled meetings while summoning (*chuanhuan*) or detaining organizers. As a result, many gatherings planned by HRDs had to be called off, impeding and hindering the work of defending human rights.

In 2008, as in years past, the government intensified its efforts to prevent assemblies on the dates surrounding the annual sessions of the National People's Congress (NPC) and the National Committee of the Chinese People's Political Consultative Conference (CPPCC), and citizens who attempted to organize gatherings in Beijing during this time were intercepted, attacked, or detained. For example, a group of petitioners planned to hold a press conference on February 28 after releasing an open letter signed by more than 12,000 petitioners on February 27. The letter called upon representatives attending the sessions to address the hardships suffered by petitioners, oppose government corruption, and release petitioner representative Liu Jie (刘杰).²⁶ However, shortly after issuing the letter, at least one organizer, **Wang Guilan (王桂兰)**, was seized by police, forcing the group to cancel their press conference for fear of further reprisals.²⁷

When rights activists travel to meet their counterparts in other towns and provinces, they risk being harassed by the local police. Hubei village elections expert **Yao Lifa (姚立法)** was invited to meet with a group of activists from Jiangxi Province interested in elections and social reform on June 14 in Xinyu City, Hubei Province. Yao, who is routinely subjected to tight supervision by Hubei police, managed to travel to Xinyu and met with the activists at 2 pm in a local guesthouse. Around 4 in the afternoon, a group of policemen from the Xinyu City PSB burst into the meeting, taking away all five individuals present. Four of the five were questioned and released within one day, but the fifth activist, **Zhu Juru (朱菊如)**, was illegally detained for 11

days before being released on June 25. Police never produced any written notice regarding Zhu's detention, nor did they ever give any reason why he was being detained.²⁸

Any sort of exchange between activists makes officials nervous, even if the meetings are of a scholarly nature or simply a few friends getting together for a meal. For example, after the May 12 earthquake in Sichuan Province, Zhejiang democracy activist **Qi Huimin (戚惠民)** was warned by Hangzhou police against going out for tea with friends, and told that any establishment he frequented would be closed. Police also told Qi he was not to meet with friends to discuss disaster relief efforts.²⁹

(See also the "Human Rights Education" section for cases of disrupted gatherings organized by HRDs to provide rights education)

B. Freedom of Association

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;*
- (b) To form, join and participate in non-governmental organizations, associations or groups;*
- (c) To communicate with non-governmental or intergovernmental organizations.*

- Declaration on Human Rights Defenders, Article 5

Administrative regulations to restrict freedom of association

Driven by concerns over "social stability" during the 2008 Olympic Games, the Chinese government increased efforts this year to strengthen control over activists' efforts to establish or join independent associations.

The primary instruments used to limit citizens' ability to establish non-governmental organizations are strict administrative regulations, primarily the "Regulations for Registration and Management of Social Organizations"³⁰ (hereafter referred to as "Regulations for Organizations"). Under the Regulations for Organizations, all civil society groups have to register with and must be approved by the Ministry of Civil Affairs or its counterpart at a lower level of government (county level and above). To do so, an applicant organization must first find a "business/management sponsoring office" within the government willing to sponsor it.

By bringing the act of forming an association under the management of government administrators, the regulations provide the government with a basis upon which it can willfully

interfere with citizens' freedom of association. These regulations are designed to strip NGOs of any semblance of autonomy at their inception, so that organizations which are able to successfully register cannot truly be called NGOs; those that choose to circumvent the management regulations and operate without registering, however, are operating illegally and are subject to interference at any time from a variety of sources.

Interference in NGO Activities

A few independent civil society groups do manage to exist, even if only briefly, despite the administrative obstacles. However, such groups are targeted for surveillance and harassment by the police if their work involves “sensitive” issues. Individuals who want to push for greater autonomy within officially approved and controlled groups are similarly targeted for their activism.

a. Targeting organizers and members of civil society groups

In 2008, organizers and members of civil society groups continued to be detained, summoned and otherwise harassed by the police:

- The staff and organizers of Yirenping Center (益仁平中心), an NGO which focuses on the rights and equal treatment of people with HIV/AIDS and hepatitis, were repeatedly harassed this year. On May 27, a plainclothes policeman took away one staff member from Yirenping's office in Zhengzhou City, Henan Province. Although the staff member returned to the office later in the day, police never acknowledged or explained the reasons for the seizure. Then, on July 3, Lu Jun (陆军), director of Yirenping, was detained for four hours at a border control post in Guangzhou, capital of Guangdong. Lu was returning to Guangzhou from a tour of Hong Kong and the United States, where he



Picture 2: Lu Jun protesting about the closure of Gandan Xiangzhao as director of Yirenping

held press conferences protesting the authorities' forced closure of Gandan Xiangzhao (肝胆相照), a Hepatitis B online discussion forum Lu also organizes.³¹

- In early 2008, a group of dismissed workers from the Jilin Oilfields in Songyuan City,

Jilin Province planned to travel to Beijing to meet with the All-China Federation of Trade

Unions, the official workers' union in China, and establish the "Jilin Oilfields Dismissed Workers' Union". On February 19 and March 12, their representative **Chen Yuping (陈玉平)** was summoned by officials from the National Security Unit of the Songjiang PSB station in Songyuan City, Jilin Province, and warned against establishing the union. Chen's home was also searched, and police confiscated application documents the group had been preparing. On April 10, Chen was taken into police custody by officers from the Songjiang PSB station. On May 6, Chen was sent to a year and a half of RTL for "inciting and creating trouble" and "disturbing social order" by the Songyuan City RTL Committee. Around the time Chen was arrested, two other representatives were administratively detained for ten days for "accepting interviews with foreign media".³²

b. Singling out "trouble-makers" within established organizations

Another approach utilized by authorities was punishing individual members within established organizations who push for greater autonomy for the group. The most notable example of this in 2008 was the case of lawyers urging the direct election of leaders in the Beijing Lawyers' Association.

On August 26, 2008, 35 lawyers, including **Cheng Hai (程海)**, **Zhang Lihui (张立辉)** and **Tang Jitian (唐吉田)**, released a public letter entitled "Conform to the Tide of History, Realize the Direct Election of Lawyers' Association—A Call on all Beijing Lawyers, Municipal Bureau of Justice, Municipal Lawyers' Association"³³, which urged the Beijing Municipal Lawyers' Association, whose leaders are currently hand-picked by judicial authorities, to implement direct elections by the end of 2008. On September 5, the Beijing Municipal Lawyers' Association released a statement in response,

"any individual who uses SMS messages and the internet to link up and associate in private, using the pretext of promoting democratic elections, to publish inflammatory speech, to spread rumors to confuse people's minds, to attempt to cozy up to lawyers who do not know the truth to support the so-called 'direct election of Beijing Lawyers' Association' is illegal. They want to make use of the opportunity...to reject the current lawyer management system, the judicial system and even political system that exists in our country."³⁴

The Chaoyang District Bureau of Justice in Beijing, whose jurisdiction includes law firms which employed 19 of the 35 signatories, called on the heads of those firms to demand that lawyers explain the motives behind their endorsement of the petition. Under pressure from officials, Cheng, Zhang, and other lawyers who signed the petition were explicitly asked by their work

units to leave. Tang's employer refused to extend his contract with the firm. **Yang Xuelin (杨学林)**, another signatory, was "personally received" by officials at the Bureau of Justice of Beijing Municipality in Xicheng District.³⁵

Confronted with the lawyers' legitimate demands for democratic election, participation and management, the authorities adopted an antagonistic and suppressive posture rather than addressing the system leading to the lawyers' complaints—namely, that their rights and interests were not being protected under the current system. Though officials continued to punish the lawyers responsible for the letter through 2009, including closing Beijing's Yitong Law Firm for six months for "re-organization" on February 17, 2009, Beijing lawyers remain unbowed in their quest to institute direct elections for the leadership of the Lawyers' Association.³⁶

c. Harassing NGOs registered as for-profits

Because many NGOs are unable to get permission to register with the Ministry of Civil Affairs (as they can't find government agencies to be their "sponsors"), they instead register as for-profit companies with the Ministry of Industry and Commerce. These organizations are therefore vulnerable to various forms of government interference, as authorities look for faults in their tax compliance and accounting practices. On September 18, a group of representatives from NGOs registered with the Ministry of Industry and Commerce met to discuss official harassment they had faced in the past year.³⁷ For example:

- **Wan Yanhai (万延海)**, the head of Beijing's Aizhixing Institute (爱知行研究所), an NGO working on AIDS issues which is registered as a commercial firm, reported that he and his organization were harassed and investigated a number of times by officials from the PSB and the Ministry of Industry and Commerce for possible fraud or evasion of taxes throughout 2008.
- Beijing's Huiling (慧灵), an NGO working to defend the rights of the handicapped, had the scope of their managerial operations examined in 2008 by authorities from the Ministry of Industry and Commerce, who threatened to shut the group down.

Violation of the right to solicit funding

According to Article 13 of the Declaration on Human Rights Defenders, "everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through

peaceful means”. However, the Chinese government has always been hostile towards organizations that provide funding for human rights activities. It has publicly portrayed HRDs and their organizations who solicit international funding as “unpatriotic”. In 2008, articles were published by official media which pointedly called NGOs which receive funding from the US foundation National Endowment for Democracy “anti-Chinese forces” that “make China unstable”.³⁸

The Chinese government has routinely used activists’ acceptance of foreign funding as “evidence” that they have “linked up with foreign hostile forces”. In 2008, **Chen Daojun (陈道军)**, a cyber activist and freelance writer based in Sichuan, was sentenced to three years of imprisonment and deprivation of political rights for three years for “inciting subversion of state power”.³⁹ Part of the “evidence” used to convict Chen were two wire transfers from the US to Chen’s accounts dated March 12 and April 22, 2008.

Moreover, foreign foundations operating in China, for the sake of staying in business, have placed restrictions on their operations in order to toe the official line. In this repressive environment, HRDs face great difficulties accessing funding, which significantly limits the potential for defending human rights in China.

Not only was it challenging for civil society groups to receive donations, in the aftermath of the May 12 Sichuan Earthquake, they were even prevented from making donations to the victims. The authorities, suspicious of any organizing among activists, harassed, warned and even barred them from organizing donation drives. Individuals, such as petitioner-activist Liu Xueli (刘学立) and six other fellow petitioners from Hunan Province, were detained for 21 hours and Du Qiao (杜桥) and Huang Bin (黄斌), members of an online activist community, Niubo Web (牛博网), were summoned and interrogated for collecting money for earthquake victims. The bank account of Niubo Web was also frozen by the authorities.⁴⁰

C. Freedom of expression and to information

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- UN Declaration on Human Rights Defenders, Article 6

Although the PRC Constitution explicitly stipulates that citizens enjoy freedom of speech and freedom of the press, in practice the government takes draconian measures to abrogate these rights as part of its overarching efforts to control criticism and dissent. The following examples document how in three areas-- media reporting on rights violations, citizens' actions to collect and publish human rights information and online efforts to obtain and spread human rights information—HRDs encountered government interference and punishment in 2008.

Obstruction and Suppression of the Media

A free and open environment for journalists and their work is essential for HRDs to bring issues to the attention of the public and the international community. At present, the Chinese government continues to employ a wide and complex web of regulations and techniques to ensure that the media's primary purpose is to "follow the principles of the Party" (*jianchi danxing yuanze*) The framework for control of the media can be divided into two main levels: On a macro level, government administrative departments exert control through the issuing of administrative regulations, and on a micro level, the CCP Propaganda Department and its offices at various levels directly interfere with the operation and decision-making of all media organizations (See CHRD's recent report, "[Follow the Principles of the Party": State Control of the Media \(and What the Media is Doing to Fight Back\)](#)" for further discussion of the control of print media). Two prominent examples of infringement on media freedom include:

- On June 26, 2008, *Southern Metropolitan News* (南方都市报) was punished by the CCP Propaganda Department after it published a commentary on the May 12 Sichuan earthquake. The commentary, written by columnist Zhu Xueqin (朱学勤), contained a sentence in which the author asserted that the earthquake was the Chinese government's "karma". Following the publication of the commentary, official newspapers heavily criticized the newspaper. Under pressure from the Propaganda Department, the relevant editor was reportedly fired, the newspaper's journalists were

recalled from Sichuan Province, and all articles on Sichuan had to be "reviewed" before publication.⁴¹

- On September 25, 2008, *Caijing Shibao* (财经时报), an independent-minded newspaper, released an announcement that the publication had been punished for "untrue reporting" and for violating a number of media regulations. The newspaper, distributed in Beijing and registered in Inner Mongolia, was barred from publishing for three months. The "untrue" article in question, published in July, is believed to have exposed misconduct of the Agricultural Bank of China, a state-owned bank, in Changde City, Hunan Province.

Foreign media reports continue to be an important channel through which information about China's human rights situation is disclosed and publicized internationally. Sometimes, such reports get "re-imported" back into China through the internet, exerting certain pressure on the government.

Prior to the 2008 Olympic Games in Beijing, under international pressure, the government relaxed control over foreign media. On January 1, 2007, the government issued "Regulations for Foreign Journalists Conducting Interviews within China during the Beijing Olympics and Planning Period"⁴², which stipulated that so long as the individual and their work unit agreed, they could be interviewed by a foreign journalist without official authorization. When the Regulations expired after the Olympics on October 17, the Chinese government extended such freedom to foreign journalists with another regulation.⁴³

However, a few problems remained. First, local governments continued to restrict foreign journalists' ability to interview Chinese citizens. Second, local officials continued to bar journalists from accessing some areas, such as the Tibetan Autonomous Region (TAR). Third, individuals who accepted press interviews were punished and detained, sending a warning signal to others against accepting interviews with foreign journalists.

- On January 3, 2008, police detained and interrogated two reporters from the *Sydney Morning Herald* for interviewing villagers about official forced land appropriation in Fujin City, Heilongjiang Province. The reporters were taken to a hotel in Fujin by the city's vice-mayor, Lu Guangliang (吕广良), and informed that they could not perform interviews because they did not have the proper permit. The reporters stayed at the hotel for one night before returning to Beijing the next day.⁴⁴

- On June 4, 2008, Swedish journalist Ou Fengrui (欧丰瑞) was prevented from reporting in Cifeng Township, Pengzhou City, and Puyang Township, Dujiangyan City, in the aftermath of the May 12 Sichuan earthquake. Although Ou had a journalist's ID issued by the earthquake relief authorities in May, local police said that he needed one issued in June, of which no journalists appeared to be in possession.⁴⁵

Individuals Harassed for Accepting Interviews or Collecting Information

Restricting or interfering with efforts to collect information about human rights limits HRDs' abilities to aid victims of rights abuses. In 2008, a number of individuals who closely monitor the human rights situation were persecuted by local officials for performing on-the-spot investigations and relating information concerning rights violations to others. At the same time, some assistants to these investigators, or citizens who accepted interviews related to rights violations, were also threatened or retaliated against by local officials.

- On June 10, Tianwang Human Rights Center (www.64tianwang.com) director **Huang Qi (黄琦)** and volunteers **Pu Fei (蒲飞)** and **Zuo Xiaohuan (左小环)** were kidnapped and detained by a group of unidentified individuals in Chengdu, Sichuan. It was later discovered that the kidnappers were Chengdu police. On July 18, Huang was formally arrested on suspicion of "illegal possession of state secrets", while the two volunteers were released. Huang was detained for reporting and giving interviews to foreign journalists about protests staged by families of schoolchildren who died in the Sichuan earthquake. Huang remains in detention awaiting trial to this day.⁴⁶
- On August 6, **Zhang Wei (张薇)** and **Ma Xiulan (马秀兰)** were detained on suspicion of "disturbing social order" for accepting interviews with foreign journalists on August 4. Zhang and Ma were part of a group of petitioners who had been seeking redress from higher authorities regarding the forced demolition of their traditional Beijing homes in Qianmen district, an area renovated for the Olympics. On August 4, the group of petitioners was on their way back from petitioning the Letters and Visits Office of the Beijing Municipal Government when they met a group of foreign journalists. The petitioners told the journalists of their experience. Zhang and Ma were released on bail in early September after the Olympics ended.⁴⁷

Internet Censorship and Suppression of Online Activism

As the government exercises almost total control over traditional media sources, HRDs have relied on the internet to conduct investigations, transmit and receive information, and mobilize

citizens to take actions defending their rights. Because the human rights community relies so heavily on the internet, the government has responded in kind by steadily strengthening its technical control and cyber policing online.

The government continued efforts to interrupt the flow of information through websites in 2008, blocking the sites of CHRD (www.crd-net.org), Tianwang Human Rights Center (www.64tianwang.com), Civil Rights and Livelihood Watch (www.msguancha.com), Boxun (www.boxun.com), and other websites and blogs devoted to publicizing human rights information. While the more technology-savvy citizens in China were able to access these sites through the use of a proxy server or other means, some sites based in China, particularly individual blogs and discussion forums, were permanently removed from the internet on the orders of authorities. The following are examples of websites closed or blocked by Chinese internet authorities in 2008:⁴⁸

- On March 12, **Dai Huaming (戴华明)**, owner of the independent website Voice of Ordinary Chinese People (中国百姓之声网, www.daixn.com), was ordered by the Tianjin PSB to delete an article on government misconduct in Hunan or face closure. The website is hosted by both foreign and Chinese servers and the website hosted by a foreign server continues to be blocked by the authorities.⁴⁹
- CHRD learned on August 21 that the website Rights Defense China (维权中国, www.315wqchina.com) was closed. The company which hosts the website was notified by the Communications Administration that the website needed to be closed due to “harmful information”. Reportedly, Rights Defense China was closed for publishing a poem written by a Shanghai policeman active in promoting civil rights. Rights Defense China has previously been closed on numerous occasions since it started operations in early 2008.⁵⁰

While the release of *Charter 08* on December 10, 2008, and the ensuing support it received, marked a powerful moment for HRDs, it also provided a vivid illustration of the lengths to which the Chinese government is willing to go to control the spread of information on the internet. As was the case during the Sanlu milk powder scandal, the Sichuan earthquake, and other major events during 2008, internet officials took steps to block the vast majority of sites which contained the text of the Charter or discussions about its content. Between December 12 and 27, CHRD conducted a number of searches on Google.cn, Baidu, Yahoo and Sina Blog, popular search engines and blog portals in China, and found that all four had swiftly removed or blocked access to articles discussing or even mentioning the Charter.⁵¹ However, despite the continued

official repression on the Charter, including harassment and detention of some of the signatories, the number of those endorsing the Charter continues to grow.

(For more information regarding internet censorship, please see CHRD's recent report, [Tug of War over China's Cyberspace: A Sequel to Journey to the heart of Internet censorship](#))

D. Right to participate in public affairs

"1. Everyone has the right, individually and in association with others, to have effective access, on a nondiscriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms."

--Article 8 of the Declaration on Human Rights Defenders

Activists persecuted for participating in public affairs

Two popular venues through which activists tried to participate in public affairs in 2008 were releasing open letters or petitions, usually to appeal to government authorities for legal reform or policy change, and monitoring village elections.

a. Harassment of Activists who Issued or Collected Signatures for Public Petitions

In 2008, writing and publishing open letters remained one of the most popular means through which individuals and groups voiced their opinions and made suggestions regarding public affairs. Many of the open letters or public petitions released in 2008 called for better protection of human rights. For example, following the March "riots" in the Tibetan areas of Western China and the Chinese government's crackdown on those areas, thirty prominent Chinese released a public letter entitled *Twelve Suggestions for Dealing with the Tibetan Situation* on March 22. The letter condemns "violent acts against innocent people" and "strongly urges the Chinese government" to "end the propaganda" and news blockade surrounding the Tibetan incidents and to "stop the violent suppression."⁵² Another example was a public letter issued on April 19 by Hu Xingdou (胡星斗), a professor at Beijing Institute of Technology, calling on China to "abolish the RTL system, grant amnesties and ratify the International Covenant on Civil and Political Rights" prior to the Olympic Games in response to the West's criticism of its rights records.⁵³ And, of course, *Charter 08*, a public appeal released on December 9, the day before

International Human Rights Day, calling for bold reforms that promote democracy and human rights in China. The Charter was initially signed by 303 Chinese, and the signatories swelled quickly to 7,000 by the end of December.

Unfortunately, the Chinese government never responds positively to these public letters. A number of activists were detained and imprisoned for collecting signatures to endorse these open letters in 2008. Authorities seemed to be particularly alarmed by public petitions organized by grassroots activists and endorsed by a large number of ordinary people. Yang Chunlin (杨春林), a worker and activist from Jiamusi City, Heilongjiang Province, was convicted of “inciting subversion of state power” and sentenced to five years’ imprisonment and two years’ deprivation of political rights on February 19. Yang was punished for collecting signatures to endorse the open letter, “We Want Human Rights, not the Olympics”. The letter was reportedly signed by more than 10,000 people, mostly Heilongjiang farmers who had been fighting forced eviction and were sympathetic with other victims of land loss in cities where officials have used the Olympics as a pretense to grab land or housing without adequate compensation.⁵⁴ Following Yang’s arrest, two village representatives from Heilongjiang, Yu Changwu (于长武) and Wang Guilin (王桂林), along with “barefoot lawyer” Yuan Xianchen (袁显臣), were sent to RTL or imprisoned for helping Yang collect signatures.⁵⁵

In another example, **Wang Guilin** (王桂兰), a petitioner-turned-activist from Enshi City, Hubei Province, was detained on February 28, immediately after the release of an open letter (which Wang helped organize) signed by 12,709 petitioners calling on the Chinese government to improve its human rights records. Wang was released after the annual sessions of the National People’s Congress (NPC) and the National Committee of the Chinese People’s Political Consultative Conference (CPPCC) ended in March.⁵⁶

However, it did not take thousands of signatories to make the authorities nervous, especially when public letters touched on “sensitive” matters. After AIDS activists **Li Xige** (李喜阁) and **Miaojue Cizhi** (妙觉慈智) released a public call for a hunger strike to protest the recent imprisonment of Hu Jia (胡佳), a fellow AIDS activist and prominent human rights defender, police barged into Li’s home in Ningling County, Henan Province on May 1 and took Li and Miaojue Cizhi away. Miaojue Cizhi and Li were released on May 8 and 12, respectively.⁵⁷

b. Persecution of Activists for monitoring village elections

In 2008, many villages held elections to choose members of their village committees, part of a three-year election cycle in rural communities. Although village committees are not considered a level of government administration and members of the committee, who run community affairs and manage collective assets, are not government officials, many individuals took the initiatives to monitor and participate in these elections, hoping to ensure that these elections



Picture 3: Yao Lifa

were conducted according to stipulated procedures in the PRC Village Committee Organization Law⁵⁸ and to promote villagers' limited right to be elected and to elect. In 2008, some of these individuals were harassed, summoned and detained for monitoring elections and exposing violations of election procedures.

For example, on March 26, **Yu Tongan** (余同安), a villager from Beikeng Village, Gujing Township, Jiangmen City, was summoned and interrogated for seven hours by local police after telling foreign journalists that a local election was rigged and that vote-buying had taken place.⁵⁹ On October 31, **Yao Lifa** (姚立法), an activist from Qianjiang City in Hubei Province, disappeared on his way to a village in Qianjiang. It was later discovered that he was

kidnapped and detained by local officials in a "black jail" outside of Qianjiang, a measure taken to prevent him from further providing legal advice to villagers and exposing violations in village elections, underway in many parts of Qianjiang. Yao was released on November 12.⁶⁰

E. Right to complain and to a fair trial

"1. In...the promotion and protection of human rights...everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. ...everyone whose rights or freedoms are allegedly violated has the right...to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law...

3. To the same end, everyone has the right, individually and in association with others, inter alia:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings...so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms."

--Article 9 of the Declaration on Human Rights Defenders

The right to complain and seek official accountability

Every year, millions of individuals visit offices at various levels of the government bureaucracy to lodge complaints against officials or government agencies.⁶¹ Many of these petitions concern human rights violations, such as forced evictions, land appropriation, torture and unfair trials. Although Article 41 of the Chinese Constitution guarantees a citizen's right to criticize and make suggestions to government officials and agencies, according to a CHRD report published in March,

"the Chinese government has developed a complex extra-legal system to intercept, confine, and punish petitioners in order to control and silence them, often employing brutal means such as assault, surveillance, harassment of family members, kidnapping, and incarceration in secret detention centers, psychiatric institutions and RTL camps."⁶²

Interception and abuse of petitioners increased in the days and weeks leading up to the Olympic Games in August. Together with interceptors, Beijing police and officially-recruited "Citizen Volunteers for Olympics Security" effectively barred these potential "trouble-makers" from Beijing. All over China, interceptors were stationed at local transportation hubs to look out for petitioners. When caught, petitioners were forcibly returned to their home areas and often incarcerated in "black jails" or sent to RTL camps.

- On April 17, **Wang Guilan** (王桂兰), a petitioner and rights activist from Enshi City, Hubei Province, was intercepted by police in Beijing when walking on the streets on the pretext of "checking identification cards". Wang was forcibly sent back to her hometown, Enshi City, where she was held in a pair of black jails between April 18 and July 29. On

May 6, Wang was told by the Secretary of the Enshi City Political and Legal Affairs Committee that she was to be detained until after the Olympics. Wang was later criminally detained and then sent to 15 months of RTL for, according to the Enshi authorities, accepting a phone interview by foreign journalist during the Games.⁶³

- On July 25, **Zhang Hua** (张华), a petitioner against forced demolition from Nantong City in Jiangsu Province, was apprehended while petitioning at Jiangsu High Court. Zhang was held incommunicado in a local black jail in Nantong City until early October, after the Olympics ended. Zhang said that before she was released, she was made to write a letter of repentance promising never to petition again.⁶⁴

Case Study 2: Teachers' representative detained for organizing lawsuit against government

On June 2, **Xu Zexin** (许泽新), a teachers' representative from No. 2 Middle School in Douhe Township, Xiantao City, Hubei Province, was detained in an "education class"--an illegal and secret detention facility--at an unknown location in Douhe. Since 2007, teachers in Xiantao have been seeking a pay raise, to which they are legally entitled but are being denied by local officials. Between May and June 2008, Xu led the teachers in filing lawsuits against the local government, but the courts refused to accept the case. On June 2, on the pretext of "discussing the issue", Douhe educational authorities brought Xu to the "education class" and detained him. Xu was later released.

In addition to petitioning, many individuals made use of the Administrative Litigation Law⁶⁵, passed in 1989, to sue the government in cases of alleged misconduct. According to a November 18 *Legal Daily* article, Chinese citizens filed over 100,000 lawsuits against government agencies or officials in 2007 and won about 30% of them.⁶⁶ The article pointed out, however, the number of administrative lawsuits against the government remained very small compared to other types of court cases because the Law's scope is too narrow, making it applicable only to a few types of government misconduct under certain circumstances.

An important point missing from this article is that most ordinary citizens do not file lawsuits when their rights are violated because they believe they are unlikely to win and that doing so might even bring retaliation from the local government (See Case Study 2). Courts at all levels are controlled by the CCP Political-Legal Committees (*zhengfawei*, 政法委) and as local courts are dependent on the local governments for funding and appointment of judges, plaintiffs whose lawsuits are “sensitive” can always count on losing. Often, the courts will not even accept these cases. “Sensitive” lawsuits include those filed by HRDs, practitioners of Falun Gong and petitioners who have been sent to RTL, and, since 2008, those filed by victims of the Sichuan earthquake and those affected by the Sanlu milk powder scandal. (See Case Study 3).

Case Study 3: Courts Refuse to Accept Lawsuit Filed by Detained Applicant to Olympics "Protest Zones"

On November 12, Liu Xueli (刘学立), a petitioner and activist sent to RTL after he applied to protest at the "Protest Zones" in Beijing, was refused a court hearing against the RTL decision.

On that day, Liu's lawyers went to Xigong District People's Court in Luoyang City, Henan Province, to file an administrative lawsuit against the Luoyang RTL Management Committee, which made the decision to send Liu to RTL. The Court refused to accept the case. According to "regulations" by "higher authorities", said a court clerk, all administrative lawsuits filed by individuals challenging the decision to send them to RTL due to petitioning "cannot be accepted". The lawyers received the same response when they went to Luoyang City Intermediate People's Court, a court at a higher level. When the lawyers confronted the court officials, they refused to give them a written refusal or a copy of the "regulation", or to name the "higher authorities" which made the decision.

The right to access legal counsel

A number of detained HRDs were denied access to legal counsel prior to their trials in 2008. Although the new Lawyers Law⁶⁷, which guarantees the right of a lawyer to meet with a client under criminal investigation, came into effect on June 1, lawyers were still frequently prevented from meeting their clients, especially if the latter were HRDs. Often this was because, according to police, the cases involved “state secrets”. According to the relevant guidelines governing “state secret” cases- Article 96 of the Criminal Procedural Law⁶⁸- permission of the investigative organs (that is, in most cases, the PSB⁶⁹) is needed before lawyers can be granted

access to their clients. Because there are no clear legal parameters to determine when and under what circumstances the police can claim a case involves "state secrets," police use this exemption at will.

- On June 16, **Zhu Jiuhu** (朱久虎), lawyer for **Chen Daojun** (陈道军), a Sichuan internet activist, was denied access to Chen by the Jintang County PSB in Sichuan Province because Chen's case involved "state secrets". The next day, Zhu was again denied access by the Chengdu PSB, who cited the same reason. Zhu was finally allowed to meet with Chen on October 10, at which point Chen had been held without legal counsel for five months. Chen was apprehended on May 9, 2008, and officially arrested on June 13 for "inciting succession".⁷⁰
- **Huang Qi** (黄琦), human rights activist and director of Tianwang Human Rights Center (www.64tianwang.com), was denied access to legal counsel between June 10 and September 23 because, according to the National Security police under Chengdu PSB Wuhou District Subdivision, his case involved "state secrets". Huang was detained on June 10 and formally arrested for "illegal possession of state secrets" on July 18, 2008.⁷¹

The right to attend public hearings

Human rights activists, petitioners, journalists and even members of foreign embassies are often barred from attending trials, especially when the cases involve HRDs or when they have broader human rights implications. The trials might not be opened to the public in the first place. Even if they are supposed to be opened to the public, the authorities manipulate the procedures to prevent members of civil society from attending the trials. For example, the courts often hold such trials in small court rooms already filled with police officers or court clerks. The authorities then deny entry to HRDs and other individuals who have come to attend the trial, using excuses such as "the courtroom is too small" or "all the tickets [for attending the trial] have been given out". Sometimes, HRDs find themselves detained in their homes prior to the hearing, or they arrive at the courthouse only to be taken away by the police. Below are some examples:

- Human rights defender **Hu Jia** (胡佳) was tried on March 18 at the Beijing Municipal No. 1 Intermediate People's Court. Although the trial was supposed to be public, Hu's father, his wife **Zeng Jinyan** (曾金燕) and a number of foreign diplomats were barred from attending it. According to the authorities, Hu's father and wife were barred from the trial because they were "witnesses" to the case and had previously been questioned in

connection to it. A number of Hu's friends, **Li Xiongbing** (黎雄兵), **Jiang Tianyong** (江天勇), and three other lawyers were taken to a police station, threatened and beaten for attempting to attend the trial. The authorities had also taken away a number of Hu's outspoken friends and supporters in Beijing and brought them to locations outside of the capital to prevent them from speaking with journalists.⁷²

- **Lu Gengsong** (吕耿松), a Hangzhou-based freelance writer and HRD, was convicted of "inciting subversion of state power" by the Hangzhou City Intermediate People's Court and sentenced to four years imprisonment and one year political rights deprivation on September 29, 2007. Lu appealed, but in a closed trial on April 14, the Zhejiang Provincial High Court rejected his appeal.⁷³

The right to offer legal counsel

Lawyers who take human rights cases on a regular basis or provide professional legal assistance to victims of human rights violations and HRDs are often subjected to forced disappearances, beatings, harassment, intimidation and monitoring. Some are even barred from practicing law.

Lawyers can even be prosecuted for statements made in court. Article 306 of the Criminal Law makes it a criminal offence when a lawyer "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". Article 37 of the recently-amended Lawyers Law states that "lawyers whose speech endangers the national security, or who maliciously slander others and seriously disturb the order of the court" can be prosecuted. Such provisions help to deter most lawyers from defending "sensitive" individuals and threaten those lawyers who do with the possibility of criminal prosecution and imprisonment.

After the riots in the Tibetan regions in mid-March, thirty Tibetans were put on a highly-publicized trial. The Tibetans were represented by lawyers appointed by the government, who did not meet the defendants prior to the trial. Some even sought harsher punishment for the accused while in court. According to the families of the accused, almost all of those on trial had been tortured and coerced to confess. The families were too afraid to invite independent lawyers to represent the Tibetans. Meanwhile, twenty-one lawyers who extended free legal aid to the arrested Tibetans were summoned by the authorities, made to admit wrongdoing, told to dissociate themselves from the initiative, and threatened with punishment. Many were placed under police surveillance for weeks and some had the annual renewal of their lawyers' licenses suspended by the Beijing Bureau of Judiciary Affairs. The Bureau also threatened several law firms where the "problematic" lawyers were employed that renewal of the firms'

licenses would also be put on hold. In the end, **Teng Biao** (滕彪), who worked at Beijing's Huayi Law Firm and was also a lecturer at China University of Politics and Law, had his license cancelled.

To ensure that other lawyers understood the limits on taking "sensitive" cases, on April 14, the government-organized Beijing Municipal Lawyers' Association issued a notice outlining eight guidelines regarding lawyers who work in "sensitive and collective cases". When dealing with these cases, the notice said, lawyers must report to the Lawyers Association and "coordinate and communicate" with the relevant authorities. Lawyers should "protect socialism" and work to "promote harmony and stability".⁷⁴

The judicial authorities were similarly manipulative but resolute in blocking the lawyers' initiatives to provide legal aid to parents of infants who became ill after drinking tainted milk products produced by the Sanlu Group. After the scandal was exposed on September 12, a group of thirty-one lawyers announced that they would volunteer to answer phone calls from concerned parents interested in seeking compensation and exploring avenues for legal recourse. The lawyers also drafted a guide to compensation for the victims, explaining how they could gather evidence and protect their rights through legal means. The group quickly expanded to 107 lawyers across twenty-three provinces and municipalities by October 7.⁷⁵

Lawyers participating in this nationwide initiative soon received visits and calls from local judicial authorities. On September 22, the Shenzhen Bureau of Judicial Affairs told **Huang Xuetao** (黄雪涛), a lawyer at the Shenzhen Office of Beijing's Dipingxian Law Firm, that she should abide by a number of restrictive rules set by the Office in regard to her interaction with victims of tainted milk.⁷⁶ On September 27, in Henan Province, judicial officials "had a chat" with the participating lawyers and the directors of their law firms, asking these lawyers to leave the group. The informal group was gradually dissolved.



Picture 4: Teng Biao

One of the most egregious violations to the right to provide legal counsel in 2008 was the kidnapping of Beijing human rights lawyer **Teng Biao** (滕彪) between March 6 and 8. Teng was seized near his home on March 6, forced into an unlicensed car, hooded, and driven to an unknown location about 40 minutes away. Once there, he was interrogated, verbally abused and repeatedly threatened. The kidnappers identified themselves as police from the National Security Unit of Beijing PSB but produced no legal warrant during the

abduction. Although Teng was barred from disclosing any details of the threats or the interrogation, it is believed that his abduction was related to the detention of Hu Jia, a fellow Beijing activist.⁷⁷

A further example of serious violations to the right to offer legal counsel was the beating of Li Xiangyang (李向阳), a teacher and “barefoot lawyer” from Yishui County, Shandong Province, by the judge presiding over a case involving a land dispute on January 17.⁷⁸ Also, in June, Liu Yao (刘尧), a Shenzhen lawyer, was convicted of “damaging property” by Dongyuan County People's Court in Guangdong Province and sentenced to four years in prison. Liu was reportedly punished for acting as a legal representative for villagers whose land had been forcibly appropriated for the construction of a local hydropower station in Dongyuan County, Heyuan City in Guangdong Province. The prosecution contended that Liu had gathered villagers to prevent the construction and damaged the station.⁷⁹

Part II. An Assessment of Government's Failure to Promote Human Rights Education and Protect Human Rights Defenders

A. Failure to promote human rights education

"1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution."

--Article 14 of the Declaration on Human Rights Defenders

Human rights information remains unavailable to the general public

Although the Chinese government has, on numerous occasions, claimed before international audiences that it "emphasizes education and training for public servants in the areas of human rights"⁸⁰, in practice, it has taken few steps to make human rights information widely available to the general public. CHRD has found no evidence of systematic human rights education and training for government officials. Genuine human rights education is conspicuously absent from primary and secondary school curriculums, as well as higher education, though some university research seminars may have touched upon the topic and some research centers may have compiled or housed some human rights information. International human rights documents published by the UN cannot be found in China's bookstores or public libraries. Electronic versions of international human rights documents, such as the "Concluding Observations of the Committee against Torture (CAT)" following the CAT's review of China's state reports in November, and the Chinese government's "voluntary pledge" in seeking re-election to the

Human Rights Council in 2006 and 2009, are very difficult to find on the internet using search engines because the government has failed to make them readily available to the public. The situation is exacerbated by the fact that the websites of human rights organizations, many of which contain full texts of these international human rights documents, are censored and cannot be accessed in China.

Preventing the spread of human rights information in China

Instead, the government has harassed and intimidated activists for making copies of international human rights documents and distributing them to the public. On March 15, human rights activists in Guiyang City, Guizhou Province, distributed a thousand copies of the Universal Declaration of Human Rights (UDHR) to fellow citizens to celebrate the year of the 60th anniversary of the UDHR. For that, several of them were taken to the police station by the National Security Unit under the Guiyang City PSB and one was put under house arrest for the day. They were all subsequently released.⁸¹

This loose circle of activists, known as the “Guizhou Human Rights Forum”, was repeatedly harassed and constantly watched in 2008 for their efforts to educate fellow citizens about human rights. On September 7, Guizhou police seized a copy of the UDHR from Chen Jinyou (陈锦友), a Guangdong activist who was visiting Chen Xi (陈西), a Guiyang activist. The police referred to the copy of the UDHR, a gift from Chen Xi, as an “illegal” publication.⁸² Then, on October 22, the Guiyang activists were warned against organizing a citizen forum on human rights to commemorate the 60th anniversary of the UDHR on December 10. Guizhou police told the activists that the event was “illegal” and that the invitations they had sent out to about two hundred participants were similarly “illegal”.⁸³ True to their word, between December 4 and 11, police illegally detained Guiyang activists Chen Xi (陈西), Shen Younian (申有年) and Du Heping (杜和平) in the suburbs of the city to prevent them from organizing the event on December 10.⁸⁴

Not only did the Chinese government actively prevent citizens from taking initiatives to educate fellow citizens about human rights, its official media even initiated a publicity campaign rejecting the idea of human rights in 2008. In May 2008, Sima Nan (司马南), a celebrity and a suspected pseudonym for a team of CCP writers, criticized the Nanfang Newspaper Group in a series of blog articles as well as an interview with *Economic Observer Online* (经济观察网) for advocating universal values such as human rights, democracy and freedom. Following these articles, a number of Beijing-based official media outfits, including *Qiushi* (求是, operated by

the CCP Party School), *Huanqiu Times* (环球时报, operated by the Ministry of State Security) and *People's Daily* (人民日报) issued a series of similar editorials attacking these values. The large number of such articles, the similarity of their views and their coordinated timing suggested that the government tacitly approved of, if not actively supported, this tirade against the idea of human rights, reflecting the authorities' worry that knowledge of these values may be spreading among the Chinese.

Preventing HRDs from participating in international human rights activities

In 2008, there were numerous cases in which HRDs invited to attend training sessions abroad or meet with representatives of foreign governments were warned against going, put under residential surveillance, taken away from their homes and detained, stopped at the airport or border, or had their passports confiscated.

- In September, **Wen Kejian** (温克坚) and **Zan Aizong** (管爱宗), both Hangzhou-based internet writers and HRDs, were barred from attending a workshop organized by International Service for Human Rights, a Geneva-based organization. Zan was prevented from leaving by the border police at Shanghai Pudong Airport while Wen was stopped at the Shenzhen border as he crossed into Hong Kong en route to Geneva.⁸⁵ The police did not issue any written or verbal explanation regarding the incident or compensate Zan and Wen for having to cancel their tickets.
- On June 29, at least nine Beijing-based human rights activists were detained, put under house arrest or warned in order to prevent them from meeting members of the U.S. Congress visiting China. Three lawyers, **Li Baiguang** (李柏光), **Teng Biao** (滕彪) and **Jiang Tianyong** (江天勇) were barred from attending a dinner on June 29 to which they had been invited by visiting members of Congress. On that day, Li and Teng were taken to a holiday resort in Huairou, a Beijing suburb, and detained by police. Teng was brought home later and put under house arrest. Jiang was barred from leaving his apartment block until after the dinner ended. Other human rights activists who were either warned against or barred from meeting the congressmen included **Li Heping** (李和平), **Li Xiongbing** (黎雄兵), **Li Fangping** (李方平), **Fan Yafeng** (范亚峰), **Zhang Xingshui** (张星水) and **Liu Xiaobo** (刘晓波).⁸⁶

"Human rights" behind closed doors

On November 4, the Chinese government announced that it would draft its first "National Human Rights Action Plan" prior to the review of China by the UN Committee Against Torture on November 7 and 10 and by the Human Rights Council in its Universal Periodic Review mechanism on February 9 and 11, 2009.

Suspecting that the Action Plan was merely a publicity stunt to placate the international community at a time when China's human rights record was up for review, CHRD issued a press release on November 7 calling on the government to invite members of the public to participate in the Plan's drafting.⁸⁷ However, as CHRD had feared, similar to previous government-led "human rights initiatives" (including the regular human rights dialogues between Chinese and foreign governments), the public and civil society, especially independent human rights activists and NGOs, were excluded in the drafting process. In fact, individuals who tried to participate were barred from submitting their proposals and were punished.⁸⁸

B. Failure to protect Human Rights Defenders

"1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, 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 referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms."

--Article 12 of the Declaration on Human Rights Defenders

In 2008, HRDs continued to be subjected to various forms of persecution and retaliation, including:

- Arbitrary detention⁸⁹
 - house arrest (or "residential surveillance" and "soft detention" [软禁])
 - detention in "black jails" such as inns or government buildings
 - Re-education through Labor (RTL)

- detention in psychiatric institutions
- detention and imprisonment
- Forced disappearances
- Torture and other cruel, inhuman or degrading treatment
- Surveillance and other forms of harassment and intimidation

Arbitrary Detention

a. House arrest (or “residential surveillance” and “soft detention” [软禁])

In 2008, the Chinese government continued to routinely put HRDs under house arrest and restrict their freedom of movement, especially when authorities wanted to bar them from protesting or submitting petitions to government offices, meeting other HRDs or attending events hosted by diplomats or foreign governments. Families of imprisoned or detained HRDs were often subjected to house arrest as well, so that they remained silent on the situation of the HRDs concerned.

- On May 24, **Wan Yanhai** (万延海), head of China's leading HIV/AIDS organization, Aizhixing Institute, was subjected to residential surveillance during the China-US human rights dialogue in late May. Police guarded the entrance to his home around the clock. When he went out, he had to travel in a police car and was escorted by other police cars. The police did not present any legal warrant justifying their actions.⁹⁰
- Between April and September 23, **Hu Cheng** (胡诚), a workers' rights activist from Changshu, Jiangsu Province, was subjected to residential surveillance. Six plainclothes officers believed to be dispatched by the local PSB guarded his residence around the clock in two shifts. When Hu went out, he was closely followed by the same officers. Hu was reportedly confined to prevent him from “making trouble” during the Olympics.⁹¹

b. Black jails

“Black jails” are illegal and secret detention facilities set up by local governments in Beijing and other areas to detain individuals, most commonly petitioners and sometimes HRDs, for an indefinite period of time without charge or trial. Detainees in these jails, set up in government buildings, police-owned or government-run hotels, or rented hotel rooms, are often treated badly—they are given little or no food and water, beaten, denied access to medical treatment and subjected to other degrading treatment. Black jails form an integral part of an illegal system that intercepts and arbitrarily detains petitioners, a system that became more extensive

and systematic as China prepared to host the Olympics. Since the end of the Games, these black jails continue to exist and have become institutionalized.⁹²

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 officials. 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. After years of petitioning, some veteran petitioners have also become human rights activists, defending the rights of others. Examples of petitioner-activists who were incarcerated in these black jails in 2008 include:

- **Zheng Dajing (郑大靖)**, a petitioner and HRD from Hubei Province, was illegally detained in a "black jail" at Hongtai Yuansigou Village, Yunxi County, Hubei Province between September 2007 and November 18, 2008. Zheng was repeatedly beaten and then denied access to medical treatment in the black jail. Zheng became very ill and on November 17, he was brought to Yuanxi County People's Hospital by his captors. When Zheng's jailors discovered that he was suffering from several illnesses, they deposited RMB 1,000 for his medical expenses and then left him at the hospital, probably fearing responsibilities for his illnesses and the medical expenses they would incur.⁹³
- **Yang Peiqun (杨培群)**, a representative of earthquake victims from Guilin Village, Xujia Township, Dujiangyan City, Sichuan Province, was intercepted on September 22 while petitioning in Beijing about the misappropriation of relief funds and materials by the local cadres in the village. Yang was first held at the Beijing Liaison Office of the Sichuan Provincial Government, where other Sichuan petitioners were also held, and then an unknown inn in Beijing before being forcibly escorted back to Dujiangyan City where she was held in an "educational class" supervised by the Dujiangyan City CCP Political-Legal Committee. Throughout her transfer and during her detention in various black jails, Yang was repeatedly beaten, kicked and scolded by the interceptors and guards. Yang was finally released after her husband paid the head of the Dujiangyan City CCP Political-Legal Committee RMB 5,000.⁹⁴

c. Re-education through Labor (RTL)

Re-education through Labor is an administrative punishment measure through which, without any legal proceeding or due process, individuals can be detained and subjected to forced labor for a maximum of three years with the possibility of extending their term to a fourth year.

According to the Chinese government, 170,000 individuals are currently detained in 320 RTL camps.⁹⁵ Detainees in these camps are treated poorly—they are subjected to frequent beatings and torture and heavy, coerced and unpaid labor in hazardous working conditions, among other forms of mistreatment.

As RTL offers the police a swift, hassle-free and long-term solution to dealing with HRDs, it is one of local authorities' favorite methods of punishing and detaining these individuals. Grassroots activists seem more likely to be sent to RTL in part because they are less well-known and the authorities do not feel the need to organize a show trial to legitimize their detention. It is therefore not surprising that many grassroots activists were sent to RTL in 2008:

- **Yu Changwu** (于长武) and **Wang Guilin** (王桂林), village representatives from Fujin City, Heilongjiang Province, were sent to, respectively, two and one and a half years of RTL in January. Yu and Wang were punished for representing Fujin villagers who had been fighting for their land rights. On December 8, 2007, 40,000 villagers in 72 villages in Fujin City released a public notice declaring their rights to 100,000 hectares of land in their villages. The villagers claimed that the land had been appropriated by local officials beginning in 1994.⁹⁶
- **Zheng Mingfang** (郑明芳), a petitioner-turned-activist from Ji County, Tianjin, was taken from her home on February 29 by Tianjin police and later secretly sent to two years of RTL. Zheng was sent to RTL as part of “clean-up” operations to rid Beijing of potential protesters as it prepared to host the Olympics. A successful small business owner, Zheng became a petitioner after local authorities repeatedly extorted money from her. Zheng later became a rights activist and was sentenced to two years for “illegally operating” her business in 2004 after she joined Ye Guozhu (叶国柱), a prominent housing rights activist, in requesting permission to organize a march against forced eviction.⁹⁷

d. Psychiatric institutions

In China, the legal framework regulating the involuntary hospitalization of individuals suffering from mental illnesses is vague and incomplete, and there are no concrete details as to the circumstances under which the individual should be subjected to compulsory medical treatment. As a result, local governments develop their own regulations on involuntary hospitalization. Taking advantage of this loophole, police have enjoyed great discretion in claiming that certain “troublemakers” are “mentally ill” and subsequently detaining them in mental hospitals. The police are not required by law to arrange an independent mental health

evaluation of the individual and can subject him or her to involuntary hospitalization following approval from a higher PSB. Even when the individual's mental state is evaluated, it is questionable how independent and professional the mental health "experts" are who carry out the evaluation. Involuntary hospitalization has therefore been used as a convenient tool for local governments to punish individuals for defending human rights or complaining about official misconduct.

For example, between early July and September 19, **Hu Jing (胡敬)**, an HRD from Chongqing, Sichuan Province, was incarcerated in a psychiatric institution to prevent him from petitioning during the Olympics. Hu told CHRD that after his release, Chongqing Jiulongpo District Mental Health Center refused to give him his mental health record despite repeated requests. Hu had defended workers' rights at a state-owned motor company in Chongqing and is a member of the banned political group Pan-Blue Alliance of Chinese Nationalists. This was the third time Hu had been detained in a psychiatric institution. After his release from the first detention, Hu went for an independent assessment of his mental state and was confirmed to be healthy.⁹⁸

e. Detention and imprisonment

In 2008, a number of well-known HRDs were arrested, detained and imprisoned on trumped-up or groundless charges, such as **Yuan Xianchen (袁显臣)**, **Ni Yulan (倪玉兰)**, **Chen Daojun (陈道军)**, **Wang Xiaoqiao (王小巧)**, **Sun Lin (孙林)**, **Hu Jia (胡佳)**, **Yang Chunlin (杨春林)** and **Lu Gengsong (吕耿松)**. Charges often used to detain and imprison HRDs include "disturbing social order", "gathering crowds to disturb social order" and "inciting subversion of state power." These are vaguely defined charges and they give plenty of room for interpretation by law enforcement and judicial authorities. Moreover, because China's judiciary, PSB and the Procuratorate are controlled and directed by the CCP's Political-Legal Committees, instead of working as three separate and independent entities performing different functions, the three are required by the Political-Legal Committee to "cooperate" in solving criminal cases and convicting "troublemakers" such as HRDs. The cases of Chen Daojun and Wang Xiaoqiao, discussed below, are common examples of HRDs imprisoned for fabricated crimes in retaliation for their work to defend rights.

- **Chen Daojun (陈道军)**, a cyber activist and freelance writer from Chengdu City, Sichuan Province, was apprehended on May 9, 2008, following a 200-person march in Chengdu protesting the construction of a petrochemical plant on May 4. According to the police, Chen, who posted articles online encouraging Chengdu citizens to protest the construction, incited an "illegal" demonstration. It is also believed that Chen was

punished for publishing articles online that supported the Tibetans who protested against the Chinese government in March.

Chen was initially detained on suspicion of "inciting subversion of state power" but the charge was later dropped. Instead, Chen was formally charged with "inciting secession" and then tried for the same crime on November 5. However, during his sentencing hearing, Chen found himself convicted of "inciting subversion of state power", a charge which Chen was never formally charged with or tried for.⁹⁹

- **Wang Xiaoqiao (王小巧)**, a petitioner and AIDS activist from Xincai County in Henan Province, was convicted of "extortion" and sentenced to one year in prison on August 12. Wang was taken into police custody while petitioning the provincial government about compensation after her husband contracted AIDS from a blood transfusion at a local government hospital. The so-called "extortion" refers to Wang's demand for compensation on behalf of her family after a nearby kiln polluted and damaged the family's crops. After Wang complained to the relevant authorities, in the early half of 2007 Wang and the kiln's owner reached a settlement and the latter paid RMB 4,800 in compensation. Months after the dispute was settled, Wang was detained.¹⁰⁰



Picture 5: Wang Xiaoqiao

The use of administrative detention--- detention by the police without any judicial procedure and under which detainees may be held in detention centers for up to 15 days--- is also another common method of intimidation and retaliation against human rights activists. Between June 5 and 15, **Feng Zhenghu (冯正虎)**, a Shanghai rights activist and self-taught "citizen lawyer", was administratively detained for "disturbing social order" by the Shanghai PSB Yangpu Subdivision. Feng was reportedly punished for chronicling hundreds of cases of allegations of wrongful decisions by Shanghai courts and distributing an edited collection of the cases to government officials. Police said that the publication was "slandorous" against government and judicial authorities without presenting any evidence to support their claim.¹⁰¹

f. Forced disappearances

Human rights activists are also at risk of forced disappearances. **Gao Zhisheng** (高智晟), a prominent Beijing-based human rights lawyer known for his outspokenness and his defense of sensitive clients such as Falun Gong practitioners, “disappeared” after he was taken from his home on September 22, 2007. Gao was released months later and was then taken away again around late July 2008, prior to the Beijing Olympics, for a period of several weeks. Both times, Gao was reportedly taken away by police officers from the Ministry of State Security and the National Security Unit of Beijing PSB. CHRD later found out that Gao and his family had been illegally detained in various locations in Beijing and subjected to cruel and humiliating treatment.¹⁰² Then, on February 4, 2009, Gao was forcibly returned to his home village in Shaanxi Province and then “disappeared”. Gao was guarded by at least seven National Security Unit policemen along the way and during his stay in the village. According to Gao’s family, Gao was then taken away in a vehicle by the policemen guarding him. Gao has not been seen since. When Gao’s family went to the county town PSB in Jingbian County, Yulin District, the policemen refused to say whether Gao was in police custody.

While long-term forced disappearance of HRDs is rare in China, short-term disappearances, where HRDs are brought to locations outside of their homes to intimidate or prevent them from meeting others, are common occurrences. On June 1 and 2, before the anniversary of the Tiananmen Massacre, when police learned that journalists were coming to interview **Qi Zhiyong** (齐志勇), who was shot during the Massacre and left disabled, they took him away to a Beijing suburb.¹⁰³ As mentioned earlier, **Yao Lifa** (姚立法) was forcibly disappeared for 12 days for aiding villagers in exposing irregularities in village election between October 31 and November 12.

Torture and other cruel, inhuman or degrading treatment

a. In detention facilities

Like other detainees, HRDs are often tortured to extract a confession while in police custody. **Yuan Xianchen** (袁显臣), a human rights activist and “barefoot lawyer” from Jixi City, Heilongjiang Province, was repeatedly tortured by guards seeking to extract a confession from him while he was held in the Ministry of State Security Beijing Municipal Detention Center and the Jixi Detention Center between May 24 and 29. A guard hit Yuan’s head with handcuffs, which left more than ten bald spots and visible scars on his head.¹⁰⁴ **Hu Jia** (胡佳), a prominent HRD imprisoned on “inciting subversion of state power”, was interrogated 47 times during the first two months of his detention, each time between 6 and 14 hours, usually at night. Hu told

his lawyers that the interrogations were intended to overwhelm him through fatigue and isolation.¹⁰⁵

The mistreatment and beating of Heilongjiang rural activist **Yang Chunlin** (楊春林) during his trial and sentencing hearing was one of the most blatant and open mockeries of the right not to be tortured in 2008. During Yang's trial on February 19, he was shackled in handcuffs and heavy leg irons, made to wear a black hood and walk up six flights of stairs to reach the courtroom. Once there, Yang's legs were fastened to an iron seat, rendering him unable to stretch, move or stand up during the five-hour trial.¹⁰⁶ At his sentencing hearing on March 24, court police hit Yang several times with electric batons when he attempted to speak with family members who had attended the sentencing hearing.¹⁰⁷ When Yang's sister brought a complaint letter about his beating during the sentence hearing to Jiamusi Intermediate People's Court, the head of the Court not only admitted the incident, he even told her that the beating was "planned and permitted [by the Court] following careful study".¹⁰⁸ Prior to his trial, Yang was repeatedly tortured and coerced to confess in detention.¹⁰⁹

Once HRDs are imprisoned or detained in an RTL camp, they are often forced to perform heavy labor for long working hours in a hazardous working environment. **Yang Chunlin** has been forced to work over 14 hours daily at Xianglan Prison, Jiamusi City, Heilongjiang Province.¹¹⁰ HRDs whose health deteriorates while in detention are often denied access to appropriate medical treatment or such treatment is seriously delayed. **Chen Guangcheng** (陈光诚), a reproductive activist incarcerated since March 11, 2006, has been suffering from daily diarrhea since July. Chen has been given physical exams by a prison doctor but is being denied necessary diagnostic tests and specialized treatment.¹¹¹ Chen, who is blind, is eligible both for parole and for release on bail for medical treatment. However, since submitting his application for parole in September 2008 and for release on bail for medical treatment more than a year ago, he has received no official response.

Other forms of mistreatment include being served poor food, forced to live in unsanitary conditions and being denied the opportunity to meet with family members. Chen Guangcheng's medical condition, for example, is being exacerbated by a lack of access to clean water inside the jail, and a diet restricted to thin rice gruel. Chen has been prevented from receiving regular visits from his wife, as a group of twenty local officials and guards keep her under constant surveillance at home, and on numerous occasions have intercepted and restrained her as she tried to travel to the prison.¹¹²

Although part of such mistreatment could be attributed to general poor standards of these detention facilities, in many cases HRDs are singled out for particularly harsh treatment as retaliation or punishment for their lack of “cooperation” or failure to admit their “guilt”. The case of **Mao Hengfeng** (毛恒凤), a reproductive rights and housing rights activist imprisoned



Picture 6: Mao Hengfeng displaying her bruises after beatings by officials. The picture was taken before her imprisonment.

between May 2006 and November 29, 2008, is one such example. Mao was repeatedly tortured and mistreated at Shanghai Women’s Prison. On June 3, 2008, against her will, Mao was taken to the prison hospital in Nanhui District, Shanghai. For fourteen days, Mao was stripped naked, tied tightly to a bed and forcibly injected with an unknown medication which left her in pain. Mao was also beaten, nearly suffocated and not allowed to wash.¹¹³

b. Outside of detention facilities

HRDs are often at risk of being beaten by government officials as well as unidentified

men allegedly acting on the orders of officials. **Xiao Qingshan** (肖青山), a labor activist from Dongguan, Guangdong Province, was speaking to a group of workers about using the law to advocate for their rights at Dongguan Labor Bureau Dalang Sub-division on November 12 when several staff members of the Bureau pushed and beat him, telling him he was talking “nonsense”.¹¹⁴ **Luo Wenyi** (罗文义), a land rights activist and member of the county People's Congress from Jinshu Village, Zhaoshan Township, Xiangtan City in Hunan Province, was beaten by thugs on October 3. Luo was sleeping when half a dozen unidentified men entered his home, tore down his electric cables and savagely beat him with electric batons and a cleaver. Luo believed that he was attacked for representing the villagers in a complaint to higher authorities about the village cadres’ appropriation of funds intended to compensate villagers for land forcibly appropriated by the central government.¹¹⁵ In both cases, the victims called the police, but the police either refused to accept the case or did not initiate an investigation after the case was registered.

Surveillance and other forms of harassment and intimidation

a. Surveillance

HRDs in China are frequently subjected to some form of surveillance by the government. Special units of police from the Ministry of State Security or the National Security Units in local Public Security Bureaus might be assigned to monitor the whereabouts, contacts, or communications of HRDs. Sometimes, people from their Neighborhood Committees or Village Committees, security personnel from their workplaces and landlords are tasked by local authorities to spy on HRDs and report any “suspicious” activities. During “sensitive” periods, homes of HRDs are guarded by policemen and they are followed whenever they leave their homes.

It is common knowledge that the phones of HRDs are tapped, their SMS messages and internet communication monitored and intercepted. **Zhang Zuhua** (张祖桦), a Beijing-based intellectual and human rights activist, is often visited by policemen and told not to meet fellow activists, journalists or visiting diplomats soon after appointments are made on the phone or by email. Activists complain about receiving emails with viral attachments, initiated from bogus email accounts similar to those of fellow activists’, imitating the activists’ tones and even responding to issues previously discussed via email. Some activists even find themselves unable to log in their accounts, possibly due to the imposter hacking in and changing the passwords. One of the mailboxes of **Teng Biao** (滕彪), a Beijing-based human rights lawyer, was taken over in January. Teng was unable to log into his account, which has been used to send emails containing viruses to fellow activists.¹¹⁶

b. Summoned

HRDs are no strangers to police summons, interrogations and “chats”. For example, more than one hundred signatories to *Charter 08* have been summoned, some repeatedly, since December because of their endorsement of the declaration.¹¹⁷ In these sessions, police demand information from signatories about the authors and organizers of the Charter, as well as information about its spread and how citizens came to sign it. In many cases, signatories have been asked to remove their names from the Charter and threatened if they do not comply.

In another example, **Liu Zhengyou** (刘正有), a petitioner-turned activist from Zigong City in Sichuan Province, was twice summoned and interrogated, on June 17 and 18, in a local police station about his recent activities, which included accepting interviews with foreign media and organizing donation drives to aid victims of Sichuan earthquake.¹¹⁸

c. Homes searched and private property confiscated

In 2008, a number of activists had their homes searched by the police and their private property confiscated due to their human rights activities. When Beijing police summoned **Zhang Zuhua** for his involvement in *Charter 08*, they also searched his home, confiscating all his money (including cash, bank savings and credit cards), computers, notebooks, books and passport.¹¹⁹ **Sun Wenguang** (孙文广), a retired professor at Shandong University and outspoken critic of the government, was searched by National Security policemen under Jinan City PSB, Shandong Province. They confiscated his computer, portable hard-drive, an address book and some articles. The search warrant presented by the police did not state the reasons for the search.¹²⁰

d. Pressured to leave their jobs

Individuals risk losing their jobs or being demoted for defending human rights. HRDs are dismissed from their jobs because their employers are pressured by the authorities to do so, because they are afraid of offending the authorities for hiring a “troublemaker,” or simply because they do not want an employee who is constantly being harassed by the police during working hours.

Lawyers active in defending victims of human rights violations and HRDs are especially at risk of losing their jobs as their licenses can easily be revoked during the annual evaluation of their performances by the judicial authorities. As mentioned earlier, the license of **Teng Biao** (滕彪), a human rights lawyer at Beijing Huayi Law Firm and lecturer at China University of Politics and Law, was cancelled by the Beijing Bureau of Judicial Affairs on May 31. Authorities claimed that Teng's license was cancelled because his university did not want him to continue working as a part-time lawyer. However, Teng believes that he was punished for defending human rights, especially for offering free legal aid to arrested Tibetans following the incidents in the Tibetan regions in mid-March.¹²¹

Part III: Recommendations

Ten years after the Declaration on Human Rights Defenders was adopted by the UN in 1998, China's HRDs still face persecution and a generally harsh environment for engaging in activities that promote and protect human rights. CHRD concurs with the Special Rapporteur on HRDs in her succinct evaluation of the situation of China's HRDs, that they are "not able to freely conduct their work, disseminate information, assemble peacefully, present a petition, criticize the Government publicly or conduct other non-violent activities".¹²² CHRD further supports the Special Rapporteur's call for the Chinese government to "create a safe environment conducive to the work of human rights defenders".

More concretely, CHRD reiterates its recommendations to the Chinese government:

- 1) To honor its commitment to protect human rights defenders. The State Council should revise the newly released National Human Rights Action Plan such that it **affirms the important contribution HRDs make to improving human rights**. The revised plan should also include **immediate and concrete actions** to end the persecution and harassment of HRDs, to protect the rights and freedoms essential to the defense of human rights as outlined in Articles 1, 5, 6, 7, 8, 9, 11, 12, 13 of the Declaration and to fulfill the Chinese state's promise to honor the obligations as outlined in Articles 2, 3, 9, 12, 14, 15.
- 2) To amend the following laws so that they are consistent with China's international human rights obligations:
 - a) The Lawyers Law, the Criminal Procedural Law and the Criminal Law must be revised to end political interference of the judiciary and to promote the independence and safety of lawyers.
 - i. Article 96 of the Criminal Procedural Law such that the clause barring the lawyer's access to her/his clients because the case involves "state secrets" is abolished;
 - ii. Article 306 of the Criminal Law and Article 37 of the Lawyers Law to ensure that lawyers enjoy the right to freedom of expression during trial; and
 - iii. The Lawyers Law should be revised to make clear the independence and legitimacy of lawyers associations as self-governing professional organizations.

- b) The Administrative Litigation Law must be amended such that its scope is expanded to encompass all forms of official misconduct
 - c) Article 105(2) of the Criminal Law should be interpreted 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.
 - d) The Assembly law should be amended so that its many prohibitions, restrictions and punishments against holding assemblies be removed and its cumbersome application process streamlined and simplified. The revised Assembly Law should offer adequate protection of the right to freedom of assembly.
- 3) To conduct a constitutional review of the Regulations for Registration and Management of Social Organizations, especially the requirement that an organization has to be associated with a governmental “business/management sponsoring office”;
- 4) To respond favorably to the request of the Special Rapporteur on the Situation of HRDs to visit China, who has made such a request in November 2008;
- 5) To immediately ratify the ICCPR so that protection of the rights and freedoms of HRDs will have to be written into the law; and
- 6) To establish a national human rights body, such as a National Commission on Human Rights composed of independent experts, as exists in many other countries, to ensure that the government’s human rights obligations are fulfilled and the National Human Rights Plan will be implemented and effectively monitored.

Appendix I:

Human Rights Defenders Detained or Incarcerated in 2008

The following list contains 88 documented cases of HRDs who were incarcerated in black jails, psychiatric institutions, detention centers, prisons or Re-education through Labor Camps in 2008.

This list does not include cases of residential surveillance or “soft detention” because, as serious as these forms of official harassment are, they are too numerous to detail. HRDs are often subjected to surveillance or soft detention repeatedly within the same year --- during “sensitive” periods, during trials of other activists, during visits from overseas government officials, etc. --- and it is safe to assume that most of the individuals on this list were placed under surveillance or house arrest at least once during 2008. Furthermore, we have restricted our definition of “detention” to periods of longer than 12 hours, as activists are likewise summoned, called for “chats”, asked to “have tea”, or subjected to other forms of brief official detention on a regular basis.

Human Rights Defenders Arbitrarily Detained in Illegal Facilities including Black Jails (16)

1. **Chen Xi (陈西)**, **Shen Younian (申有年)** and **Du Heping (杜和平)**, human rights activists based in Guiyang City, Guizhou Province, were illegally detained by Guiyang police between December 4 and December 11. The three were taken from their homes and detained at various locations in the Guiyang suburbs to prevent them from organizing a citizen forum on human rights to commemorate the 60th anniversary of the UDHR on December 10. The police had repeatedly warned them against marking the anniversary and told them that the event was “illegal”.
4. **Gao Zhisheng (高智晟)**, a former Beijing lawyer and director of Shengzhi Law Firm, was taken from his home by police officers from the State Security Bureau and the National Security Unit of Beijing PSB on the night of September 21, 2007. Days before his disappearance, he wrote to the US Congress urging members to focus on China's human rights before the Olympics. Gao was released months later and was then taken away again around late July 2008, prior to the Beijing Olympics, for a period of several weeks. Both times, Gao was reportedly taken away by police officers from the Ministry of State Security and the National Security Unit of Beijing PSB. CHRD later found out that Gao

and his family had been illegally detained in various locations in Beijing and subjected to cruel and humiliating treatment.

Then, on February 4, 2009, Gao was forcibly returned to his home village in Shaanxi Province and again “disappeared”. Gao was guarded by at least seven National Security Unit policemen along the way and during his stay in the village. According to Gao’s family, he was then taken away in a vehicle by the policemen guarding him. Gao has not been seen since. When members of his family went to the county town PSB in Jingbian County, Yulin District, the policemen refused to say whether Gao was in police custody.

Gao had his license revoked and has been the subject of repeated harassment, detention, and torture for representing defendants who were Falun Gong practitioners and members of unofficial Christian house churches. Gao was also outspoken about rights violations in the overseas media.

[China: Release and End Ill-Treatment of Detained Activists Gao Zhisheng and Hu Jia](#) (October 8, 2008)

5. **Li Baiguang** (李柏光), a human rights lawyer, was detained in a holiday resort in Huairou, a Beijing suburb, by police from the Beijing PSB between June 29 and July 1 to prevent him from attending a dinner on June 29 to which he was invited by the members of the U.S. Congress visiting China.

[Human Rights Activists under House Arrest during U.S. Congress Visit](#) (June 30, 2008)

6. **Liu Xiaobo** (刘晓波), a signatory of *Charter 08* and prominent Beijing-based writer and intellectual, has been held in custody since December 8, 2008. Police arrived at his home the night before the launch of *Charter 08* to take him away, and Liu has been being placed under “residential surveillance” (*jianshi juzhu*), a form of pre-trial detention, at an undisclosed location in Beijing ever since. When Liu was taken into custody, police presented a detention warrant stating that Liu was being detained on suspicion of “inciting subversion of state power”. However, the police have not formally informed Liu’s family about his detention, in violation of China’s Criminal Procedure Law, which stipulates that a suspect’s family should be notified of the reasons for detention within 24 hours of his incarceration. When police took Liu into custody, they also searched his home and confiscated his computers, mobile phones, books, magazines, printed papers and a draft of *Charter 08*.

At the time of writing, Liu's wife Liu Xia (刘霞) had been able to visit with her husband twice, on January 1 and March 20, 2009, both times under the watch of guards at a location in Xiaotangshan, Changping District, Beijing. Officials would not reveal the location where Liu is being held or when he might possibly be released. On June 23, 2009, Liu was formally arrested for "inciting subversion of state power", and was expected to be transferred to a detention facility.

[Liu Xiaobo under Residential Surveillance at Undisclosed Location](#) (January 2, 2009)

[Chinese Activists Urge Clinton to Raise Rights Concerns on Her First China Trip](#) (February 11, 2009)

[Lawyer for Liu Xiaobo Submits Formal Request Demanding Details of Activist's Detention](#) (February 12, 2009)

[Liu Xiaobo under Residential Surveillance at Undisclosed Location](#) (January 2, 2009)

[Chinese Government Responds with a Crackdown on Activists for Commemorating 60th Anniversary of UDHR](#) (December 9, 2008)

7. **Qi Zhiyong** (齐志勇), a Beijing advocate for the rights of the disabled, was taken from his home by Beijing police on January 14 and detained in a Beijing suburb. On January 6, Qi had called a friend to report that he had been warned by the head of Xuanwu National Security Unit under the Beijing Municipal PSB to "shut up or suffer grave consequences." It is believed Qi was threatened and then detained in relation to the detention of human rights defender Hu Jia (胡佳). Qi and Hu are friends, and after Hu's detention on December 27, 2007, Qi kept the outside world informed of Hu's situation. Qi, who was shot during the Tiananmen Square Massacre and left disabled, was released on February 23.
8. **Teng Biao** (滕彪), a Beijing-based human rights lawyer, was kidnapped by police from the National Security Unit of Beijing PSB on March 6. Teng's kidnappers seized Teng near his home, forced him into an unlicensed car, hooded him, and drove him to an unknown location about 40 minutes away, where he was interrogated, verbally abused and repeatedly threatened. He was held until March 8. The police produced no legal warrant at any point during the abduction. Teng is barred from disclosing any details of the threats or the interrogation.

[Outspoken Lawyer Who Commented on Olympics Released from Abduction](#) (March 11, 2008)

[On Eve of Five-Month Countdown to Olympics, Activists Abducted and Intimidated](#)

(March 7, 2009)

9. **Wang Guoqiang (汪国强)**, a traffic policeman and rights activist from Wuhan City, Hubei Province, was detained at a black jail in Qingliang Township, Mulanshan, Huangpo District, about 100 km from Wuhan, from August 5 to September 18. Wang was kidnapped by local policemen and detained to prevent him from speaking out against human rights violations and corruption during the Olympics.
10. **Wang Jiyong (王季勇)**, a housing rights activist from Changsha City, Hunan Province, was detained for more than twenty days in a "law education class"—a form of black jail—in Changsha after being intercepted by police on March 6. Wang was detained for planning to travel to Beijing with other housing rights activists to petition.
11. **Xiao Changhai (肖昌海)**, a Wuhan City representative of activists whose property was expropriated by the state in earlier periods and are now disputing ownership with the government, was seized on December 16 in Yichang City, Hubei Province, by members of the National Security Unit of the Wuhan City PSB and forcibly taken to a "law education class" in Wuchang District, Wuhan City, where he was detained for more than one month.

On January 18, 2009, Xiao was moved to the Wuchang Detention Center, where he was administratively detained. His family, who never received any formal written notice of his detention, was told by police that he was detained for "plotting to travel to Beijing to apply to demonstrate along with Wuhan petitioners Zhang Jianmin (张建民) and Zhou Xinbao (周新宝)." Xiao was released after five days of detention.
12. **Yang Peiqun (杨培群)**, a representative of earthquake victims from Guilin Village, Xujia Township, Dujiangyan City, Sichuan Province, was taken into custody on September 22 while petitioning in Beijing. Yang wanted to expose the use of falsified accounts to misappropriate relief funds and materials by the local cadres in the village. Yang was first detained in a "black jail" at the Sichuan Provincial Liaison Office in Beijing before being forcibly sent back to Sichuan, where she was detained at the Gaoxin District Detention Center in Pi County, Chengdu. On October 10, her husband was told by a member of the Dujiangyan City Political-Legal Committee (*zhengfawei*) that Yang could

only be released if he paid the cadres RMB 5,000. He paid the ransom and Yang was released.

13. **Yao Lifa** (姚立法), an activist promoting local democratic elections in Hubei Province, was abducted by Hubei police at a demonstration against police brutality outside of the Qingjiang City government building in Hubei Province one June 26. Yao contacted his family several times during the abduction and told them the police were detaining him in various inns in Hubei Province. Yao was released on July 1.

On October 31, Yao was kidnapped and detained by local officials in a black jail outside of Qianjiang City. He was released on November 12. Yao, who has been active in providing legal advice to villagers and exposing elections violations, was taken into custody to prevent him from further aiding the villagers during village elections in Qianjiang City.

[Activist Promoting Grassroots Democracy Disappears, Feared Detained by Police](#) (June 29, 2008)

14. **Zeng Jinyan** (曾金燕), Beijing-based human rights activist and wife of incarcerated activist Hu Jia (胡佳), was taken from her home by Beijing police on August 7 and detained (along with her daughter) in a Dalian hotel for the duration of the Beijing Olympic Games.

[Beijing Activist Zeng Jinyan Disappeared on Eve of Olympics Opening Ceremony](#) (August 9, 2008)

15. **Zheng Dajing** (郑大靖): see his case on p.57 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

2008 updates: On November 17, Zheng was brought to Yuanxi County People's Hospital by his captors, the police and staff at the local Letters and Visits Office. After Zheng was found to suffer from several illnesses, the officers deposited RMB 1,000 for his medical expenses, left the hospital and were never seen again. It is believed that Zheng contracted his illnesses due to injuries from repeated beatings during his illegal detention. Zheng was left penniless and cannot afford necessary medical treatment.

16. **Zou Wei (邹巍)**, a rights activist from Hangzhou City, Zhejiang Province, was detained in a black jail outside of Shenlongchuan, Linan City, Zhejiang from July 30 until after the end of the Paralympics in September.

Human Rights Defenders Arbitrarily Detained in Psychiatric Institutions (2)

1. **Hu Jing (胡敬)**, a human rights defender from Chongqing, Sichuan Province, was detained in a local psychiatric institution from early July until September 19 to prevent him from petitioning during the Olympic Games.

Hu had defended workers' rights at a state-owned motor company in Chongqing and is a member of the Pan-Blue Alliance of Chinese Nationalists, an officially illegal internet community affiliated with the Nationalist Party of Taiwan. This was the third time Hu had been detained in a psychiatric institution. In 2005, while on his way to Tiananmen Square in Beijing where he had planned to burn a Chinese Communist Party flag, he was intercepted by Chongqing Police and sent to a local psychiatric institution where he was reportedly mistreated. Between November 2007 and January 2008, Hu was again sent to the institution for petitioning about workers' rights in Beijing.

2. **Pang Liduan (庞立端)**, a dissident whose home is under the jurisdiction of Jinfeng Office, West Dongting Administrative District, Changde City, Hunan Province, was seized from his home on August 8 and forcibly detained in the Changde City Third People's Hospital for 68 days. Officers from the Changde City PSB West Dongting Administrative District Sub-division and Jinfeng CCP Secretary Cao Rongle (曹荣乐) were present when Pang was detained. Though no precise reason for his detainment has been given, it is thought that it may have been in retaliation for his activism, which included organizing voter activities and distributing pamphlets protesting elections for People's Congress Representatives.

Human Rights Defenders Sent to Re-education through Labor (13)

1. **Cai Aimin (蔡爱民)**: see his case on p.57 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#)
2. **Chen Yuping (陈玉平)**, a representative of 12,000 dismissed workers from the Jilin Oilfields in Songyuan City, Jilin Province, was sent to 18 months of RTL on May 6. Chen was criminally detained on April 10 by police from Songyuan City PSB, Songjiang Sub-

division. Chen is currently held at Baicheng City RTL camp in Jilin Province. Initially accused of “leaking state secrets” for “accepting interviews by foreign media”, but later charged with “inciting and creating trouble” and “disturbing social order”, Chen and other representatives had been preparing to apply to establish an independent union for the dismissed workers.

3. **Jiang Hailiang (姜海亮)**, a Luoyang City, Henan Province representative of teachers from community-run (*minban*) schools, was sent to one year of RTL by the Luoyang RTL Management Committee on April 18. Jiang was punished for “gathering over a thousand teachers...to illegally gather and demonstrate, and seriously disturb the local social order”. The “illegal” demonstration occurred on November 5, 2007, when about 2,000 teachers collectively petitioned at the Yichuan County Letters and Visits Bureau. According to other teacher representatives, authorities punished Jiang to send a warning signal to other Henan teachers who have persisted in petitioning for better treatment in recent years.

4. **Li Guohong (李国宏)**: see his case on p.57 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#)

2008 updates: When Li's family visited him at the RTL camp on May 25, Li was so seriously ill that he was only able to meet them while lying in bed. Li suffers from gout and severe eye illness. On October 8, Li was released for medical treatment.

5. **Liu Houshun (刘厚顺)**: see his case on p.58 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#)

6. **Liu Jie (刘杰)**: see her case on p.57 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

2008 updates: Liu spent all of 2008 at RTL camps before being released in April 2009. During her time in Qiqihar RTL camp, Liu was forced to work in harsh and hazardous environment. On May 17, Liu was transferred to Harbin Drug Rehabilitation Center, where she was twice subjected to “tiger bench”, a form of torture, in late May and mid-August.

[CHRD Urges China to End Torture of Detained Human Rights Activist](#) (August 22, 2008)
[Incarcerated Human Rights Defender Liu Jie Tortured](#) (June 12, 2008)

7. **Liu Xueli** (刘学立), a village representative from No.2 Group, Bopo Village, Kuqu Township, Song County, Luoyang City, Henan Province, was sent to a local RTL Camp on September 23. In early August, together with Li Jincheng (李金成), a petitioner from Xinjiang Province, Liu submitted an application to protest at the official “Protest Zones” set up in Beijing during the Olympic Games. They were told that their application had been approved, and that they could return in nine days' time to obtain a written permit. However, on August 6, Liu was seized by Beijing police while he was asleep. Beijing police handed him over to Henan interceptors in Beijing, who forcibly sent Liu back to his hometown in Song County where he was put under residential surveillance.

[Olympics “Protest Zones” Applicant Sent to Re-education through Labor](#) (September 24, 2008)

8. **Ren Shangyan** (任尚燕), Shandong-based Assistant Director of China Justice Advocacy Web (中华申正网), was detained on May 16 by police from Shuangyashan PSB in Heilongjiang Province while investigating accusations of nepotism made by a disabled resident of Shuangyashan against Wang Yijun (王义军), Vice-Chief of the Anti-Corruption Bureau under the Procuratorate of Lingdong District, Shuangyashan City. CHRD learned on August 16 that Ren was being held at the Jiamusi Detention Center in Heilongjiang.

CHRD learned on April 15, 2009, that Ren had been sent to Harbin Women's RTL Camp in Heilongjiang for a one-year term of RTL. According to the recently-released RTL detainee who contacted CHRD, Ren was sent to RTL for “internet fraud” by the Shuangyashan RTL Committee. She was released on May 15, 2009. At no point during her detention or time in RTL did Ren’s family receive formal notification of Ren’s whereabouts or official actions taken against her.

[Authorities Detain Internet Reporter and Host of Corruption-monitoring Website](#) (May 28, 2008)

9. **Wang Guilan** (王桂兰) is a petitioner from Hubei Province outspoken about human rights abuses directed at petitioners. She is one of the main organizers of two public letters addressed to the government calling for reforms that better protect human rights. In mid-December 2007, Wang was detained on suspicion of “inciting subversion of state power” but was released after a month’s detention.

On July 29, Wang was criminally detained on suspicion of "disturbing social order". Wang is believed to have been put under criminal detention for answering a phone call from a foreign journalist on July 27. At the time she took the call from the journalist, Wang was already being detained in a "black jail"—an illegal and secret detention facility--, where she had been since April 17, to prevent her from "making trouble" during the Olympics. On August 30, Wang was sent to RTL for "disturbing social order" for fifteen months.

[Olympics Crackdown Continues as another Activist Is Sent to Labor Camp](#) (August 31, 2008)

10. **Yu Changwu** (于长武), a village representative from Fujin City, Heilongjiang Province, was sent to two years of RTL on January 17. According to Yu's lawyer, his "crimes" include "violating state safety, disturbing social order, being interviewed by foreign media (especially Falun Gong media), releasing articles about China's land system on foreign websites, and saying 'we want our land, not the Olympics'" when speaking to reporters.

Villagers in Fujin claim that city officials have appropriated 100,000 hectares of village land. They have been involved in a long-running dispute with the local government, led by representatives such as Yang Chunlin, Wang Guilin and Yu Changwu, all three of whom have been detained and sent to RTL for their defense of villagers' rights.

11. **Zhang Shufeng** (张淑凤), a petitioner-turned-activist from Shunyi District, Beijing, was sent to RTL for "spreading false information on the internet" in October 2007 but permitted to serve her sentence outside of an RTL camp. However, she was taken away from her home by Beijing police on March 11 and sent to an RTL camp for petitioning during the annual sessions of the National People's Congress and the National Committee of the Chinese People's Political Consultative Conference. Zhang was released on September 18.
12. **Zheng Mingfang** (郑明芳), a petitioner-turned-activist from Ji County, Tianjin, was taken from her home on February 29 and later secretly sent to RTL for two years. Her family has not received any formal (written or verbal) detention order and their requests to meet Zheng have been repeatedly denied by police. Zheng's family obtained the information about the RTL decision through a detainee released from the camp where Zheng is being held.

13. **Zhou Guanghong** (周光红): see p.58 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

Human Rights Defenders Detained or Imprisoned (57)

1. **Chen Daojun** (陈道军), a cyber activist and freelance writer based in Sichuan, was convicted of "inciting subversion of state power" on November 21 and sentenced to three years of imprisonment and three years' deprivation of political rights. Following the March 14 riots and demonstrations in the Tibetan Autonomous Region, Chen published several articles online that supported the Tibetans who protested against the Chinese government. Chen also allegedly "incited" a 200-person march in Chengdu against the construction of a petrochemical plant on May 4 by posting articles online encouraging citizens to protest. He was detained on May 9, and was tried for "inciting secession" by the same court on November 5. However, during his sentencing hearing, Chen found himself convicted of "inciting subversion of state power", a charge he was never formally charged with or tried for."

[Cyber Activist Sentenced to 3-Years for Expressing Support to Tibetan Protesters](#)

(December 4, 2008)

2. **Chen Guangcheng** (陈光城): see his case on p.63 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

2008 updates: Chen's wife, Yuan Weijing (袁伟静), who visited her husband at the Linyi Prison in Shandong Province in late December 2008, reports that Chen has been suffering from a digestive affliction since July 2008 and is in very poor health. Prison officials continue to deny Chen release on bail for medical treatment. See: [Imprisoned Human Rights Defender Chen Guangcheng Denied Medical Care](#) (January 14, 2009)

3. **Chen Shuqing** (陈树庆): see his case on p. 61 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

2008 updates: According to his wife, Chen is being made to work over twelve hours a day while he is incarcerated at Qiaosi Prison.

4. **Chen Sizhong** (陈思忠) and **Zhang Sanmin** (张三民): see their cases on p.59 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

2008 updates: Chen was released on January 3, 2008 and Zhang the day after. CHRD learned in early 2008 that **Xi Xinji** (郗新继), also a representative from Sanmenxia Reservoir District, was taken into custody and released together with Chen.

7. **Ding Juying (丁菊英)**, a petitioner from Shanghai, was criminally detained on December 28 by the Shanghai PSB Pudong Sub-division on suspicion of "gathering crowds to disturb social order." It is believed that Ding was detained under suspicion of being the leader of a group of petitioners who travelled to Hong Kong to register a petitioners' advocacy organization called "The Chinese League of Victims."
8. **Du Daobin (杜导斌)**, a writer from Yingcheng, Hubei Province on probation for "inciting subversion of state power", was taken away by police on July 21. According to his family, police said Du will have to serve the rest of his term in prison for violating the relevant laws while on probation. Police alleged that, while on probation, Du published more than a hundred essays on overseas websites, failed to report to the police regularly and did not notify the police when he travelled outside of his hometown and when he hosted guests at home.

On June 11, 2004, Du was convicted of "inciting subversion of state power" and sentenced to three years' imprisonment commuted to four years' probation and two years' deprivation of political rights. According to the court verdict, between July 2002 and October 2003, Du posted twenty-six articles on internet websites such as *Dajiyuan* and *New Century* in China and abroad that were critical of the Chinese government.

[Writer on Probation for "Inciting Subversion" Taken Away by Police](#) (July 22, 2008)

9. **Fan Ziliang (范子良)**, a dissident from Zhejiang Province, was taken away from his home by a dozen police from the National Security Unit of the Nanxun Sub-division of the Huzhou City, Zhejiang Province PSB on July 10. Fan was interrogated about his relationship with democracy activist Zhang Guoting (张国亭) and about an article about Fan written by dissident Deng Huanwu (邓焕武). Fan was released the next day, but police confiscated his computer. On June 3, Fan was also detained overnight for commemorating the Tiananmen Massacre.
10. **Feng Qiusheng (冯秋盛)**, a village leader from Taishi Village, Panyu District, Guangzhou City, Guangdong Province, was criminally detained on suspicion of "disturbing social order" on June 24. Feng was reportedly interrogated about the "Human Rights Torch Relay"—an international event to raise awareness of China's human rights situation—in which the police suspected him of participating. He was released on July 23.

11. **Feng Zhenghu** (冯正虎), a Shanghai rights activist and self-taught "citizen lawyer", was administratively detained for ten days for "using other means to deliberately disrupt social order" beginning June 5. Feng was taken away by police from Shanghai Public Security Bureau (PSB) Yangpu Sub-division. Police searched Feng's home and confiscated his computers. It is believed that Feng was punished for chronicling hundreds of cases of allegations of wrongful decisions by Shanghai courts and distributing a document about the cases to government officials.
12. **Guo Qizhen** (郭起真): see his case on p. 65 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).
13. **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, 2007, 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 in Beijing on December 27, 2007 and formally arrested on January 28 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."

[China: Release and End Ill-Treatment of Detained Activists Gao Zhisheng and Hu Jia](#) (October 13, 2008)

[Update on Imprisoned Activist Hu Jia and His Wife Zeng Jinyan](#) (August 26, 2008)

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

14. **Hu Shigen** (胡石根), a Beijing democracy activist imprisoned for "organizing and leading counter-revolutionary groups and counter-revolutionary propaganda and incitement", was released on August 26 following sixteen years and three months in prison. Hu was imprisoned in May 1992 after being detained along with other Beijing activists who were working to organize an opposition political party, establish an independent labor union, and commemorate the third anniversary of the crackdown on the 1989 pro-democracy demonstrations. Reportedly, Hu, who suffers from poor health and was tortured in prison, did not look well when he was released.

15. **Huang Qi** (黄琦), Chengdu-based activist and director of Tianwang Human Rights Center (www.64tianwang.com), was formally arrested for "illegal possession of state secrets" on July 18. He was first detained on June 10. Reportedly, Huang was detained for reporting on and giving interviews to foreign journalists about protests staged by families of schoolchildren who died in the earthquake. At the time of writing, Huang is still being held at Chengdu City Detention Center awaiting trial.

[Human Rights Defender Huang Qi Formally Arrested](#) (July 19, 2008)

16. **Huang Weizhong** (黄维忠), from Chengxiang District, Putian City, Fujian Province, led hundreds of fellow farmers from dozens of nearby villages in protests against low levels of compensation for expropriation of farm land in early 2005. He was put under criminal detention by Putian police on November 24, 2005, and then formally arrested on December 28, 2005. On May 17, 2006, Huang was convicted of "gathering crowds to disturb social order" by the Chengxiang District Court in Putian City and sentenced to three years of imprisonment. Huang was released in late 2008.

17. **Ji Sizun** (纪斯尊), an activist from Yananbei Road, Xiangcheng District, Zhangzhou City, Fujian Province, was detained on August 11 after he applied for a permit at the Beijing PSB to protest against social and political problems at the official "Protest Zones" during

the Beijing Olympics. He was later formally arrested for "forging documents and seals of national agencies", and tried, reportedly in secret, on December 23. Ji was sentenced to three years in prison by Taijing District Court in Fuzhou City, Fujian Province.

[Activist Formally Arrested for Applying to Protest during the Olympics](#) (November 11, 2008)

[Activist Suffers Retaliation for Applying to Protest during the Olympics](#) (October 3, 2008)

18. **Li Hong** (力虹): see his case on p.61 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).
19. **Liao Shuangyuan** (廖双元) and **Wu Yuqin** (吴玉琴), from Guiyang City, Guizhou Province, were detained on July 8 for investigating the death of a teenage girl in Wengan County, Guizhou. On June 28, thousands of angry Wengan residents rioted at the local PSB, alleging that the police were covering up the real cause of the girl's death. After the incident, Liao and Wu, along with **Chen Xi** (陈西), formed a 'citizens' investigation unit' to look into the matter. The three were apprehended by the police in Wengan and were returned to Guiyang. They were then interrogated by the National Security police from Guiyang PSB. Police confiscated their cameras, recording equipment and notebooks, which reportedly contained information regarding the real cause of the girl's death. They were released on July 9.
21. **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 and charged with "extortion and blackmail". 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. He was tried on September 29, 2008, and sentenced to four years in prison.
22. **Liu Guiqin** (刘贵琴): see her case on p.62 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

23. **Liu Shenggui** (刘升贵), **Liang Zengkui** (梁曾奎), **Liu Zhangtian** (刘章田), **Wang Haiming** (王海明) and **Zhang Dingmin** (张鼎民): see their cases on p.60 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

28. **Liu Yao** (刘尧), a human rights lawyer from Shenzhen, was convicted of “damaging property” by Dongyuan County People’s Court in Guangdong Province and sentenced to four years in prison in June. Liu acted as a legal representative of villagers whose land had been forcibly appropriated for the construction of a local hydropower station in Dongyuan County, Heyuan City in Guangdong Province. The prosecution contended that Liu had gathered villagers to prevent the construction and damaged the station. Following the verdict, which was announced on August 4, a group of thirty-one Chinese lawyers released a public letter calling Liu’s trial unfair. Liu went through a total of four trials before being released on April 16, 2009.

29. **Lu Gengsong** (吕耿松): see his case on p.60 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

30. **Mao Hengfeng** (毛恒凤): see her case on p.64 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

2008 updates: On June 3, against her will, Mao was taken to the prison hospital in Nanhui district, Shanghai, and again tortured for 14 days. She was released on November 29 after completing her sentence. See: [Imprisoned Activist Mao Hengfeng Allegedly Tortured](#) (July 11, 2008)

31. **Miaojue Cizhi** (妙觉慈智), an AIDS activist, was taken away by police for interrogation on May 1 and detained until May 8. On May 15, CHRD learned that **Li Xige** (李喜阁), a fellow AIDS activist who was taken away at the same time, managed to return home in the chaotic aftermath following the May 12 Sichuan earthquake, but it is unclear whether she was later placed under residential surveillance. The two were held by police from Chengguan Township Public Security Bureau, Ningling County, Henan Province.

[Henan AIDS Activists Li Xige and Miaojue Cizhi Summoned by Police](#) (May 1, 2008)

32. **Ni Yulan** (倪玉兰), a disabled housing rights activist and former lawyer, was detained on April 15 after she resisted the forced demolition of her home by Beijing authorities. On

April 29, she was formally arrested on suspicion of “obstructing official business” by the Xicheng County Sub-division of the Beijing PSB. Ni was badly beaten and mistreated while detained at the Xinjiekou Detention Center; police confiscated her crutches and made her crawl when she had to use the bathroom, and kicked her so severely that she fell unconscious for two days. Ni was left disabled after reportedly being beaten by police in April 2002 while filming the forced demolition of a Beijing home.

On December 18, Ni was sentenced to two years’ imprisonment for “obstructing official business” by Xicheng District Court in Beijing.

[Beijing Housing Rights Activist Ni Yulan Sentenced to Two Years](#) (December 18, 2008)

[Detained for Resisting Forced Eviction, Beijing Activist Ni Yulan Goes on Trial](#) (July 28, 2008)

[Beijing Activist Ni Yulan Arrested for Resisting Forced Demolition](#) (May 2, 2008)

33. **Qi Chonghuai** (齐崇淮) is a *Fazhi Morning Post* reporter from Tengzhou City, Shandong Province, known for his articles exposing local corruption, social injustice and human rights violations. He was detained on June 25, 2007 and arrested on suspicion of "extortion and blackmail" by the Tengzhou PSB. On May 13, Qi convicted of "extortion and blackmail" and sentenced to four years in prison by Tengzhou City Court. During the trial, the prosecutor's "evidence" against Qi included documents supplied by the local Publicity Department and PSB which supposedly indicated that Qi had extorted from the government agencies. No witnesses were called, nor were any bank statements or receipts presented.

CHRD learned on November 15 that Qi had been beaten and forced to do hard labor in Jiangteng Township Prison in Tengzhou. According to Qi's wife, Jiao Xia (焦霞), who visited him on October 19, Qi was beaten by fellow prisoners four times in the latter half of August. It is suspected that the assailants were instructed to do so by the prison authorities. Qi has also been forced to work in the prison mine and complains of pains in his waist and legs as a result of the hard labor. Jiao said Qi looked ill and thin.

34. **Qiao Yanbing** (乔延兵), of Yantai, Shandong, is a dismissed soldier who has been petitioning for the last ten years for better welfare and treatment for soldiers under the government's "*junzhuan ganbu*" scheme. This is a government plan to “resettle” dismissed soldiers, under which the conditions have turned out to be much worse than promised. On November 16, 2007, Qiao was arrested on suspicion of “using a cult to undermine the implementation of national laws” and “forging documents”. On January

3, Qiao was convicted of these crimes and sentenced to four and a half years' imprisonment in a secret trial.

35. **Sun Fuquan** (孙福全), a writer and activist for the rights of dismissed soldier from Shenyang City, Liaoning Province, was released on August 22 after 28 days of detention for "inciting subversion of state power". Sun was apprehended on July 24 by local police and National Security police from Xiaobei Police Station under Shenyang City PSB Dadong Sub-division. It is believed that Sun was punished for publishing poems online that commemorated the 1989 student movement and for organizing an association for dismissed soldiers.
36. **Sun Lin** (孙林, a.k.a. Jie Mu (子木)), a Nanjing-based journalist, was convicted of "illegal possession of firearms" and "gathering crowds to disturb social order" by Nanjing's Xuanwu District People's Court and sentenced to four years of imprisonment on June 26. Sun's wife and co-defendant, **He Fang** (何芳), was sentenced to fifteen months of imprisonment immediately commuted to 18 months of probation.

Sun and He were detained on May 20, 2007, and formally arrested on July 6 by the Nanjing PSB Xuanwu Sub-division. Sun was the former editor of *Metropolis*, a publication he started in 2000. It was later closed because its views were deemed too critical by the authorities. Sun then started working as a reporter for US-based Boxun. In 2006, Sun's reporting on alleged forced evictions at a Nanjing spice factory drew wide attention. In March 2007, authorities told Sun to cease his "illegal reporting". Yet, despite mounting pressure and harassment by the Nanjing government, Sun continued to report on important social justice issues.

[Journalist Sun Lin Sentenced to Four Years in Prison](#) (June 27, 2008)

37. **Wang Xiaoqiao** (王小巧), an AIDS activist from Xincui County in Henan Province, was convicted of "extortion" and sentenced to one year in prison by Xincui County Court on August 12. Wang was detained on suspicion of "extortion" on November 27, 2007, while petitioning the provincial government in Zhengzhou, capital of Henan Province. She was released by the end of 2008 after a year of detention.

Wang was detained as punishment for her persistent petitioning; she became a petitioner and AIDS activist after 2003 when it was discovered that her husband, Zhang, has been infected with AIDS. The so-called "extortion" refers to Wang's demand for compensation on behalf of her family after a nearby kiln polluted and damaged the

family's crops. After Wang complained to the relevant authorities, in the early half of 2007 Wang and the kiln's owner reached a settlement and the latter paid RMB 4,800 in compensation.

[**Detained AIDS Activist Quietly Sentenced After Long Delay**](#) (August 26, 2008)

38. **Wu Lihong** (吴立红): see his case on p.61 of [**Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)**](#).

39. **Xie Changfa** (谢长发), a Changsha-based member of China Democracy Party and veteran democracy activist, was formally arrested on the charge of "subversion of state power" on July 31. On June 10, Xie met with another member of China Democracy Party, Yue Tianxiang (岳天祥). Following the meeting, Xie was put under tightened monitoring. In late June, Xie was taken into detention by the National Security police from Changsha PSB Yuhua Sub-division, and on June 25, Xie was criminally detained on suspicion of "inciting subversion of state power" before being formally arrested. Xie's arrest is believed to be related to his activities associated with the China Democracy Party, as police searched his home and confiscated copies of the bylaws and publicity materials of the China Democracy Party. He was finally tried for "subversion of state power" on April 28, 2009. The trial, which was open to the public, ended without a verdict being issued.

[**"Olympics Security" Crackdown Sends another Democracy Activist to Criminal Detention**](#) (August 12, 2008)

40. **Xin Wu** (辛吴, known online as "Chengdu white handkerchief"), **Shi Jianhua** (施建华) and **Lin Yong** (林勇, known online as Li Li (李力)), Chengdu online activists, were administratively detained around May 9 by the Chengdu PSB for "inciting" a 200-person march on May 4 in Chengdu to protest the construction of a petrochemical plant in nearby Pengzhou City. Xin was given 10 days of administrative detention for "using the internet to start and spread rumors, seduce others into wrongdoing, and create a disturbance" while Shi and Lin were given five days of administrative detention for "participating in an illegal demonstration". The three, along with **Chen Daojun** (陈道军), were punished for posting articles that "created, spread and stirred up rumor", "using the internet to spread harmful information" and "inciting" the "illegal" demonstration, according to remarks by a police spokesperson at a press conference in Chengdu on May 10.

[Cyber Activists Detained for "Inciting" Anti-Pollution March in Chengdu](#) (May 12, 2008)

43. **Xu Zhenqing** (许正清), a Shanghai housing rights activist, was released on January 29 after serving three years in prison for "provoking and making trouble". Since 2003, Xu had campaigned against forced evictions carried out by the Shanghai government. He was arrested on January 29, 2005, when he attempted to attend the funeral of Zhao Ziyang (赵紫阳), the late Chinese Communist Party Secretary. A group in which he was travelling was intercepted and escorted back to Shanghai by the police. Xu was formally arrested after he shouted while in the custody of the police that he had been beaten.
44. **Yan Zhengxue** (严正学): see his case on p.62 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).
45. **Yang Chunlin** (杨春林) is a laid-off worker from Jiamusi City, Heilongjiang Province. He has been representing farmers in Fujin City, Heilongjiang Province, in fighting against land appropriation by the local government.

Yang was detained on July 6, 2007, and, on August 13, 2007, 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. 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 members of his family who attended the sentencing hearing.

[Olympics Prisoner Yang Chunlin Tortured](#) (April 1, 2008)

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

[Submission to the UN Working Group on Arbitrary Detention on Yang Chunlin](#) (March 23, 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)

46. **Yang Maodong** (杨茂东, also known as Guo Feixiong (郭飞雄)): see his case on p.64 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).
47. **Yang Yunbiao** (杨云彪): see his case on p.62 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).
48. **Ye Guozhu** (叶国柱), a Beijing housing rights activist, was released on bail by Xuanwu District PSB in Beijing on October 15 after he had signed an agreement on September 29 accepting inadequate compensation for his home and restaurant which were forcibly demolished by the authorities between 2001 and 2003.
- Since his property was demolished to make way for the Olympics, Ye repeatedly petitioned authorities for adequate compensation without success and also became a vocal human rights activist. In August 2004, Ye was sentenced to four years in prison for applying to organize a protest against forced evictions. On July 22, 2008, days before his was due to be released and the Olympics opened, Ye was taken away from prison and criminally detained on suspicion of “gathering crowds to disturb the order of public places” by Xuanwu police.
- [China Formally Detains Olympics Prisoner Ye Guozhu to Prevent Protests](#) (July 27, 2008)
49. **Yu Huafeng** (喻华峰), former editor of *Nanfang Daily*, was released on February 8 after serving nearly four years of his eight-year sentence. Yu was originally convicted of "corruption" and sentenced to twelve years' imprisonment on March 19, 2004. His sentence was reduced to eight years in June 2004. Yu was widely respected for his work at *Nanfang Daily*, especially his dedication to reporting on important social issues. He was imprisoned after *Nanfang Daily* ran stories on efforts to cover up SARS in Guangzhou and the death of Sun Zhigang (孙志刚) in police custody, a report that led to the abolition of the custody and repatriation (收容遣送) system in China.
50. **Yu Jianli** (于建利), a housing rights activist, was criminally detained by the authorities while petitioning about forced demolition in Jinan, the capital of Shandong Province, on July 27, 2007. He was formally arrested on September 4, 2007. Yu was charged with “slander” and tried by the Qingdao City Northern District Court On March 3, but the court failed to deliver a verdict and transferred the case to the Jiaonan City Court in

Shandong Province. On May 23, Yu was tried by Jiaonan City Court, and despite protest from his lawyers, Teng Biao (滕彪) and Wen Haibo (温海波), he was made to wear handcuffs and leg irons throughout the 4-hour trial. Yu was sentenced to 14 months in prison on July 17, and was released from prison on September 28 after fulfilling his sentence.

Yu is a representative of residents in Cuobuling, Northern District, Qingdao, whose property has been forcibly demolished. He published on the internet information and photos concerning the demolition, drawing much attention to the issue, especially in the international media.

51. **Yuan Xianchen** (袁显臣), human rights activist and “barefoot lawyer” from Jixi City, Heilongjiang Province, was found guilty on March 4, 2009, of “inciting subversion of state power” and sentenced to four years in prison and five years’ deprivation of political rights. Yuan was taken into police custody in Beijing on May 24, 2008 and formally arrested on suspicion of “inciting subversion of state power” on June 30. Yuan was charged with “inciting subversion of state power” for writing articles and accepting interviews with foreign media. Additionally, though it was not mentioned in the charges or at his trial, it is believed that Yuan was also arrested in part for helping Yang Chunlin (杨春林), a Heilongjiang farmers' representative, collect signatures endorsing an open letter entitled "We Want Human Rights, Not the Olympics" in early 2008, ahead of the Beijing Games.

Yuan is best known for his work as a legal advisor to workers at the Didao Mine in Jixi City. The miners have been seeking compensation from the local government and the mine management since the former state-owned business was re-structured and became a private enterprise.

[After Torture in Detention, Legal Activist Yuan Xianchen Goes on Trial](#) (January 15, 2009)
[Yuan Xianchen Sentenced to Four Years in Prison for “Inciting Subversion of State Power](#)
 (March 6, 2009)

52. **Zeng Jianyu** (曾建余): see his case on p.61 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

53. **Zhang Chunfu** (张春福), a representative of about a thousand residents in Xinhezhuang, Tanggu District, Tianjin, whose property has been forcibly demolished by authorities,

was convicted of “gathering crowds to attack state institutions” on February 22. Zhang was sentenced to five years in prison, which was upheld in early May by Tianjin Municipal Number 2 People’s Court. According to the Court, Zhang was guilty of “organizing meetings and organizing with premeditation the petitioning of those evicted”. Residents of Xinhezhuang staged sit-ins in August 2007 to protest the forced evictions.

54. **Zhang Zilin** (张子霖), of Lengshuitan City, Hunan Province, 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 into land appropriation in Jiangyong County, Hunan. On February 22, 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.

Zhang is currently held at Jishou Prison in Hunan Province, which has a reputation for violent and disrespectful treatment of prisoners, and has been repeatedly beaten and forced to perform heavy labor for over thirteen hours a day.

55. **Zhou Yuanzhi** (周远志), Hubei-based writer and member of Chinese Independent PEN, was detained along with his wife on May 3 by the Ministry of State Security. While his wife was released two days later, Zhou was held until May 15 while police interrogated him about a number of articles he wrote. Zhou was placed under residential surveillance for a period of time after his release.

56. **Zhou Yuanwu** (周远武): see his case on p.61 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#).

57. **Zhou Zhirong** (周志荣), a Hunan human rights activist, was released from Shahe Prison in Jingzhou City, Hubei Province after serving 18 months in prison for “gathering crowds to disturb social order.” Zhou, a veteran activist, was believed to be imprisoned for assisting villagers in Liushanhu Township, Chibi County, Hubei Province to fight against land appropriation without proper compensation by the local government.

Appendix II:

The Chinese Government's Replies to HRD Cases Raised by the UN Special Rapporteur: A Summary and Rebuttal

Below are cases of persecution of HRDs that were documented by CHRD and were submitted by the mandate holders on the situation of human rights defenders to the Chinese government.¹²³

CHRD is dismayed that, without exception, the Chinese government has responded by denying every single act of persecution, even when ample evidence exists to suggest otherwise. In addition to outright denial, the Chinese government has also resorted to avoidance—the responses invariably avoid addressing the link between the punishment and the activities of the HRD. They also deliberately avoid addressing systematic problems that contribute to the routine violations of freedoms essential for the promotion of human rights, such as the use of black jails and the RTL system, neither of which have any legal basis in Chinese law. To illustrate, below we have included a few quotes from the government's responses.

a. The Chinese government's responses to cases documented by CHRD in our 2007 annual report:

Mao Hengfeng (毛恒凤, see p.61 of this report): In response to urgent appeals sent by the mandate holders, the Chinese government denied that Mao was subjected to solitary confinement, forcible medication or beaten. It claimed that “the allegations in the communication...are not supported by the facts.”¹²⁴ However, CHRD has documented that Mao was arbitrarily detained, tortured and mistreated in Shanghai Prison.

Zheng Dajing (郑大靖, see p. 51 of this report): The Chinese government claimed that Zheng “was neither taken into criminal custody nor placed under arrest” in a response to an urgent appeal sent by the Special Representative, failing to address the fact that Zheng was held in a black jail, an illegal detention facility outside of the criminal justice system. The government also denied that Zheng was “subjected to beatings or ill treatment”.¹²⁵

Li Guohong (李国宏, see p. 52 of this report): The Chinese government claimed that Li, a representative of dismissed worker sent to RTL, “organized unlawful gatherings...obstructing traffic and disrupting the normal work routine at that company”¹²⁶, without elaborating on how exactly Li's actions were unlawful as Li was never tried in a court of law.

Huang Qingnan (黄庆南, see p.65 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#)): Although the government acknowledged that the labor rights activist was knifed by unidentified men and gave a detailed discussion of Huang's recovery and the police investigation¹²⁷, it did not comment on the alleged link between the attack and his activism assisting migrant workers. The investigation has so far failed to solve the case, as in all other cases where HRDs were assaulted by unidentified men reportedly hired by the local authorities.

Li Heping (李和平, see p.26-7 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#)): Similar to Huang's case, the Chinese government again responded by claiming that the case is being investigated.¹²⁸ However, at the time of writing, the case has still not been solved, 18 months after Li was assaulted.

Liu Jie (刘杰, see p. 53 of this report): The Chinese government denied that the Heilongjiang authorities had provided Liu with inadequate medical attention, and further claimed that Liu "has not been beaten, subjected to punishment or to any form of ill treatment".¹²⁹

Hu Jia (胡佳, p. 58 of this report): the Chinese government responded to Hu's case by claiming that he "had been colluding with foreign agencies...to foment subversion of State authority, by such means as spreading rumors and propagating slander"¹³⁰, while failing to specify exactly how the articles Hu authored, used as "evidence" against him in court, were rumors and slanders instead of mere expression of opinion. The government also claimed that Hu's "appointed legal counsel and members of his family have had meetings with him", failing to mention that Hu's lawyers were repeatedly denied access to the activist between December and February, and his family continues to be frequently denied access to Hu.

Zheng Mingfang (郑明芳, p. 55 of this report): In its response an urgent appeal regarding Zheng, a petitioner-turned activist subjected to arbitrary detention in an RTL camp in Tianjin, the Chinese government claimed that Zheng "concocted a terrorist message" that "seriously disrupted public order" even though Zheng was not given a chance to defend herself because she was never tried in a court of law. The government also failed to address the concern expressed in the appeal that Zheng has not received any formal notification about her detention.

b. The Chinese government responded to the following cases, which were documented in this report and were raised by the Special Rapporteur in her communications to the government. However, they have not yet been translated:

- Ji Sizun (纪斯尊): see p. 59 of this report
- Jiang Tianyong (江天勇): see p. 38-9

- Li Baiguang (李柏光): p.38-9 and 55
- Li Fangping (李方平): p.38-9
- Li Xiongbing (黎雄兵): p.38-9
- Lu Gengsong (吕耿松): p. 61
- Teng Biao (滕彪): p. 49
- Wang Guilan (王桂兰): p. 54
- Xie Changfa (谢长发): p. 63
- Yang Chunlin (杨春林): p. 64
- Yao Lifa (姚立法): p. 50
- Ye Guozhu (叶国柱): p. 65
- Yuan Weijing (袁伟静): see p.55 of [Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China \(2007\)](#)
- Zhang Xingshui (张星水): p.39
- Zhou Yuanzhi (周远志): p. 68

c. The Chinese government has not responded to the Special Rapporteur's communications regarding the persecution of the following HRDs:

- Chen Daojun (陈道军): see p.56 of this report
- Cheng Hai (程海): p.17-8
- Li Jincheng (李金成): p.61
- Li Xige (李喜阁) and Miaoju Cizhi (妙觉慈智): p.61
- Liu Xueli (刘学立): p. 53
- Ni Yulan (倪玉兰): p. 61
- Ren Shangyan (任尚燕): p. 53
- Wang Xiaoqiao (王小巧): p. 63

¹ Although China signed the ICCPR in 1998, it has not yet ratified it.

² For more information regarding the submission of allegations of human rights violations to the UN Special Rapporteur on Human Rights Defenders, please see <http://www2.ohchr.org/english/issues/defenders/complaints.htm>

³ Paragraph 11, Special Rapporteur on Human Rights Defender Margaret Sekaggya, *Report of the Special Rapporteur on the Situation of Human Rights Defenders: Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development*, February 12, 2009, <http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.10.12.pdf>

⁴ Special Rapporteur on Human Rights Defender Margaret Sekaggya, “Addendum: Summary of cases transmitted to Governments and replies received (A/HRC/10/12/Add.1)” in *Report submitted by the Special Rapporteur on the situation of human rights defenders*, March 4, 2009, <http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.10.12.Add.1.pdf>

⁵ Paragraph 665, Special Rapporteur on Human Rights Defender Margaret Sekaggya, “Addendum: Summary of cases transmitted to Governments and replies received (A/HRC/10/12/Add.1)” in *Report submitted by the Special Rapporteur on the situation of human rights defenders*, March 4, 2009, <http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.10.12.Add.1.pdf>

⁶ NPCSC, <中华人民共和国集会游行示威法>, effective since October 31, 1989.

⁷ For more detailed discussion of the Assembly Law and its restrictions on freedom of assembly, see p.15-17 *Dancing in Shackles: A Report on the Situation of Human Rights Defenders in China* (2007), http://www.crd-net.org/Article/Class9/Class11/200805/20080501034205_8531.html

⁸ Xinhua.com, “Spokesperson for the Beijing Municipal Public Security Bureau Answers Questions Regarding Applications for Assemblies and Protests <北京市公安局负责人就申请集会游行示威问题答问>”, August 18, 2008, http://news.xinhuanet.com/newscenter/2008-08/18/content_9469687.htm

⁹ For more cases of individuals punished for applying to protest, see CHRD, “China Breaks Promises of Freedoms of Association and the Press during Olympics”, August 17, 2008, http://crd-net.org/Article/Class9/Class10/200808/20080817094733_10072.html

¹⁰ CHRD, “Protest Applicant Apprehended En Route to Beijing”, *China Human Rights Briefing August 16-30, 2008*, http://crd-net.org/Article/Class9/Class10/200809/20080904003507_10390.html

¹¹ CHRD, “Beijing Post Office: Application to Protest “Could Not be Delivered””, *China Human Rights Briefing August 16-30, 2008*, http://crd-net.org/Article/Class9/Class10/200809/20080904003507_10390.html

¹² After the death of a teenage girl in Wengan City, Guizhou Province on June 28, a spontaneous demonstration broke out in the City involving thousands of inhabitants angry about an alleged police cover-up over the girl’s death. The demonstration turned riotous reportedly after the demonstrators failed to obtain an explanation from the police and the crowd burnt police vehicles and stations.

¹³ On July 19, a group of about 500 rubber farmers clashed with about 40 policemen in Menglian County, Puer City, Yunnan Province. The policemen were allegedly attacked by the farmers, prompting them to open fire which killed two and injured fifteen. Reportedly, the rubber farmers had been in a long dispute with the rubber companies concerning the share of profit in rubber sale. The local government had been allegedly siding with the companies to force the farmers to sell their produce at a low price.

¹⁴ On November 17, sixty petitioners were dispersed and taken into custody by police while they were petitioning in Dongjiang Township, Longnan City, Wudu District, Gansu Province. The next day, thousands of citizens went to

the government building in Longnan City and demanded that the Secretary of the Chinese Communist Party (CCP) of Longnan City explain the situation and release those detained. Around 10 a.m., between four- and five-hundred military and local police officers were summoned by the local government to disperse the crowd using tear gas. The police reportedly beat some of those gathered with batons and bricks, injuring about one-thousand people. The authorities allege that at least sixty policemen were injured and government property was damaged. After the Sichuan earthquake on May 12, Longnan City government declared that it was to move to Dongjiang Township. However, after the authorities flattened the township, the government decided to move elsewhere. The petitioners were amongst those in the township population who are discontent with the false move.

¹⁵ CHRD, “Violent Clashes in Ethnic Minority Areas in Yunnan and Hainan Provinces”, April 21, 2008, http://www.crd-net.org/Article/Class9/Class15/200804/20080422164200_8461.html

¹⁶ CHRD, “Gansu Police Clash with Thousands”, *China Human Rights Briefing* November 16-30, http://www.crd-net.org/Article/Class9/Class10/200812/20081208102144_12246.html

¹⁷ CHRD, “Zhejiang Protest against Chemical Factory Put Down by Force” in *China Human Rights Briefing* May 1-15, 2008, http://crd-net.org/Article/Class9/Class10/200805/20080516163659_8699.html

¹⁸ CHRD, “Cyber Activists Detained for “Inciting” Anti-Pollution March in Chengdu”, May 14, 2008, http://crd-net.org/Article/Class9/Class15/200805/20080514220937_8679.html

¹⁹ CRLW, “Workers Beaten as Police Break Up Demonstration”, *China Human Rights Briefing* December 16-30, 2008, http://crd-net.org/Article/Class9/Class10/200901/20090106012300_12875.html

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