



# Chinese Human Rights Defenders (CHRD) 维权网

Web: <http://chrdnet.org/> Email: [networkcrd@gmail.com](mailto:networkcrd@gmail.com)  
Promoting human rights and empowering grassroots activism in China

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## China Human Rights Briefing Weekly

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### *Highlights*

- **Uyghur Journalist Hailaite Niyazi Sentenced to 15 Years in Prison:** On July 23, a court in Urumqi, Xinjiang Uyghur Autonomous Region sentenced journalist Hailaite Niyazi to 15 years in prison for endangering state security (CHRD has not yet learned which specific “endangering state security” crime he was convicted of). The verdict was apparently based on an interview he gave to Hong Kong media following the violence in Xinjiang during July of last year. Niyazi, who has been in detention since October 1, 2009, was reportedly tried without a lawyer present.
- **CHRD’s Chinese-Language Website Shut Down for More than One Week by Attack:** Except for a few brief hours over the weekend, CHRD’s Chinese-language website (<http://www.crd-net.org>) has been out of service since July 19 as a result of the latest DDOS attack against the site. This the second-longest DDOS attack directed at CHRD’s site this year: an attack in March rendered the site inaccessible for 15 days.

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## Contents

Freedom of Expression .....	2
CHRD Protests Harsh and Unjust Sentence for Uyghur Journalist Hailaite Niyazi .....	2
After Brief Return to Service, CHRD’s Chinese-Language Website Once Again Inaccessible .....	3
Arbitrary Detention.....	3
Police in Beijing Beat, Detain Petitioning Parents of Vaccine Victims.....	3
Legal Rights.....	3
Fuzhou Court Hears Lawsuit Brought by Lawyer Lin Hongnan against Bureau of Justice .....	3
Freedom of Assembly .....	4

Hundreds of Villagers Protest in Guangzhou; Day Ends as Many Are Seized By Police .....	4
Police in Beijing Prevent Human Rights Lawyer Li Xiongbing from Attending NGO Meeting .....	4
Harassment of Activists .....	4
Shenzhen Activist Zhao Dagong and Wife Forcibly Returned from Shanghai .....	4
Forced Eviction and Demolition .....	5
Demolition Workers in Jiangsu Province Violently Beat Homeowner .....	5
Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment .....	5
Sichuan Petitioner Suffers Broken Rib Following Beating by Chongqing Police.....	5
Law and Policy Watch.....	5
Revisions to Chinese Criminal Law Reportedly to Include Reduction in Number of Capital Offenses ..	5
New Wuhan Mental Health Regulations Leave Potential for Abuse by Officials.....	6

## **Freedom of Expression**

### **CHRD Protests Harsh and Unjust Sentence for Uyghur Journalist Hailaite Niyazi**

On July 23, a court in Urumqi, Xinjiang Uyghur Autonomous Region (XUAR) sentenced journalist Hailaite Niyazi (whose name also sometimes appears as Hairat or Gheyret Niyaz or Niyaze) to 15 years in prison for endangering state security (CHRD has not yet learned which specific “endangering state security” crime he was convicted of). Niyazi, who has been in detention since October 1, 2009, was reportedly tried without a lawyer present.

CHRD believes Niyazi was convicted on the basis of comments he made to a journalist from Hong Kong-based *Asia Weekly*, which later appeared in an article entitled "Uyghur NGO Worker, Former *Xinjiang Legal News* Chief Editorial Director Niyazi Provided Early Warning Before July 5 Incident." In the article, which was published on July 23, 2009, Niyazi is quoted as saying he telephoned a friend working in the XUAR government on July 4 and met with top officials on July 5 to warn them of the potential for violence on July 5, but officials refused to take action in response to his warning. Niyazi went on in the article to comment on the nature of the riots, possible organizers, as well as the root causes of the violence. During his trial, prosecutors also brought up articles written by Niyazi prior to the July 5 riots which discussed tensions in the XUAR. (CHRD)<sup>1</sup>

## **After Brief Return to Service, CHRDR's Chinese-Language Website Once Again Inaccessible**

Service was briefly restored to CHRDR's Chinese-language website (<http://www.crd-net.org>) on the morning of July 25 following more than 100 hours of inaccessibility due to a DDOS attack launched July 19. However, after only two hours, the site was once again rendered inaccessible by the ongoing attack. Later on July 25, CHRDR's internet service provider was forced to stop all traffic to the website as the amount of malicious traffic from the attack became too much for the server to handle. At the time of writing, the site remains closed.

## **Arbitrary Detention**

### **Police in Beijing Beat, Detain Petitioning Parents of Vaccine Victims**

On the afternoon of July 19, a group of nine parents whose children were sickened by tainted vaccines arrived at the Ministry of Health in Beijing to petition. Shortly after reaching the Ministry's Letters and Visits Office, the parents were accosted by police officers, who struck at least four of the petitioners before taking them into detention. Liaoning petitioner Yang Yukui (杨育奎) suffered a broken rib and broken finger, and three others were injured by the officers. CHRDR has learned that eight of the petitioners, including the four injured, have been given five days of administrative detention for "disrupting public order." The whereabouts of the final petitioner are currently unknown. (CHRDR)<sup>2</sup>

## **Legal Rights**

### **Fuzhou Court Hears Lawsuit Brought by Lawyer Lin Hongnan against Bureau of Justice**

On the afternoon of July 22, Fuzhou City's Taijiang District Court held an open court session to hear lawyer Lin Hongnan's (林洪楠) administrative litigation lawsuit against the Fuzhou Bureau of Justice, challenging the Bureau's decision to suspend his lawyer's license for one year. Lin was represented by lawyers Liu Xiaoyuan (刘晓原) and Zhang Zanning (张赞宁). The court proceedings ended without a verdict. According to reports from the scene, approximately 100 policemen and security guards were on hand to control a crowd which swelled to between 400 and 500 supporters, activists, and petitioners. Lin's lawyer's license was suspended for one year on December 23, 2009, during the case against the "Fuzhou Three" netizens who were later imprisoned for helping a woman post information online regarding the suspected rape and murder of her daughter. Ostensibly, Lin's punishment came because he improperly handled evidence in a 2002 case, providing family members of one of the defendants with a copy of the minutes of a government meeting which the family subsequently published on overseas websites. However, Lin and others believe the punishment to be in retaliation for Lin's insistence on pursuing a plea of not guilty for Wu Huaying (吴华英), one of the "Fuzhou Three." (CHRDR)<sup>3</sup>

## **Freedom of Assembly**

### **Hundreds of Villagers Protest in Guangzhou; Day Ends as Many Are Seized By Police**

On the morning of July 22, close to one thousand residents of Xiaogang Village gathered outside of the Guangzhou City, Guangdong Province government offices to protest the planned forced demolition of their homes and requisition of village land. The protest lasted from 9 am until shortly after 5 pm, when police, who had been stationed outside the offices for the duration of the demonstration, descended on the crowd, forcibly dispersing and seizing villagers. Two large buses full of protestors were taken away by police; their current whereabouts are unknown. Xiaogang Village is a “city village” (城中村)—villages that have been engulfed by the city. As Chinese cities expand rapidly, residents in these villages are especially vulnerable to forced eviction as the city government, in the name of “city village transformation,” seizes the increasingly valuable land while providing little compensation to the villagers. (CHRD)<sup>4</sup>

### **Police in Beijing Prevent Human Rights Lawyer Li Xiongbing from Attending NGO Meeting**

On the morning of July 25, officers from the Beijing Public Security Bureau arrived at the home of Beijing human rights lawyer Li Xiongbing (黎雄兵) to prevent him from leaving for a scheduled meeting that afternoon. Li had planned to attend a weekly meeting of the NGO Citizen (Gongmin), a newly-registered organization after its predecessor Open Constitution Initiative (Gongmeng) was formally banned by the government in the summer of 2009. The officers stationed outside of Li's home did not produce any legal documentation which might have authorized their actions. Earlier this month, Li was similarly prevented from attending a meeting on forced evictions in Beijing. (CHRD)<sup>5</sup>

## **Harassment of Activists**

### **Shenzhen Activist Zhao Dagong and Wife Forcibly Returned from Shanghai**

On July 20, Shenzhen human rights activist Zhao Dagong (赵达功) and his wife reached Shanghai, where they had planned to visit the World Expo. However, shortly after the couple checked into their hotel, Shanghai and Shenzhen police arrived at their door and, without producing any legal documentation which might authorize their actions, ordered them into a waiting vehicle. Zhao and his wife were driven to Shanghai's Pudong airport, where they were put on a plane along with the officers from Shenzhen and forcibly returned to Shenzhen. Zhao, the secretary-general of the Independent Chinese PEN (ICPC) and member of the first group of *Charter 08* signatories, did not publicize his plans to travel to Shanghai, but had reportedly been followed by plainclothes police en route to Shanghai. (CHRD)<sup>6</sup>

## **Forced Eviction and Demolition**

### **Demolition Workers in Jiangsu Province Violently Beat Homeowner**

On July 24, Nantong City, Jiangsu Province resident Chen Gang (陈刚) was attacked at the home of his father-in-law by a group of approximately 40 workers employed by the Xinjin Housing Demolition and Eviction Company. Chen and his neighbors had moved out of their apartment building after demolition workers cut off electricity and water to their apartments and damaged door locks; the workers accosted Chen at his father-in-law's home, where he had been staying, to coerce him into signing a demolition agreement. When Chen refused, and when local police who arrived after Chen placed an emergency call refused to disperse the eviction workers, they turned violent, beating Chen and striking him in the head with a wooden stool. Chen was hospitalized following the attack; workers threatened to "beat him to death" if he continued to refuse to sign a demolition agreement. (CHRD)<sup>7</sup>

## **Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

### **Sichuan Petitioner Suffers Broken Rib Following Beating by Chongqing Police**

On July 14, uniformed and plainclothes police outside of the Chongqing Municipal Letters and Visits Bureau attacked and beat petitioner Zhao Jiawei (赵家伟), breaking one of Zhao's ribs. The identity of the officers responsible is not known. Zhao reported the beating to the policemen on duty, but they refused to accept the case. Zhao, a farmer from Tianci Village in Da County, Sichuan Province, has been petitioning since 2008 regarding what he believes to be an unjust court ruling in the case of his daughter's death. (CHRD)<sup>8</sup>

## **Law and Policy Watch**

### **Revisions to Chinese Criminal Law Reportedly to Include Reduction in Number of Capital Offenses**

According to a July 23 *Global Times* article, amendments to the Criminal Law may be submitted to the Standing Committee of the National People's Congress for review next month. Reportedly, three categories of crimes- economic crimes, inciting others to commit crimes, and "crimes that can be tackled through increased legislation, such as abduction and kidnapping"- will be removed from the list of offenses eligible for the death penalty. There are currently 68 crimes for which offenders can be sentenced to death. However, it is unclear exactly how many of those will be removed from this list by the amendments. (*Global Times*)<sup>9</sup>

While reducing the number of capital offenses would unquestionably be a positive development, CHRD continues to urge the Chinese government to abolish the death penalty altogether, and in the short term, to set a concrete timetable for its abolition.

## **New Wuhan Mental Health Regulations Leave Potential for Abuse by Officials**

Released publicly on July 20, the Wuhan City Mental Health Regulations are set to take effect on September 1. These are the sixth such local regulations to be issued in China on the subject of mental health. The regulations lay out standards regarding institutionalizing a patient for mental health reasons and other issues related to the management of the mental health system. (*Chutian Dushi News*)<sup>10</sup>

CHRD is concerned that these regulations will do little to restrict the wide powers police have to force psychiatric treatment on individuals and to forcibly detain them in mental health facilities. According to article 25 of the regulations, individuals with "serious mental disorders" should be "helped" by their "work units, public security officials, sub district officials, township or town government officials, neighborhood committee members, or village committee members" if their relatives or guardians are "unable" to send them for treatment. Article 25 thus leaves much room for abuse, as government officials and neighbors are given the power to determine that an individual suffers from "serious mental disorders" and to force treatment on this person. In situations where the individual "are behaving in ways that seriously endangers the safety of the public or others," according to article 32, the police can forcibly hospitalize the person after obtaining an assessment of the individual's mental health status by a certified health professional. The person is therefore deprived of access to legal counsel and to a court hearing as the police holds the sole power to subject him/her to involuntary hospitalization.

*Editors: David Smalls and Lin Sang*

[News updates from CHRD](#)

[Annual Report on the Situation of Human Rights Defenders in China \(2009\)](#)

Chinese Human Rights Defenders (CHRD) is a China-based, non-political, non-governmental network of grassroots and international activists promoting human rights and empowering grassroots activism in China. CHRD's objective is to support human rights activists in China, monitor human rights developments, and assist victims of human rights abuses. CHRD advocates approaches that are non-violent and based on rule of law. CHRD conducts research, provides information, organizes training, supports a program of small grants to human rights activists and researchers, and offers legal assistance.

*Chinese Human Rights Briefing* (CHRB) is a daily newsletter providing the latest information on China's human rights developments. Our information originates from Chinese human rights defenders and groups at the grassroots. CHRD is responsible for all information published in CHRB. A compilation of each week's CHRBs, updated daily, is available on our website.

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<sup>1</sup> "CHRD Protests Harsh and Unjust Sentence for Uyghur Journalist Hailaite Niyazi," July 23, 2010, <http://chrdnet.org/2010/07/23/chrd-protests-harsh-and-unjust-sentence-for-uyghur-journalist-hailaite-niyazi/>

<sup>2</sup> "Parents of Vaccine Victim Beaten, Detained in Beijing" (疫苗受害家长在北京被殴打关押), July 21, 2010, <http://news.boxun.com/news/gb/china/2010/07/201007211401.shtml>

<sup>3</sup> "Trial Opens in Case of Fuzhou Lawyer Lin Hongnan, Human Rights Activists On the Scene to Provide Support" (福州林洪楠律师案开庭，维权人士现场声援(图)), July 22, 2010, <http://news.boxun.com/news/gb/china/2010/07/201007221739.shtml>

<sup>4</sup> "Hundreds Protest Outside Guangzhou City Government, Many Detained" (广州千余名村民到市政府抗议，多人被抓), July 22, 2010, <http://news.boxun.com/news/gb/china/2010/07/201007222031.shtml>

<sup>5</sup> "Beijing Human Rights Lawyer Li Xiongbing Has Freedom Restricted Again" (北京维权律师黎雄兵再次被限制人身自由), July 25, 2010, <http://news.boxun.com/news/gb/china/2010/07/201007251540.shtml>

<sup>6</sup> "Zhao Dagong Forcibly Returned to Shenzhen from Shanghai" (赵达功在上海被警方遣送回深圳), July 21, 2010, <http://news.boxun.com/news/gb/china/2010/07/201007212127.shtml>

<sup>7</sup> "Another Violent Eviction in Nantong Turns Bloody: Evictee Chen Gang Undergoing Emergency Treatment in Hospital" (南通暴力拆迁又发血案：被拆迁户陈刚在医院抢救(图)), July 25, 2010, <http://news.boxun.com/news/gb/china/2010/07/201007251248.shtml>

<sup>8</sup> "Chongqing Police Break Petitioner's Rib Outside of Letters and Visits Bureau" (重庆警察在信访局打断访民肋骨), July 26, 2010, <http://news.boxun.com/news/gb/china/2010/07/201007262050.shtml>

<sup>9</sup> "China's criminal law to be revised once more," *Global Times*, July 23, 2010, <http://china.globaltimes.cn/chinanews/2010-07/555487.html>

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<sup>10</sup> "Wuhan City Mental Health Regulations Published Yesterday, Take Effect September 1" 《武汉市精神卫生条例》昨公布 9 月 1 日实施), July 20, 2010, <http://ctdsw.cnhubei.com/cnews/shfz/201007/t1310313.shtml>