



Chinese Human Rights Defenders (CHRD) 维权

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Promoting human rights and empowering grassroots activism in China

China Human Rights Briefing Weekly

August 3-9, 2010

Highlights

- **Liu Xianbin Case on Verge of Transfer to Courts:** CHRD learned this week from lawyer Ma Xiaopeng (马小鹏) that the “inciting subversion of state power” case against Sichuan Province democracy activist and human rights defender Liu Xianbin (刘贤斌) may be transferred to the courts “within the week.” This news confirms speculation by fellow Sichuan activists that the procuratorate would move quickly to prosecute Liu, who was formally arrested on July 5 and charged with “inciting subversion of state power” based on articles he had written and published on websites hosted overseas.
- **CHRD Calls on Supreme People’s Court to Overturn Death Sentence Against Torture Victim:** This week, CHRD released a statement urging the Supreme People’s Court (SPC) to consider evidence of torture in the case against alleged Chongqing gangster Fan Qihang (樊奇杭) and overturn his conviction. Fan, whose death sentence is currently up for review by the SPC, was allegedly subjected to months of torture while in police detention in Chongqing. His lawyer, Zhu Mingyong (朱明勇), recently released secret recordings he created during their meetings in which Fan describes the abuse he suffered as interrogators sought to extract a confession from him.

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Arbitrary Detention

Case Against Liu Xianbin to be Transferred to Courts “Within the Week”

On the morning of August 9, Chengdu lawyer Ma Xiaopeng (马小鹏) contacted Suining City Procuratorate department chief Li Hongzhi (李虹志) to enquire about the status of his client Liu Xianbin's (刘贤斌) case. Li informed lawyer Ma that the investigation into the "inciting subversion of state power" charge against Liu was "basically complete," and that the case would be sent to the court "within this week." This news confirms speculation by fellow Sichuan activists that the procuratorate would move quickly to prosecute Liu's case. Liu was criminally detained on June 28 and formally arrested on suspicion of “inciting subversion of state power” on July 5. He is currently being held in the Suining City Detention Center. (CHRD)ⁱ

Hebei Reporter and Activist Xu Yishun Challenges RTL Decision in Administrative Litigation Suit

On August 6, the Xinshi District Court administrative tribunal held a court session in Baoding City, Hebei Province's Gaoyang Re-education through Labor (RTL) Camp to hear an administrative litigation lawsuit brought by reporter and activist Xu Yishun (徐义顺, pen name Kong Fanzhong [孔繁重]). Xu's suit challenged the Baoding City RTL Management Committee's May 25, 2010, decision to send him to one and a half years of RTL for "fraud;" according to Xu's lawyer, Liu Peifu (刘培福), the allegation of "fraud" has "no factual basis." The hearing ended without a verdict being issued. Xu's relative Liu Nanping (刘南平), who attended the hearing, reported that Xu's health appeared "much worse" than the last time she saw him. Liu believes that Xu's heart disease has worsened since his detention began, and that he is

still suffering the effects of a beating by fellow detainees earlier this year which left him with ear injuries and hearing damage. It is believed that Xu's detention has come in retaliation for his activism, which includes taking a trip in late April 2010 to visit Yuan Weijing (袁伟静), the wife of imprisoned Shandong human rights defender Chen Guangcheng (陈光诚). (CHRD)ⁱⁱ

Lawyers Visit Imprisoned Activist Guo Feixiong, Learn of Plans to Seek a Review of Judgment

On July 8, lawyers Li Baiguang (李柏光) and Liu Peifu (刘培福) were able to meet with imprisoned activist Guo Feixiong (郭飞雄, real name Yang Maodong [杨茂东]) in Guangdong Province's Meizhou Prison. During the 45-minute meeting, Guo presented the lawyers with a copy of a document he had drafted stating his reasons for seeking a review of the judgment, which recounts the torture to which he was subjected during the investigation of his case. Guo also told the lawyers that he had not appealed his conviction for “operating an illegal business” in 2007 because he thought the judgment so absurd that there was no use in challenging it. According to the lawyers, Guo appeared to be in reasonable health. (CHRD)ⁱⁱⁱ

Freedom of Association

Police in Beijing Summon Lawyer and Activist for Questioning Regarding Proposed Lawyers Group

On the afternoon of August 5, officers from the National Security Unit of the Beijing Public Security Bureau separately summoned human rights lawyer Yang Huiwen (杨慧文) and human rights activist Zhao Changqing (赵常青). Yang and Zhao were reportedly questioned primarily about plans to organize a group of lawyers dedicated to defending the rights of petitioners. Officers also confiscated a copy of *Charter 08*, three personal notebooks, and a copy of the book *Remembering Lin Zhao* from Zhao Changqing's home. Other Beijing activists, including Bai Dongping (白东平) and Hu Shigen (胡石根), were previously summoned and questioned regarding the lawyers group. (CHRD)^{iv}

Citizens' Actions

China's Highest Court Must Overturn Death Sentence Based on Confession Extracted by Torture

On August 3, CHRD issued a statement regarding the death sentence against Fan Qihang (樊奇杭), which is currently being reviewed by the Supreme People's Court. Based on [secret recordings](#) produced by his lawyer Zhu Mingyong (朱明勇), which Zhu made public last week, CHRD believes that Fan was subjected to months of torture at the hands of police in Chongqing. CHRD urges the Supreme People's Court to overturn the death sentence against Fan, which was

handed down solely on the basis of a confession extracted through torture. For the full statement (in English), please click [here](#).

CHRD Issues "Appraisal and Suggestions Regarding Two Regulations on Illegal Collection of Evidence"

On August 4, CHRD issued a public letter addressed to the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice regarding two regulations issued on May 30, 2010- one regulation outlining principles and rules for assessing evidence used in cases involving the death penalty, and the other regarding the exclusion of evidence obtained through illegal methods from criminal trials. The letter outlines a number of concerns with the regulations, particularly with the regulations regarding the exclusion of evidence obtained through illegal methods, and offers concrete proposals for reforming various aspects of the Chinese legal system to better defend the rights of citizens, and protect individuals from torture. For the full text (in Chinese), please click [here](#).

Law and Policy Watch

Arrest Warrants for Defamation to Require Approval of Higher-Level Procuratorate

According to notice released on August 7 by the Supreme People's Procuratorate, local prosecutors will have to obtain approval from a higher-level procuratorate before issuing arrest warrants in defamation cases. Saying "[w]e should accurately define the limit between defamation and non-defamation cases and should not consider criticism, accusation or even radical speeches and behaviors to individual officials as defamation," the Supreme People's Procuratorate issued its notice shortly after the highly-publicized case of reporter Qiu Ziming, who was put on a national most-wanted list before having the arrest warrant against him for defamation cancelled. (People's Daily)^v

Local officials have long used defamation charges to retaliate against individuals for exposing local corruption and rights violations, or for simply calling for investigation into government actions. In one of the most widely-followed defamation cases in recent years, three Fujian netizens- Fan Yanqiong (范燕琼), Wu Huaying (吴华英), and You Jingyou (游精佑)- were convicted of "slander" and sentenced to two, one, and one years in prison, respectively, for posting articles and video online urging government officials to investigate the alleged rape and murder of a young woman. While the requirement that local officials obtain clearance from higher officials demonstrates that the central government is aware of the abuse of this charge by local officials, this new requirement will unlikely to be effective unless the Chinese government takes concrete actions to overhaul its legal and political system to better protect citizens' right to freedom of expression.

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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ⁱ "Liu Xianbin Inciting Subversion Case About to be Transferred to Courts" (刘贤斌煽动颠覆案即将移送法院), August 9, 2010, <http://news.boxun.com/news/gb/china/2010/08/201008091113.shtml>

ⁱⁱ "Hebei activist Xu Yishen's Administrative Litigation Lawsuit Regarding RTL Heard" (河北维权人士徐义顺劳教行政诉讼案开庭), August 6, 2010, <http://news.boxun.com/news/gb/china/2010/08/201008061438.shtml>

ⁱⁱⁱ "Lawyer Li Baiguang Meets With Guo Feixiong in Guangdong's Meizhou Prison" (李柏光律师在广东梅州监狱会见郭飞雄), July 30, 2010, <http://news.boxun.com/news/gb/china/2010/07/201007301256.shtml>

^{iv} "Breaking News: Human Rights Lawyer Yang Huiwen Summoned by Beijing Police" (快讯: 维权律师杨慧文被北京市局传唤), August 5, 2010, <http://www.peacehall.com/news/gb/china/2010/08/201008051925.shtml>;
"Situation Regarding Human Rights Activist Zhao Changqing's Summons" (维权人士赵常青被传唤情况), August 7, 2010, <http://www.peacehall.com/news/gb/china/2010/08/201008071607.shtml>

^v People's Daily, "More hoops for defamation charges," August 9, 2010, <http://english.peopledaily.com.cn/90001/90776/90882/7097805.html>