



Chinese Human Rights Defenders (CHRD) 维权网

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Promoting human rights and empowering grassroots activism in China

## China Human Rights Briefing

June 22-28, 2011

### *Highlights*

- **Updates on Detentions and Disappearances Related to the “Jasmine Revolution” Crackdown:** Ai Weiwei (艾未未), the Beijing-based artist and activist, and several of his associates were released last week after going missing in April, but they still remain out of contact. Tax authorities have ordered Ai to pay back taxes and a separate fine related to alleged “economic crimes,” but he has reportedly refused the demand.
- **Hu Jia Released, Beijing Dissidents Face Limited Freedom:** On June 26, activist Hu Jia (胡佳) returned home after serving three-and-a-half years in prison for “inciting subversion of state power.” Around the time of Hu’s release, several other dissidents in Beijing faced increased tightening of restrictions on their freedom.
- **CHRD Releases Handbook on Supporting Torture Victims:** CHRD has compiled a handbook on how to care for and support victims of torture. The handbook was released in conjunction with the United Nations International Day in Support of Victims of Torture, designated as June 26.

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### **Arbitrary Detention**

#### **Updates on Detentions and Disappearances Related to the “Jasmine Revolution” Crackdown**

**Ai Weiwei** (艾未未), the Beijing-based artist and activist who went missing on April 3 when he was about to board a flight to Hong Kong, was released on bail (取保候审) on June 22 after being held under residential surveillance in a still-unknown location by the Beijing Municipal Public Security Bureau. Authorities indicated that Ai was released due in part to his good attitude and because he is suffering from a chronic disease. CHRD later learned from the lawyer **Liu Xiaoyuan** (刘晓原), a close friend of Ai’s, that Beijing tax authorities have ordered Beijing Fake Cultural Development, Ltd., which handles the business aspects of Ai’s art career, to pay back taxes of nearly US\$1 million and a fine of over \$1 million. Ai has refused to sign any agreement regarding this demand because he is not Fake’s CEO, and has authorized the lawyers **Pu Zhiqiang** (浦志强) and Xia Lin (夏林) of the Beijing Huayi Law Firm to represent him in handling his legal matter.

**Hu Mingfen** (胡明芬), **Liu Zhenggang** (刘正刚), and **Wen Tao** (文涛)—all associates of Ai’s who were detained in April—were also released from detention last week, but remain out of contact at the time of writing. Even more troubling, CHRD has learned that Liu suffered a heart attack while under interrogation and entered Lanzhou Armed Police Hospital after being released. There is no information on when he was checked into the hospital or his current health condition. (CHRD)

Tang Jingling (唐荆陵), a human rights lawyer from Guangzhou who first disappeared only to have police tell his family that he was criminally detained on February 22 on suspicion of

“inciting subversion of state power” (煽动颠覆国家政权罪), has been put under residential surveillance in an unknown location outside his home. Attempts to contact or visit his wife, **Wang Yanfang** (汪燕芳), at the couple’s apartment have failed. Wang has not been permitted to see her husband since his detention, and she has been intimidated and restricted in movement, able to go only to the hospital when she is sick and certain other places, but always driven by individuals charged with monitoring her. More than 10 officers guard the couple’s apartment around the clock, stopping anyone who tries to enter. (Civil Rights & Livelihood Watch)<sup>[i]</sup>

### **Hu Jia Released from Prison, Beijing Dissidents Face More Limits on Freedom**

At 2:30 a.m. on June 26, activist **Hu Jia** (胡佳) returned home after serving three-and-a-half years in prison for inciting subversion of state power (煽动颠覆国家政权罪), precipitating a tightening of restrictions on other dissidents. According to dissident **Zha Jianguo** (查建国), officers from Tiantan Police Station sought him out to talk, and police have been stationed downstairs from his home since June 25; he must notify them before he goes out and he can leave only after receiving permission, and must be taken in a police vehicle. Another dissident, **Gao Hongming** (高洪明), was taken away on June 25, and the writer **Liu Di** (刘荻) has been under police surveillance since that same day, without being able to go out freely. Also, the activist **Peng Dingding** (彭定鼎), interviewed after Hu’s release, has had limits placed on his freedom since June 20.

Hu Jia was taken into custody in December 2007 on suspicion of inciting subversion and convicted of the crime in April 2008. His health worsened in prison primarily due to complications from cirrhosis, and requests for medical parole made by his wife, **Zeng Jinyan** (曾金燕), were refused several times. (CHRD)<sup>[iii]</sup>

### **Harassment of Activists**

#### **Police Stop Fujian Activist from Boarding Beijing-Bound Train Prior to CCP Anniversary**

At 5 p.m. on June 27, **Ji Sizun** (纪斯尊), a rights activist and legal advocate from Fujian Province, was stopped and forcibly taken away by up to five plainclothes police as he was preparing to board a train from Fuzhou City to Beijing. His cell phone reportedly was turned off, and despite Ji’s repeated protests, police held him for several hours until the train left. Police around the country appear to be mobilized to stop and intercept activists and petitioners from traveling to Beijing as authorities prepare celebrations for the 90th anniversary of the founding of the Chinese Communist Party on July 1. Ji had been released from prison on January 17 of this year after completing a three-year sentence for “forging official documents and seals.” He was detained in August of 2008 after he applied to protest in one of the “Protest Zones” supposedly set up by the government during the Olympics in Beijing. (CHRD)<sup>[iii]</sup>

## **Police Harass Victims of Psychiatric Detention in Wuhan**

Around 9 a.m. in the morning of June 28, plainclothes police took away **Hu Guohong** (胡国红) and **Cheng Xue** (程雪), a married couple who has been under strict surveillance since late April. Police also searched their residence and confiscated a computer and other items. Hu was confined in 2008 in Wuhan Mental Hospital for over two months after pursuing compensation from provincial authorities over a physical assault. Since then, Hu and his wife have become outspoken about psychiatric detention and assisted other victims. Police had put them under surveillance at their home in late April.

In addition, **Xu Wu** (徐武), a 43-year-old fireman and petitioner who pursued a grievance against his company starting in 2003, is under tight surveillance after being released on June 9 from Feiyue Psychiatric Hospital, where was forcibly held for over four years. Surveillance personnel are stationed in a shed near Xu's home and include plainclothes, subdistrict, and public security officers, as well as security personnel from the Wuhan Iron and Steel Company, Xu's former employer. The security officers also subject Xu's family members to surveillance, stop anyone resembling a journalist, and closely inspect the property when anyone visits Xu. Surveillance vehicles, including cars and motorcycles, are on watch in front of Xu's home. In 2003, Xu began to petition both in Wuhan and Beijing over wage issues from his employer. In retaliation, police took Wu away to a company hospital for psychiatric treatment in late 2006. He escaped briefly in April 2011 and went to Guangzhou to undergo psychiatric evaluation to prove his sanity. After his story was posted online, it received a tremendous amount of media attention. In late April, he was taken back into custody by officers from the Wuhan Public Security Bureau, which later released him. (Civil Rights & Livelihood Watch)<sup>[iv]</sup>

## **Local NPC Election Watch**

### **Independent People's Congress Candidate Put Under "Soft Detention" on Election Eve**

On the afternoon of June 28, **Li Sihua** (李思华), an independent candidate for the Tongzhou Subdistrict People's Congress in Yushui District, Xinyu City, Jiangxi Province, was forcibly abducted a day before the election and taken away from the area. Three individuals—the secretary of the Chengbei Subdistrict Office, Security Patrol Chief **Lin Wenfeng** (林文峰), and Officer **Hu Jianyong** (胡建勇)—took Li to Tonggu County, and told him that he would be held under "County, and tol until around the evening of June 30, and then be allowed to go home. Li is reportedly being held in a guest house. His abduction is likely connected to criminal suspicion of Li for "undermining People's Congress elections," a charge levied by Xinyu authorities who have claimed since June 14 that Li's "recommendation form" required for candidacy is fraudulent. (Civil Rights & Livelihood Watch)<sup>[v]</sup>

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

### **Yunnan RTL Detainee Dies from Suspected Beating**

The family of **Yue Yuan** (岳远), who was sent last October to Re-education Through Labor (RTL) due to drug use before dying in the facility this month, suspects that he was beaten to death, and they have encountered interference while trying to uncover the truth. The Yunnan Provincial No. 3 RTL Facility called the family on June 19 and indicated that Yue had died accidentally while taking drugs, but when the family went to the facility on June 20, they found his body had wounds on his arms, chest, and face. To try to cover up what had happened to Yue, police claimed the injuries came from a “collision” during a “rescue” attempt, and they dissuaded the family from preserving and taking away the body, and also warned them not to photograph it. Family members returned with two lawyers, but police prohibited them from seeing the corpse. In addition, the facility rejected the family’s request to bring lawyers to investigate the case. (Civil Rights & Livelihood Watch)<sup>[vi]</sup>

### **Henan Farmer Let Go After Coerced Confession, Five-Year Detention**

CHRD has learned that **Li Xinchun** (李新春), a farmer from Taikang County, Zhoukou City, Henan Province who was detained for five years on a murder charge after confessing under torture, has had his bail lifted more than a year after his release from detention (and nearly three weeks after his bail period had expired on June 5). According to Li’s daughter, authorities announced on June 25 that her father’s bail was lifted, but only after repeated requests by the family for authorities to take this action. Authorities said nothing about his five years of wrongful detention.

Charged with murder by poisoning, Li was detained from May 2005 to June 2010. He was tried in July 2005 and, in April 2006, was sentenced to death by the Zhoukou City Intermediate People’s Court—a ruling reversed by the Henan Provincial High People’s Court in December 2006. Instead of releasing Li, however, authorities sent his case back for further investigation, and he remained in detention until the Taikang County Procuratorate decided to release him on bail last year. (CHRD)<sup>[vii]</sup>

## **Harassment of Human Rights Lawyers**

### **Human Rights Lawyers May Face Suspended Licenses, Be Barred from Practice**

Just days before the close of China’s annual assessment by judicial authorities and registration of lawyers, the Dao Heng Law Firm in Beijing still has not received results from the annual inspection conducted in past weeks by the Beijing Municipal Bureau of Judicial Affairs and its sub-division in Haidian District. The firm’s lawyer **Liang Xiaojun** (梁小军) represents **Tian Xi** (田喜), an AIDS activist serving a one-year sentence for “intentional destruction of property” in Xincai County, Henan Province. Tian was detained in August 2010 after a dispute with the

director of the hospital where he contracted AIDS as a young boy following a tainted blood transfusion.

Also, many rights defense lawyers who have not heard the results of the annual assessment process face the possibility of being barred from practicing law, including **Liu Xiaoyuan** (刘晓原), **Cheng Hai** (程海), **Han Zhiguang** (韩志广), and **Li Baiguang** (李柏光). In recent years, authorities have used the annual assessment for renewing lawyers' licenses to suspend or bar several human rights lawyers from practicing law, including **Teng Biao** (滕彪), **Jiang Tianyong** (江天勇), **Tang Jitian** (唐吉田), **Liu Wei** (刘巍), **Tang Jingling** (唐荆陵), and **Zhang Jiankang** (张鉴康). (Aizhixing)

## **Law and Policy Watch**

### **Aizhixing Sends Letter of Recommendations About Drafted Mental Health Law to State Council**

On June 24, the Beijing Aizhixing Institute sent a letter outlining concerns and recommendations about the draft Mental Health Law recently circulated by China's State Council Legislative Affairs Office. The letter states that the draft law, which was posted for public comment on June 10, does not provide sufficient measures to safeguard the legal interests or basic rights of those suffering from mental health disorders, including the rights to privacy and human dignity. Aizhixing's letter emphasizes that strict conditions and procedures should be applied to ensure that forced actions are not taken against individuals, including non-voluntary admission into psychiatric facilities. The letter further recommends the new law ensure rights as outlined by the Universal Declaration of Human Rights and China's Constitution, and that special provisions be added to protect certain groups, such as women and children who suffer from mental disability. (Aizhixing)<sup>[viii]</sup>

## **Special Notice**

### **CHRD Releases Handbook on Psychiatric Support for Torture Victims**

CHRD has compiled a Chinese-language handbook on how to provide care and support to victims of torture, releasing it in conjunction with the International Day in Support of Victims of Torture, designated as June 26 by the United Nations. The brochure lays out information on understanding the needs of torture victims, how activists as well as ordinary citizens can assist in victims' psychological rehabilitation, and how journalists and human rights workers should conduct interviews with victims. It also includes insights collected from those who have worked with victims of torture. (CHRD)<sup>[ix]</sup>

*Editors of this issue: Victor Clemens and Renee Xia*

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[i] “Ai Weiwei Receives Tax Penalty of Over Ten Million RMB, Liu Zhenggang Suffers Heart Attack in Detention,” (艾未未被追罚税款逾千万, 刘正刚羁押时突发心脏病), June 27, 2011, [http://wqw2010.blogspot.com/2011/06/blog-post\\_4607.html?spref=tw](http://wqw2010.blogspot.com/2011/06/blog-post_4607.html?spref=tw); “Ai Weiwei Released on Bail After 80 Days in Custody,” (艾未未被羁押 80 天传出获取保候审), June 22, 2011, <http://wqw2010.blogspot.com/2011/06/80.html?spref=tw>; “Tang Jingling Detained Over Four Months, Wife Hoping for Legal Intervention,” (唐荆陵被关押四个多月仍未获释妻子希望律师介入), June 23, 2011, <http://www.msguancha.com/Article/ShowArticle.asp?ArticleID=14364>; “Individuals Affected by the Crackdown Following Call for ‘Jasmine Revolution,’” June 27, 2011 (updated), [http://chrdnet.org/2011/06/17/jasmine\\_crackdown/](http://chrdnet.org/2011/06/17/jasmine_crackdown/)

[ii] “Hu Jia Released From Prison Overnight, Several Dissidents Have Freedom Limited,” (胡佳深夜出狱, 多位异议人士被限制自由), June 26, 2011, [http://wqw2010.blogspot.com/2011/06/blog-post\\_5382.html](http://wqw2010.blogspot.com/2011/06/blog-post_5382.html)

[iii] Ji Suxun: Report on Personal Freedom Restricted at Fuzhou Train Station,” (纪斯尊: 福州市火车站被限制人身自由纪实), June 27, 2011, [http://wqw2010.blogspot.com/2011/06/blog-post\\_7537.html?spref=tw](http://wqw2010.blogspot.com/2011/06/blog-post_7537.html?spref=tw)

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[v] “Independent People’s Congress Candidate Li Sihua Taken Away, Put Under ‘Soft Detention’ Day Before Election,” (选举日前夜独立候选人李思华被绑架软禁), June 28, 2011, <http://www.msguancha.com/Article/ShowArticle.asp?ArticleID=14387>; “Independent Candidate Li Sihua Faces Prosecution,” (独立候选人李思华疑面临被起诉), June 20, 2011, [http://wqw2010.blogspot.com/2011/06/blog-post\\_173.html](http://wqw2010.blogspot.com/2011/06/blog-post_173.html)

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<sup>[viii]</sup> “Letter of Recommendations on “Mental Health Law (Draft)” to the State Council Legislative Affairs Office,” (就《精神卫生法（草案）》致国务院法制办公室的建议信), June 24, 2011, <http://chinaaidsgroup.blogspot.com/2011/06/china-aids6614.html>

<sup>[ix]</sup> “Caring For Victims of Torture: Psychological and Practical Knowledge—To Commemorate the June 26 International Day in Support of Victims of Torture,” (关注酷刑受害人：实用心理知识--纪念 6 月 26 日支持酷刑受害人国际日), June 22, 2011, [http://wqw2010.blogspot.com/2011/06/blog-post\\_2889.html](http://wqw2010.blogspot.com/2011/06/blog-post_2889.html)

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