China vs. a Blind Man:
- A Report on the Case of Imprisoned Human Rights Defender
  Chen Guangcheng

February 20, 2007

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I. From “Model Citizen” to Prisoner of Conscience

Personal data

Chen, Guangcheng (Chinese name: 陈光诚), male, born in 1971, a citizen of the People’s Republic of China, was trained as a traditional Chinese medicine practitioner, who turned into a rural human rights activist, self-taught legal adviser, known now as “barefoot lawyer.” He lived, with his wife and two young children, in East Shigu Village, Shuanghou Township, Yinan County, Linyi City, Shandong Province, before his incarceration. Mr. Chen was blind since the age of one due to a high fever.

Human rights activities

Mr. Chen has a long history of campaigning for the rights of farmers and the disabled. He assisted villagers in solving drinking water pollution problems when he was attending Nanjing Chinese Medicine University in 2000. He created and ran the “Rights Defense Project for the Disabled” under the auspices of the Chinese Legal Studies Association between 2000 and 2001. Since 1996, he has provided free legal consultation to farmers and the disabled in rural areas. In 2003, he was sponsored by the “International Visitors Project” to visit the US. In 2004, he ran a “Citizen Awareness and Law for the Disabled Project” supported by the US National Endowment for Democracy and the Monica Fund.
Starting in April 2005, Chen and his wife, Yuan Weijing, began to investigate villagers’ claims that Linyi City authorities were employing extensive violence in implementing government birth quotas, and later to put together briefs for lawsuits against officials involved. Their work, and that of activists and lawyers who visited the area to assist in documenting the abuses and in providing legal advice to villagers who wished to take legal action, represented the first-known concerted domestic effort to challenge the use of violence in the enforcement of China’s population policy. The first report on the subject was made public through the Citizens Rights Defense Network (gongmin weiquan wang) on June 10, 2005.

It seems clear that the violence in Linyi was part of a concerted campaign to meet the area’s assigned population targets. In July 2004, the Linyi City Party Committee and government had issued a document on strengthening population and fertility control work. Violent measures reportedly began to be used in some districts of Linyi City by the end of that year. In mid-February 2005, Linyi City government reissued the July 2004 document, in a move seen as encouraging the use of force to meet population control targets. According to Linyi residents, in March 2005 local authorities began forcing parents of two children to be sterilized and women pregnant with a third child to undergo abortions. Officials detained family members of those couples who fled, beat them and held them hostage. There has been official confirmation of the abuses in Linyi: on Sept. 19, 2005, an official of the National Population and Family Planning Commission of China said that their investigation had found that there had been violations of law and policy in Linyi that had infringed the rights of citizens, and that as a consequence, some officials had been dismissed, while some were in detention and facing investigation for criminal responsibility.

Lawsuits filed by four villagers who suffered violent treatment in this campaign, Du Dejiang, Liu Benxia, Han Yandong and Hu Bingmei, were due to be heard on October 10, 11 and 14 in the Yinan County People’s Court. But on October 10, the court announced that the hearings would be postponed. Other villagers who had been planning to bring suit have pulled out after being harassed, threatened, or bribed. Police also allegedly forced some villagers to testify against Chen Guangcheng, saying that he fabricated the reports of abuses. Chen’s wife has said that local officials had warned her that her husband’s life would be in danger unless he abandoned the lawsuit.

As a result of their work on the lawsuit, Chen and Yuan were put under house arrest on August 12. On August 25, Chen evaded police surrounding his village and went to Shanghai and Nanjing, then to Beijing, to seek help from lawyers. In Beijing, friends arranged for him to meet foreign journalists, diplomats, and international legal experts, to discuss the lawsuits.

First arrest

His first arrest came on Sept. 6, 2005 in Beijing, and he was taken under guard to his home village in Linyi, Shandong. In the afternoon of Sept. 6, Chen Guangcheng was apprehended at the home of a friend in Beijing by six men who said they were public
security officers from Shandong. The men shoved Chen into a car. He was held overnight in a hotel, where he said the head of the Linyi Public Security Bureau and the city’s deputy mayor came to see him in the morning. “The main purpose was to threaten me. [The PSB head] said, ‘You have revealed news information to foreign media and have been suspected of violating Article 111 of Chinese criminal law: illegally providing intelligence to foreign countries, for which the maximum sentence is life in prison. The minimum you can get is 5-10 years.’” Chen was held overnight at a hotel on the way from Beijing to Shandong, and began a hunger strike when he was detained. He was released into house arrest the next day.

Public security officials from Shandong Province, who carried out the abduction and arrest, showed no warrant or any other official order.

Second arrest

Police arrested Mr. Chen on Sept. 23, 2005, 2:50pm, and released the following morning, again, into house arrest. His home was searched until 10pm on the 23rd. Again, no authorization was shown.

Third arrest

After living under house arrest for six months, Mr. Chen was arrested on March 11, at his home village, in Yinan County, Linyi City, Shandong by Yinan county public security officials, who showed no warrant.

Detention

Having been under house arrest from Aug. 12, 2005 to March 11, 2006, while the maximum time allowed for the measure residential surveillance 监视居住 is six months according to Chinese law, Mr. Chen was detained incommunicado from March 11 to June 10, 2006. He was formally detained on suspicion of “gathering crowds to obstruct traffic” and “destructing property” on June 10. He has been in jail since then. He was put on trial, sentenced to 4 years and 3 months, and his sentence was eventually upheld on January 12, 2007, after the higher court had sent the case back for retrial.

The house arrest at his home was enforced by security guards paid on a daily rate by village and township officials and Yinan County Public Security Bureau (PSB). Yinan PSB statement calls them “militia” but they reportedly do not meet the official criteria for militia members. Then, he was detained at police detention center of the Yinan County. He has been there since March 2006.

According to villagers, Chen’s house arrest was overseen by various local government and Chinese Communist Party officials, including the Shuanghou Township mayor and party secretary, and the Yinan County party school president, party secretary and party office director. On March 11, he was detained by Yinan County Public Security Bureau.
On June 10, 2006, the Yinan County PSB acknowledged he was detained at the Yinan Detention Center.

The “reasons” for the detention imputed by the authorities was that Mr. Chen “fabricated” information about violence inflicted on rural people around Linyi City to enforce the population control policies and achieve quotas for reducing birth rates in the area. On some occasions, Chen and his family have been told that releasing this information constituted a breach of laws governing protection of state secrets. When he protested beating of a villager by security guards, he was taken into custody, Three months later, on June 10, a formal notice was sent to his wise, alleging he was detained for “deliberate destruction of property” and “gathering a crowd to obstruct traffic.” He was twice tried, twice convicted, and one of his two-time appeals was ruled by a higher court to be sent back to local court for retrial, but at the second appeal, the higher court upheld the verdict.

It is unclear what legislations authorities applied in arresting, house arresting, and detaining Mr. Chen. “Residential surveillance” (监视居住) is a form of house arrest that can be applied by Public Security, Procuratorates, and Courts under the Criminal Procedure Law (CPL, Art.s 50 and 51), including in cases where authorities have insufficient evidence to charge a person with an offense but are investigating that person for criminal responsibility, or if the penalty for the alleged offense would be minor. The maximum period allowable for such detention is six months (CPL, Art. 58).

Mr. Chen was not shown a warrant ordering him to be put under residential surveillance, nor was he officially given any reasons for such a measure to be imposed on him. According to the Regulations on Procedures of the Public Security Organs for Dealing with Criminal Cases (below, MPS Regulations, issued by the Ministry of Public Security in 1998), if such a measure is to be applied to a suspect, a residential surveillance decision must be issued by public security organs at county level or above and this document must be shown to the suspect, who must sign or put his mark on it (Art.s 95 and 96).

II. Harassment of Legal Advisers and Supporters

September 2005 – March 2006: House arrest

On October 4, 2005, law lecturer Xu Zhiyong and lawyers Li Fangping and Li Subin attempted to visit Chen and negotiate with local officials to have his house arrest lifted. The lawyers were stopped on their way to the house. Chen reportedly managed to leave his house and spoke with them briefly, but was then forcibly taken back. When he resisted, he was beaten up by men surrounding his house. The lawyers tried to go to Chen’s house, but they were stopped and Xu Zhiyong and Li Fangping were beaten up, then all three were taken to Shuangshou Township Police Station where they were interrogated until the following morning. They were told that the case now involved “state secrets” and escorted back to Beijing.
On October 24, two other Beijing scholars and friends of Chen Guangcheng went to visit him. As Chen ran out to greet them, he was stopped and beaten by more than 20 men stationed outside. The visitors were quickly escorted away. Authorities did not release Chen even after the UN Special Rapporteur, Manfred Nowak, called his relatives from Beijing during Nowak’s visit in late November 2005.

Between September 2005 and March 2006, a number of villagers who have been seeking to help Chen and his family or protesting against his continued detention have been detained, and have clashed with the “militia” imposing his house arrest. Some were subject to criminal detention orders (under which the police may hold a person without charge for up to 15 days) and some remain in detention.

March – June 2006: Detention incommunicado

On March 11, 2006, Chen Guangcheng, was taken away from his village by police and detained at the Yinan County Public Security Bureau, along with at least two fellow villagers, Chen Guangyu and Chen Guangjun. Earlier that day,

Chen Guangyu, a neighbor of Chen Guangcheng, was beaten by four hooded persons with sticks and other weapons. Chen Guangyu was bleeding from his head, neck and arms. This took place on his way home from a convenience store.

When Chen Guangcheng found out about the beating, he and his wife Yuan Weijing went out to ask the guards outside the door: “Who was responsible for the violence? Why did the guards watch the beating without doing anything to stop it?” But no one answered. After asking around for half an hour, Chen Guangcheng decided to go to Yinan County to seek an account from higher officials. This attracted local villagers. Three policemen in riot gear and about ten police in normal uniform followed them. About 40 policemen and security later guards joined them. The crowds surrounded them on the highway and blocked traffic momentarily.

Chen Guangcheng demanded that police identify the attackers and they refused. Then the Deputy Chief of Yinan County PSB, Liu Jie, gave the order "Arrest them!" Police began pushing through the crowd, throwing Chen Guangcheng's wife with their infant and his 70-year-old mother down into the ditch by the road, and then wrestling down Chen Guangcheng and holding his head on the ground. They also took away Chen Guangyu and Chen Guangjun.

At 11pm police notified Yuan Weijing that they were detaining Chen Guangcheng and the other two villagers for 24 hours for “investigation” regarding their role in "leading people to block traffic." She was told that they were detained at the Shuanghou township police station (双侯镇派出所).

The two villagers, Chen Guangyu and Chen Guangjun, taken away at the same time, were formally detained for criminal investigation on suspicion of "disrupting traffic."
Families received the notification on March 17. It was dated March 12, and signed by the Yinan PSB.

On March 12, Yuan Weijing, wife of Chen Guangcheng, was given a “Notice on Continuation of Interrogation” stating that her husband’s detention for interrogation would continue until 9:00pm that evening. She was told that her husband was being held at Shuanghou Police Station (双堠派出所). Since then, however, she has apparently not been given any information about why Chen Guangcheng continues to be held. All her channels of communications have been severed, including her mobile phone, and she remains under guard at home, so we have had no way to check with her in the last few days if there has been any development in the situation.

On March 26, three villagers from Dongshigu in Linyi, Shandong Province, Chen Gengjiang, Chen Guanghe and Cheng Guangdong, received formal arrest warrants on charges of “destruction of public property.” All three had been detained since the February 5 protest in which villagers clashed with police. The arrest notifications were dated March 22.

Chen Guangcheng would be held in detention without any official order for the next three months, until June 10, 2006. In an attempt to frighten his family and villagers into silence, Chen’s family has been told by officials that Chen Guangcheng was tortured in detention and that he had to wear handcuffs and shackles around his ankles.

Cheng Guangcheng’s lawyer Teng Biao and another lawyer who worked on the Linyi case, Jiang Tianyong, are under huge pressure from their respective working unit to drop any legal actions in connection to Chen’s case or to the lawsuits filed by Linyi villagers alleging abuses committed in the implementation of population control policies.

On June 20, 2006, when Chen Guangcheng’s mother, who is 72 years old, arrived in Beijing (with his three-year old child) to have a press conference about Chen Guangcheng’s situation, they were abducted by police from Shandong and brought back to Linyi. The next day, Chen’s mother fell seriously ill, but the men guarding Chen’s house did not permit her to go to the hospital.

**July 2006 – January 2007: Trials, Appeals, Verdicts**

On July 11, Li Jinsong, the new lawyer handling this case, met with Chen Guangcheng in the Yinan County Detention Center for an hour. Chen reported that since September 2005, he had been unlawfully mistreated or verbally abused by local officials, whom he was able to identify by name. He said that prior to April 2, 2006, he had been illegally detained at the Yinan Victoria Resort. Then between April 2 and June 11, when he was officially subjected to criminal detention and transferred to the Yinan County Detention Center, Chen had been illegally held at the Police Training Centre. From March 12 to 14, Yinan County Police officers had subjected Chen to ill-treatment by depriving him of sleep for three days, and in protest he went on hunger strike and refused water.
On August 18, Mr. Chen was tried by the Yinan County People’s Court for inciting destruction of property and intentional obstruction of traffic. His lawyers were prevented from attending the trial. Instead, two lawyers whom Mr. Chen rejected and who never did any work on the case were appointed.

On August 24, the Yinan County People’s Court announced its verdict: Chen Guangcheng was found guilty as charged and was sentenced to four years and three months in jail.

On September 3, lawyers filed for appeal on behalf of Mr. Chen. On September 11, the lawyers received a notification from the Linyi Municipal People’s Intermediate Court that they must provide evidence to the court before September 14. The lawyers responded with a list of the evidence and a list of 137 witnesses, whom they requested the court to be allowed to testify in the appeal trial.

The appeal court issued its decision on Chen Guangcheng’s appeal on October 30, 2006: First, the higher court rejected the lower Yinan County Court verdict sentencing Chen Guangcheng to 4 years and 3 months in jail for “intentional destruction of property” and “inciting crowds to disrupt traffic” on August 24, 2006. Second, the case was sent back to the lower court for re-trial.

On November 27, the retrial of Chen Guangcheng opened. On December 1, the verdict was announced by the Yinan County People’s Court: Chen Guangcheng was convicted again for the same crimes, “intentional obstruction of traffic” and “inciting destruction of property.” He was sentenced again to 4 years and 3 months. Chen’s lawyers again filed for appeal to the Linyi Municipal Intermediate People’s Court.

On January 12, 2007, the Linyi Intermediate Court announced its verdict: the court upheld the 4-year and 3-month sentence of Chen Guangcheng for “gathering crowds to disrupt traffic order” after a closed door hearing.

The lawyers requested the Yinan County Detention Center authorities to provide medical check up to determine that Chen Guangcheng is certified blind and has other conditions warranting a bail to serve terms outside jail. The request was submitted on January 15, 2007. No response from authorities so far. The PRC Prison Law, Article 17, stipulates that anyone convicted of a crime must be provided with medical check ups by prison authorities and those who are found to have serious illness must not be admitted and the prison authorities should submit the case to the court for granting a temporary service of the term outside prison. In this case, it is the Yinan County People’s Court that is to grant the permission.

III. The Arbitrary Nature of the Arrests and Detention

A) It is clearly impossible to invoke any legal basis justifying the deprivation of Chen Guangcheng’s liberty, as he was under house arrest and then detained in prison for six
months without a legal order, as he was denied visits by his lawyers during those six months, etc., details of which we give in this report.

(B) The deprivation of Chen Guangcheng’s liberty results from the exercise of his rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, given that the People’s Republic of China has signed (thus must not act against, though not yet ratified) the International Covenant on Civil and Political Rights, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of this Covenant (i.e., rights to free opinion, speech, expression, press, assembly, association, and demonstration, etc.). Chen Guangcheng was detained and tried and convicted to retaliate against him for his work in defending human rights and for exercising his rights to free expression and opinion and criticizing government policy. He is punished for documenting and exposing violence used to enforce population control policies in Linyi City and in seeking to provide legal assistance to villagers who were to bring a lawsuit against local authorities regarding these abuses.

C) The non-observance in Mr. Chen’s case of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the government of P. R. China, is of such gravity as to give the deprivation of liberty an arbitrary character. Among the instances of non-observance is the torture of key witnesses, the cruel and inhumane treatment of the defendant and his family, and intimidation and violent attacks on his lawyers.

IV. Obstructions to Legal Remedies, Violations of Human Rights

Why did the domestic remedies taken with Chinese legal and administrative authorities not work? What are the obstacles and abuses encountered and suffered by family and lawyers and supporters? We now try to address these questions and provide the reasons for the ineffectiveness of the remedies. We also offer an analysis as to the non-observance of and infringement upon international human rights norms in the case of “China vs. a Blind Man.”

Procedural irregularities and legal rights violations

After Chen Guangcheng’s abduction in Beijing in September 2005, Chen’s lawyer Teng Biao called the police to report Chen’s disappearance, but never received any response to his report. Then, Mr. Chen was put under house arrest. Since no document regarding Chen’s house arrest was shown to anyone, it was difficult to mount any legal challenge to it. During this initial detention, Chen was prevented from meeting with his lawyers, although the Ministry of Public Security Regulations require that such meetings be permitted for a person under residential surveillance (Art. 97).

On October 30, 2005, Mr. Chen’s lawyer Teng Biao filed a lawsuit on his behalf in the People’s Court of Yinan County, charging two Shuanghou Township officials with intentional injury for their involvement in beating him outside his house on October 24 when friends came to visit Chen and Yuan and their new baby, born in July. The two
officials allegedly headed a group of more than 20 militia men who beat Chen with fists and sticks, knocked him down several times and kicked him. Mr. Chen was not able to see a doctor to verify his injuries because the militia surrounding his house rejected his requests to seek medical attention, but there were a number of eye witnesses on the scene. For a long time, the court ignored Chen’s lawsuit.

CRD issued statements expressing concern about Chen’s case to the Ministry of Justice in Beijing. The statement, sent on February 14, 2006, received the following e-mail response: “According to the current division of labor between government departments, the matter involved in your communication is not within the responsibilities of the Ministry of Justice. We suggest you submit your information to the relevant [government] departments.”

The August 18, 2006, initial trial at the Yinan People’s Court ended after two hours and Mr. Chen’s lawyers were barred from attending. The court refused to accept the lawyers’ plea that the proceedings leading up to the trial had been tainted with accusations of illegality - violation of defendant’s rights to freedom from arbitrary detention and torture, right to legal council, and the independence of lawyers doing their job, and hence must be postponed. The trial went ahead with officially-appointed lawyers, whom Mr. Chen told the court he refused to accept. The officially-appointed lawyers never met with Mr. Chen nor examined the court files before the trial. During the trial, they merely repeated the prosecutors’ lines. The court did not look into accusations of arbitrary detention and procedural irregularities. The trial was closed to the public, even to Mr. Chen’s wife and mother. Only his three brothers were allowed to attend. Authorities managed to keep most activists and supporters at home, in violation of their freedom of movement. The trial of Mr. Chen on suspicion of “destroying property” and “obstructing traffic” involves no “state secret,” a reason frequently cited by Chinese courts conducting closed-door trials in high-profile cases. In this case, the court erected procedural obstacles to keep the courtroom shut to media and the public. In many instances, the court failed to respect the principle of fair trial and basic human rights.

After the first trial verdict was announced, Mr. Chen’s lawyers filed an appeal to the Linyi City Intermediate People's Court. The appeal court held a hearing on the appeal in a closed-door review penal. In mid-October, when the defense lawyers asked the appeal court about schedule date for the trial of second instance, they were informed that the court had already issued its ruling, which was not disclosed to the lawyers but was said to be in print. The court did not seem to have considered the volumes of testimonies by hundreds of eye-witnesses, meticulously prepared by the lawyers for the second trial. However, the court never sent that ruling to the lawyers nor the family. The court failed to comply to legal regulation that it must issue its ruling and send it to the lawyers or family before October 20. But the appeal court announced the verdict of overturning the lower court’s ruling, sending the case back for retrial, on October 30.

Lawyers submitted new evidence and a long list of witnesses to the court after they received notice from Yinan County Court, on November 22, 2006, informing that Chen’s retrial would be held on November 27. However, several key witnesses, whose jail term
are postponed after they were tortured to give testimony against Mr. Chen, according to their statements to Chen’s lawyers, were intimidated and warned, or detained, abducted, or made to disappear by police to stay out of the trial. Those who are migrant laborers in other cities have been visited by police, or their family members have been warned that they should not return to testify during the trial. Mr. Chen Gengjiang, a key witness was detained in the morning on November 26 and released after the trial. He was forced to sign papers to promise staying out of the case. Mr. Chen Guangdong and Mr. Chen Guangyu, two other key witnesses, suddenly disappeared on the 26 after they had told lawyers they would testify in court. Mr. Chen Guanghe was abducted by unidentified men when he was about to meet with the lawyers in the afternoon of Nov. 26. His whereabouts remains unknown. Chen Guanghe, Chen Guangdong and Chen Gengjiang had promised lawyers that they would testify about being forced through torture to provide false testimony against Chen during his first trial. Mr. Chen’s lawyers thus could not contact key witnesses before the retrial and these witnesses could not attend the retrial. Ms. Yuan Weiijing, Chen Guangcheng’s wife, also a witness, remained under residential surveillance, until the day before the trial. She did not receive any notice from the court about the trial.

During the retrial on November 27, the same prosecutors presented their cases with the same old evidence and the same judges presided on the trial, though the court records seem more accurate than the previous trial. When chief defense lawyer Li Jinsong raised the issue of the missing defense witnesses’ to the judge, and the judge responded that it was irrelevant. Li Jinsong subsequently left the court in protest. The remaining lawyer, Li Fangping, stayed in court. Both lawyers defended their client’s innocence. (See the defense team’s argument in Chinese at:

Chen Guangcheng also defended his own non-guilt at his retrial. The retrial lasted ten hours. The verdict was announced on December 1, 2006. The Yinan County Court sentenced Chen Guangcheng to the same jail term: 4 years and 3 months.

In its December 1 statement, CRD found the retrial procedures deeply flawed, the verdict grossly unfair, and the imprisonment of Chen Guangcheng arbitrary – in violation of Chinese law, international conventions on due process rights, and basic human rights principles. CRD again asked for his immediate and unconditional release. Authorities did little to correct the gross unfairness of the initial trial, though they did allow Mr. Chen’s own lawyers, his wife and mother to attend the trial on Nov. 27. CRD has documented the following abuses surrounding the retrial:

- Police intimidation, detention, or making disappear key witnesses, some of them had been tortured into signing incriminating testimony against Mr. Chen;
- Police interfered in lawyers’ independence in doing their job; detained and abused a member of the defense team in order to intimidate and keep him out of the courtroom;
- The court failed to consider new evidences and re-examine old evidence – confessions extracted through torture;
- Trial closed to the public;
• Abuse and detention of Mr. Chen’s wife, a key witness.

The Linyi Intermediate Court announced the second appeal verdict on January 12, 2007, to uphold the lower court’s verdict. Chen Guangcheng’s lawyer Li Jingsong, recovering from injuries suffered from the attack, received a message from the court yesterday about today’s announcement of verdict. However, the lawyers and the family have not received any notification and they were not present when the verdict was pronounced by the court, while Xinhua’s English service put out the news.

CRD found the second appeal ruling grossly unjust. The court went through the motions, putting up a show of “rule of law,” without re-examining the seriously flawed re-trial at the local court. The local Yinan court reached its verdict after it failed to admit new evidences submitted by lawyers, to allow key witnesses to testify in court, to duly respect the defendant’s right to legal council. In fact, the local court’s trial and decision were seriously tainted by police abduction-detention and forced disappearances of key witnesses, by policy intimidation, harassment and arbitrary house detention of defendant’s wife, by police-coordinated violent attack on lawyers. The higher Linyi court’s decision darkened the glimmer of hope for justice, offered by the Linyi Intermediate Court when it overturned the Yinan County Court’s initial verdict. CRD reiterates its demand for the immediate and unconditional release of Chen Guangcheng.

Intimidation and Violent Attack on lawyers and Interference in their Work

After Mr. Chen was put under house arrest in September 2005, several times lawyers representing Chen attempted to meet him, and to discuss with the authorities the lifting of Chen’s house arrest. On October 4, 2005, law lecturer Xu Zhiyong and lawyers Li Fangping and Li Subin attempted to visit Chen at his home and negotiate with local officials to have his house arrest lifted. The lawyers were stopped on their way to the house: Chen reportedly managed to leave his house and speak with them briefly, but was then forcibly taken back to the house. The lawyers then met briefly with local authorities. After the meeting they tried once more to go to Chen’s house, but they were stopped on the way and reportedly beaten up by a 30-strong group. They were then taken to a police station where they were reportedly interrogated until the next day, and told that the case now involved "state secrets". The following day they were escorted back to Beijing.

After Mr. Chen was taken by police to the Yinan County Detention Center in March, on June 27, four lawyers and activists including Beijing-based AIDS activist Hu Jia also went to Linyi to visit Chen’s family. As they entered Chen's village, their car was flipped over by unidentified men. The men also snatched Li Jinsong's camera in front of four policemen, who turned a blind eye to the violent incident.

On June 29, a forum in Beijing entitled "A panel discussion concerning the rule of law in China and the development of a healthy atmosphere," organized by lawyers and concerned citizens, was closed down by authorities.
On July 7, lawyer Li Jinsong received official notification from Yinan County Court that the trial of Chen Guangcheng would be held on July 17, but the date was later changed to July 20 after some negotiation. On July 9, Li Jinsong, Li Subin, Teng Biao and Zhang Lihui decided to travel from Beijing to Linyi to conduct an investigation and collect evidence. Just before they left, Teng Biao was pressured by authorities from taking part in the trip and his employer, the China University of Political Science and Law, where he holds a teaching post, threatened him with firing him.

On July 10, three lawyers plus three activists went to Linyi to help collect evidence. One of them, Hu Jia, met Yuan Weijing, Mr. Chen’s wife, on the street, but they were attacked by 30 people led by village committee members. Yuan Weijing was seized by police and taken away in a police car. She was not released until 8 hours later. Police justified their operation by accusing Yuan Weijing of "intentional damage of property" and "organizing a crowd to disrupt traffic."

Around July 17, 2006, Chen Guangcheng’s original court date, several dozen activists and supporters, including a group of local people with disabilities, arrived at Linyi, in an effort to attend the trial. Police questioned them, turned some of them back, and eventually put several of them, including the AIDS activist Hu Jia, under house arrest when they returned to Beijing. The court eventually postponed the trial to July 20. On July 19, one of Chen Guangcheng's lawyers was notified by telephone that Chen's case required "further investigation" and the trial would be further postponed, while Chen Guangcheng remained in detention without trial.

On August 15, the Yinan County People’s Court in Shandong Province told lawyers that the trial was rescheduled for August 18. Mr. Chen's lawyers Li Jinsong, Zhang Lihui, Xu Zhiyong (a non-lawyer, but acting as citizen representative), and Teng Biao, as well as another lawyer Li Fangping, went to Linyi. Mr. Li and Mr. Zhang prepared a no-guilt defense in court. The lawyers came under a great deal of pressure from authorities, directly or indirectly, to drop this case.

On August 17, the eve of the rescheduled trial, the lawyers, Zhang Lihui, Li Fangping, and the legal scholar Xu Zhiyong, were detained by Yinan police after unidentified men apprehended them, accusing them of “picking pockets” in the streets of Yinan County around 7pm. Mr. Zhang and Mr. Li were released around 10pm, but Mr. Xu remained in detention until the trial was over the next day. Lawyer Li Jinsong had left them at about 6pm and was on his way back to Beijing. He then decided to stay in case the three were not released.

Meanwhile, activists in Shandong and Beijing were called on the phone or visited by state security, who warned them of severe consequences if they tried to go to Linyi. A number of them were put under house arrest or surveillance. On August 15, the Beijing lawyer Gao Zhisheng was arrested in Shandong where he was visiting his sister. All contact with Mr. Gao and his family members was cut off. Mr. Gao went to Linyi in late July to show support for Mr. Chen. The AIDS activist Hu Jia, a supporter of Mr. Chen, has been under house arrest since August 17.
Before the retrial at the Yinan court in November 2006, Mr. Chen’s lawyers Li Jinsong and Li Fangping had traveled to his village, Gushidong Village, to interview witnesses and collect evidence. Police stopped them at the outskirts of the village. While they were allowed to meet with Mr. Chen’s wife and mother, they were unable to meet with other key witnesses, including three villagers who were released from detention, where, as they told the lawyers, they were tortured to sign incriminating testimonies against Mr. Chen - records of interrogation. The lawyers waited outside the village and tried to negotiate with the police, without success.

Dr. Teng Biao, also a lawyer and a member of the defense team, was denied permission to attend the retrial when he applied beforehand. In the morning of the 27th, he was abducted and detained for five hours in order to prevent him from attending the trial. During the detention, he was roughly handled. Six or seven policemen pushed him to the ground, pinned him down, searched him, and grabbed his cell phone. They searched his bags and his computer, and interrogated him. They never produced any ID nor any detention order. They never told him the cause of his detention.

While Mr. Chen’s wife, mother, and at least one brother were allowed to attend the trial, no one else is allowed into the courtroom at the retrial.

On December 27, Chen Guangcheng’s lawyers, Li Fangping and Li Jinsong, who were traveling in a bus to Linyi to meet their client to discuss his second appeal, were attacked by unidentified men who pulled the bus over. Lawyer Li Fangping was hit in the head by metal sticks, with blood gushing all over his face. Lawyer Li Jinsong has swollen bruises on his left eye and left arm. Li Fangping has received emergency care. Initial diagnosis shows that he suffers from a 3cm-long wound on his head, but x-ray does not show any fracture on the skull.

The lawyers believe that the attack was organized and coordinated by local authorities in an effort to intimidate them and retaliate against them for suing the Linyi police bureau for illegal handling the Chen Guangcheng case.

Circumstances raise strong suspicion that local authorities had arranged the lawyers’ trip. One judge handling Chen Guangcheng’s appeal had telephoned the lawyers to “convey” the “request by Chen Guangcheng to meet the lawyers” at the Yinan county detention center.” The lawyers decided immediately to go and told the judge their travel schedule. They left Beijing around 7:30pm on the 26th and they were riding in an overnight bus from Beijing to Linyi on the highway when they were assaulted.

After the lawyers boarded the bus, a woman in bus-security guard’s uniform received them and arranged for Li Jinsong and Li Fangping to sit in seats next to the front door, and next to her own seat. Around 4am on the 27th, when the bus entered Linyi, the woman guard woke up Li Jingsong. Soon, two cars without license plats stopped the bus, pulled it over. 8 men stepped out of the cars. They demanded the driver to open the door and threatened to break the windows. When they came on the bus, the woman guard
immediately pointed Li Jinsong accusing him for “sexual harassment.” The men dragged Li Jinsong off the bus and hit him violently with metal sticks. Li Fangping went off the bus trying to stop the attack and the men attacked him as well. After about 5 minutes’ beating, the hit-men and the woman drove away. The lawyers called the police, who never showed up. The bus driver, when asked, said he did not know the woman, who had borrowed the bus-security uniform from the driver to “keep warm.”

The lawyers have decided not to proceed to Yinan without police escort. Mr. Chen had dictated his appeal paper on December 1 after the local court reached the same verdict at a re-trial ordered by the appeal court. Li Jinsong handed in the appeal paper to the appeal court, the Linyi Municipal Court, on December 8. He also visited Mr. Chen at the Yinan detention center that day. On December 6, the lawyers filed administrative lawsuits and civil lawsuits against the Linyi Municipal Public Security Bureau including its chief Liu Jie and other government bodies. The lawsuits papers were also submitted to the Linyi court on December 8. The lawsuits against local authorities may be the direct motive behind today’s attack. It is unclear whether Chen Guangcheng had actually requested the meeting with his lawyers.

Abuse and Detention of Family Members

Since September 2005, Mr. Chen’s wife, Yuan Weijing, has also been prevented from leaving the house or followed around without a detention order. She was beaten when she came out to greet visitors on December 27, 2005.

After a brief relaxation, Ms. Yuan was detained and put under residential surveillance again the day after Chen’s retrial on November 27, 2006. On November 28, lawyers and witnesses, including Ms. Yuan went to the courthouse to review and sign court records of their testimonies. Around 12 noon, Ms. Yuan was detained by Yinan County Public Security Bureau in front of the lawyers. Police produced a paper authorizing “detention for questioning.” Her 1-year-old enfant was also taken in, who was later sent back to their home villager. Eight hours later, Ms. Yuan was dragged out of a police car and thrown on the road side outside her village. She was nearly unconscious. Until the next day, she did not talk. She was unresponsive, only uncontrollably sobbing. She was sent to a hospital in the neighboring county, Mengyin County Menglianggu Hospital, where doctors order her to stay for treatment and observation, where she is still recovering. About 20 policemen watched her at the hospital. Doctors said that she was severely traumatized, which caused headache, tightening chest, and stomach spasm. Later, after she began talking again, she recalled that police very roughly handled her and verbally abused her. Before they threw her outside the village, they had left her on the ground for two hours after she was exhausted by the abuses.

On December 1, 2006, Ms. Yuan was prevented from attending the court’s announcement of the verdict of the retrial. She was detained by more than 30 policemen in the hospital where she is recovering from trauma caused by police abuse. Chen Guangcheng’s mother was stopped outside the courtroom today by police, who cited her
role as a witness. Only Mr. Chen’s older brother Chen Guangfu was present when the local court read its verdict.

During her detention around November 28, 2006, police also issued an order to authorize putting Ms. Yuan under “residential surveillance” (jian shi ju zhu). The order gives the cause as “on suspicion for ‘intentional obstruction of traffic’ and ‘inciting to destruct property’.” Chinese law allows a maximum of six months for residential surveillance. Ms. Yuan had been under surveillance or house arrest for 15 months without any legal order.

Cruel, degrading and inhumane treatment

In addition to the above documentation of violence against lawyers, abuses and inhumane treatment of Mr. Chen Guangcheng and his family members, we also documented torture of witnesses to force confession.

On August 18, the three detained farmers, Chen Guangdong, Chen Guanghe, and Chen Gengjiang, from Chen Guangcheng’s village, who faced the same charges as Chen, were also tried behind closed doors and sentenced to seven months in jail, with a postponement of one year. They were then released with a postponement of serving their 7-month sentences in one year. According to one family member, they were tortured until they were forced to confess that they were “incited by Chen Guangcheng and his wife” to smash police cars.

On September 8, one witness, Chen Guangyu, who was detained on March 11, 2006, tried and sentenced, and is now released on bail, with a postponed seven-month imprisonment pending, talked on the phone to Chen Guangcheng’s lawyers. He said he was tortured during detention to force him to confess guilt and to testify against Chen Guangcheng. “After I was detained on March 11, I was tied to a chair for five days and subjected to round-the-clock interrogation. I only said a few sentences, but they put down long paragraphs twisting my words. I was too tired to read what they wrote down when they made me sign the interrogation records.”

On September 10, another witness, Chen Guangjun, who was also detained on March 11, 2006, and also sentenced to a postponed seven-month imprisonment, sent a fax to Chen Guangcheng’s lawyers. In the fax he wrote that after he was detained on March 11, he was chained to a chair and interrogated for five days. During the five days, police interrogators didn’t let him sleep. They took two-person shifts. For five days, they deprived him of food and water and they did not allow him to use the toilet, until he was forced to say that Chen Guangcheng took the lead to call for villagers to block traffic on March 11. Chen Guangjun also said that he knew Chen Guangcheng was innocent. He said, many villagers know this, but no one dares to testify.

When the lawyers Li Jinsong and Li Fangping visited Chen Guangcheng on January 15, they found Mr. Chen pale and frail, showing signs of malnourishment. Mr. Chen told them that he had requested permission to purchase more nutritional food with his own money, but his repeated requests had been ignored. Everyday, the prison served meager
thin soup and flat bread. Mr. Chen also told lawyers that he had requested a blanket to protect him from the cold winter in the damp cell. It took a long time before prison guard brought him a tattered filthy blanket, which was fully covered by dusts. So far the lawyers’ request for bailing out Mr. Chen to serve his sentence outside prison on basis of medical (handicap) reasons has so far not got any response from the court.

On January 25, 2007, the first visitation date after the higher court upheld the verdict on Chen Guangcheng, family members were turned back from the detention center where Mr. Chen is imprisoned. They were told that Mr. Chen’s case one more procedure.

V. Recommendations

1. The UN human rights bodies (OHCHR, the Human Rights Council, relevant Special Procedures) should look into the allegations in this case of (1) arbitrary arrest and detention, (2) cruel, degrading or inhumane treatment, or torture, (3) interference with lawyers’ independence, and (4) persecution of human rights defenders, by seeking a satisfactory account from the government of its handling of the case of Chen Guangcheng.

2. The international community of the non-government sectors should keep the pressures on for freeing Chen Guangcheng. Lawyers’ associations, organizations advocating the rights of people with disability, women’s reproductive rights, and protection of human rights defenders, can use their professional contacts and advocacy mechanisms (contacting counterparts in China, lobbying their own governments, etc.) to press for the release of Mr. Chen.

3. Foreign journalists covering China should test the newly lifted restrictions by traveling to Linyi, Shandong, to interview Chen Guangcheng’s family members and fellow villagers, or local officials (including prison authorities), keeping the international media spotlight on this case.

4. Governments concerned about conditions of human rights defenders in China must raise concerns about Chen Guangcheng to Chinese officials during high-level visits or “human rights dialogue” sessions.

The Network of Chinese Human Rights Defenders
February 20, 2007

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