



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

December 28, 2011-January 3, 2012

### *Highlights*

- **Beijing Court Tries Activist and Husband, No Verdict Announced:** On December 29, the Xicheng District People's Court tried activist **Ni Yulan** and her husband, **Dong Jiqin**, for “creating a disturbance”—and also tried Ni for “fraud”—but did not announce a verdict. The trial occurred days after two other activists, **Chen Wei** and **Chen Xi**, were convicted of “inciting subversion of state power” and given lengthy prison sentences.
- **Hunan Activist Subjected to Excessive Labor, Other Abuses Behind Bars:** **Xie Changfa**, a democracy rights activist serving a 13-year prison sentence for “subversion of state power,” is reportedly being forced for work over 10 hours every day in Nanzui Prison, and is also being subjected to other rights deprivations.

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## Arbitrary Detention

### Updates on Detentions and Disappearances Related to Jasmine Crackdown

#### Beijing Court Tries Activist Ni Yulan, Husband Dong Jiqin; Supporters Blocked From Attending Trial

On December 29, the Xicheng District People's Court in Beijing tried activist **Ni Yulan** (倪玉兰) and her husband, **Dong Jiqin** (董继勤), for "creating a disturbance" (Criminal Law art. 293). The court, which did not announce a verdict, also tried Ni on a charge of "fraud" (Criminal Law art. 266) in proceedings that lasted just a few hours. The couple's trial came just days after activists [Chen Wei](#) (陈卫), from Sichuan Province, and [Chen Xi](#) (陈西), from Guizhou Province, were sentenced to nine and 10 years, respectively, for "inciting subversion."

Over 100 supporters who came to the courthouse on the morning of the trial encountered a similar number of police and security officers. Some foreign diplomats and also friends of Ni and Dong attempted to attend the proceedings, but authorities did not allow them inside the courtroom, even forcing out some who had gone through a security checkpoint and entered a waiting area in the courthouse. A dozen or so individuals, including a brother of Dong Jiqin, and others who wanted to attend the trial and testify on behalf of Ni Yulan were stopped at home or on their way to the trial, and forcibly taken to police stations to control their movements.

On April 7, 2011, police seized Ni and Dong in connection with the "Jasmine Crackdown" on suspicion of "creating a disturbance" for hanging a banner outside the Yuxinyuan Guest House, their residence at the time. The couple has been held ever since in the Xicheng District Detention Center. Ni's family has been very concerned about her health, which has deteriorated during her current detention, and Dong is also reportedly having health issues. Earlier this year, Ni's lawyer applied unsuccessfully for her release on medical grounds. During periods of detention over the past decade, Ni was beaten and tortured by Beijing authorities and, as a result, Ni cannot walk unaided and suffers from several medical problems. (CHRD)<sup>[1]</sup>

#### Police Send Case Against Hangzhou Activist Zhu Yufu Back to Procuratorate; Fellow Dissidents Harassed

Last week, the Shangcheng County District Public Security Bureau again submitted the case against activist **Zhu Yufu** (朱虞夫), detained on suspicion of "inciting subversion of state power," to the local procuratorate, a move that has apparently led to increased harassment of Zhu's supporters. The development in Zhu's case comes about two months after the Shangcheng County People's Court had reportedly approved the procuratorate's application on October 25 to dismiss the charges against Zhu, which stirred speculation that the activist would be released. At that time, Zhu's lawyer stated that the procuratorate cited "changes in factual evidence" in seeking dismissal of the charges. Zhu has been held since March 5 for "inciting subversion of state power" at the Shangcheng District Detention Center. Formally arrested on April 11, Zhu is

one of 11 individuals known to have been arrested as part of the Jasmine Crackdown, and he has served two prior prison sentences, totaling nine years.

After Zhu's case was sent back to the procuratorate, Hangzhou police proceeded to harass a number of dissidents, a possible sign that some action on the case may be imminent. Police warned or made arrangements to speak with **Chen Shuqing** (陈树庆) and **Lü Gengsong** (吕耿松), among other activists. Perhaps most seriously, officers searched the home of **Wu Yilong** (吴义龙) and took him in for questioning on December 26 before forcibly taking him back to his hometown in Anhui Province the next day. Police in both Hangzhou and Anhui warned Wu that he may be sent to prison; in September 2010, Wu completed an 11-year sentence for “subversion of state power,” and is now serving a period of deprivation of political rights. (CHRD)<sup>[2]</sup>

[Read more](#) information compiled by CHRD about individuals detained during the “Jasmine Revolution” crackdown.

### **Hunan Police Criminally Detain Villager Over Land Requisition Conflict**

Authorities in Hunan Province have criminally detained villager **Jiang Caiyou** (蒋才有) on suspicion of “gathering a crowd to disrupt social order.” From Hongjiang City, Jiang was taken into custody on December 28 by local police, reportedly for refusing to sign an agreement related to requisitioned land—feeling the amount of compensation was too low—and after blocking the construction of a power plant on his own property. In the village where Jiang lives, Hongjiang authorities have detained several local residents who have refused to accept terms of compensation for land they have lost. (CHRD)<sup>[3]</sup>

### **Fujian Petitioners Detained in Black Jail After Trying to Visit Ai Weiwei in Beijing**

On January 2, a group of seven petitioners from Fujian Province were taken into custody by Beijing police and ended up detained in a black jail after trying to visit activist and artist Ai Weiwei at his office in the capital. The group encountered a police vehicle in front of Beijing Fake Cultural Development, Ltd., which handles the business side of Ai's art career, and then took photos as they held up small banners with messages that expressed solidarity with Ai. Police from Chaoyang District reportedly took the individuals, who had come to the capital to present a grievance over government occupation of their land in Fuzhou City, to the Nangao Police Station to file a report. One of the petitioners was in contact with CHRD and indicated the group was being held in a black jail by that evening. (CHRD)<sup>[4]</sup>

### **Sichuan Petitioner Released After Over Nine Months in Black Jail**

Sichuan petitioner **Liu Cunqin** (刘存钦) was released on December 30 after spending more than nine months of illegal detention in black jails in Pujiang County, located outside of Chengdu. Liu told CHRD that authorities did not give her a reason for releasing her. Along with other Chengdu petitioners, Liu was detained in Beijing in mid-March during the annual meetings of the National People's Congress and the Chinese People's Political Consultative Conference, and then held in black jails in Pujiang. **Jiang Guorong** (姜国荣), seized with Liu in March, was let go in early December. In late November, a group of activists and petitioners had unsuccessfully attempted to rescue them from a black jail, after which time authorities moved the petitioners to another location. (CHRD)<sup>[5]</sup>

### **Police Seize Petitioners Near Tiananmen, Including Some Planning Self-Immolation**

Beijing police seized several petitioners from around Tiananmen Square on New Year's Day, including three who reportedly were preparing to self-immolate and five others who tossed petitioning materials out the window of a bus as it passed the square. Police took them to the Tiananmen branch of the Beijing Public Security Bureau. One of the petitioners who tried to set herself on fire, **Jiang Fan** (江帆) of Henan Province, had gone to Beijing to speak out against corruption after being physically abused by her husband, who had worked in the court system. Another petitioner who tried to harm herself, **Zhao Yunxia** (赵云侠) of Jilin Province, had unsuccessfully sought to bring to justice her son's murderer.

In addition, more than 10 petitioners from Shanghai were seized and taken to the black jail at Jiujiangzhuang for begging around Tiananmen. And on December 31, Henan petitioner **Zhang Xinzhong** (张新中) was taken to the same black jail after petitioning at the State Bureau for Letters and Visits. (CHRD)<sup>[6]</sup>

*More recent news related to arbitrary detention:*

“Police Seize Citizen Investigator From Haiman Town in Shantou City, Guangdong” ([发海门民间调查报告“江山勇者”遭扣押](#)), December 29, 2011, CHRD

“Female Village Head in Suzhou, Anhui Held in Black Jail by Township Government for ‘Mental Illness’” ([安徽宿州女村主任遭乡政府关黑监狱治“精神病”](#)), January 1, 2012, CHRD

“Petitioners Singing Anti-Corruption Song Beaten, Taken Away” ([访民唱自编反腐歌遭警方殴打后抓走](#)), January 3, 2012

## **Harassment of Activists**

### **Jiangxi Authorities Harass, Injure Local Activist and Guizhou Netizen**

Local officials prevented Jiangxi rights activist **Liu Ping** (刘萍) from boarding a train at the Xinyu Train Station on December 30, and police subsequently beat her up. She temporarily fell out of contact along with fellow Jiangxi activist **Wei Zhongping** (魏忠平) and a netizen from Guizhou Province. While Liu was at the train station, national security officers and a Party committee secretary from her work unit, among other officials, blocked her from heading to Shandong Province to try to visit the activist **Chen Guangcheng** (陈光诚) in Linyi City—a trip that Liu has risked taking on numerous occasions. After Liu was released to go home that evening, several individuals—believed to be called by people affiliated with her workplace—intercepted Liu, beat her, and damaged her cell phone, and she sustained injuries that required medical attention at a hospital. The next day, Liu was with Wei and the Guizhou netizen at a hotel when police barged into their room and cut the netizen with a knife and also damaged property inside the room. The three later were found to be safe after being briefly out of contact. (CHRD)<sup>[7]</sup>

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

### **Imprisoned Democracy Activist Subjected to Forced Labor, Other Unfair Treatment**

Hunan democracy rights activist **Xie Changfa** (谢长发), serving a 13-year prison sentence for “subversion of state power,” is being forced to work more than 10 hours every day, and is also being subjected to other abuses in Nanzui Prison in Yiyang City in Hunan, according to his brother **Xie Changzhen** (谢长祯). During a recent visit, Xie Changfa informed his brother about the number of hours of labor he is being forced to do, and that he plans to go on a hunger strike before the Spring Festival to protest this unfair treatment. Xie Changzhen is concerned that his brother’s health will be greatly jeopardized if prison authorities keep forcing him to hard labor for long hours. Beginning in the latter part of 2011, the prison also began to prohibit Xie’s family from bringing him books, and he has very limited access to reading materials inside prison. In addition, Xie and his family members now are not allowed to exchange letters. Xie Changfa is not deemed eligible for a sentence reduction since he has not confessed to any crime, which is often considered a prerequisite for clemency. Xie has previously been subjected to other forms of poor treatment while incarcerated, including solitary confinement and denial of family visits since being sent to this prison.

Detained in June of 2008, Xie Changfa, from Changsha City, was convicted of “subversion” and sentenced to prison by the Changsha Intermediate People’s Court in September of 2009. A

member of the banned China Democracy Party (CDP) and an organizer of CDP's Hunan Branch, Xie has been a democratic activist since the Democracy Wall movement in 1978. (CHRD)<sup>[8]</sup>

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<sup>[1]</sup> “Witnesses Harassed Before Lawyer Ni Yulan’s Trial for Creating Disturbance” ([倪玉兰律师被控寻衅滋事案开庭前证人被控制](#)), December 28, 2011, CHRD; “Ni Yulan, Husband Go To Trial, Many At Scene Taken and Held at Police Station” ([倪玉兰夫妇庭审, 现场多人被抓往派出所](#)), December 28, 2011, CHRD; “‘Creating Disturbance’ Case Against Ni Yulan, Dong Jiqin Going to Trial on December 29, Daughter to Testify” ([北京倪玉兰夫妇“寻衅滋事案”29日开庭, 女儿将出庭作证](#)), December 27, 2011, CHRD; “On Eve of Trial, Case Against Ni Yulan, Husband Sent Back to Procuratorate” ([开庭前夕, 北京维权律师倪玉兰夫妇案件退回检察院](#)), November 23, 2011, CHRD; “Trial to Open for Beijing Rights Defender Ni Yulan, Husband for ‘Creating a Disturbance’” ([北京维权人士倪玉兰夫妇“寻衅滋事案”即将开庭](#)), November 21, 2011, CHRD; “Ni Yulan and Husband’s Case Sent Back to Public Security Branch Bureau for Further Investigation” ([倪玉兰夫妇案件被退回公安分局补充侦查](#)), August 28, 2011, CHRD; “Ni Yulan and Husband’s Case Transferred to Procuratorate, ‘Fraud’ Charge Added,” ([倪玉兰夫妇案移送检察院, 再增“诈骗”罪](#)), July 21, 2011, CHRD; “Arrests of Rights Defense Lawyer Ni Yulan and Husband Both Confirmed, Family Has Not Received Formal Notice” ([倪玉兰夫妇双双被捕, 亲属未收到法律文书](#)), June 9, 2011, CHRD; “News Flash: Arrest of Human Rights Lawyer Ni Yulan Approved” ([快讯: 维权律师倪玉兰被批准逮捕](#)), May 17, 2011, CHRD

<sup>[2]</sup> “Wu Yilong Held After Home Searched, Zhu Yufu Case Sent Again to Procuratorate” ([吴义龙被抄家后无处安身, 朱虞夫案重新送检](#)), December 28, 2011, CHRD; “Zhejiang Dissident Wu Yilong Questioned, Has House Searched, Is Forcibly Returned to Hometown” ([浙江异议人](#))

士吴义龙被传唤抄家送回老家), December 27, 2011, CHRD; “Shangcheng Court in Hangzhou Approves Procuratorate’s Application to Dismiss ‘Incitement’ Charges Against Zhu Yufu” ([上城法院批准检察院撤销对朱虞夫“煽动颠覆国家政权罪”的起诉](#)), October 27, 2011, CHRD

[3] “Jiang Caiyou, Human Rights Representative from Hongjiang City, Hunan Province, Is Criminally Detained” ([湖南洪江又一库区维权代表蒋才有被刑拘](#)), December 29, 2011, CHRD

[4] “Fujian Activists Who Went to Visit Ai Weiwei Detained in Black Jail” ([福州探望艾未未的维权人士被关入“黑监狱”](#)), January 3, 2012; “Fuzhou Rights Defense Representatives Go to Ai Weiwei’s Office for New Year, Get Taken to Police Station” ([福州维权代表新年前往艾未未工作室被带到派出所](#)), January 2, 2012, CHRD

[5] “Chengdu Petitioner Liu Cunqin Released After More Than Nine Months of Illegal Detention” ([成都访民刘存钦在被非法关押 9 个多月后获释](#)), January 1, 2012, CHRD; “Chengdu Petitioner Jiang Guorong Released After Nearly Nine Months in Black Jail” ([成都访民姜国荣被关黑监狱 近 9 个月后获释](#)), December 13, 2011, CHRD; “Chen Yunfei, Others Try to Rescue Petitioner From Black Jail, End Up Held in Police Station” ([陈云飞等人营救黑监狱中访民被带往派出所](#)), November 23, 2011, CHRD; “Petitioners Remain Detained in Pujiang County, Chengdu City, Sichuan Province After Two Meetings” ([四川成都蒲江仍然关押着一批两会上访的访民](#)), May 21, 2011, CHRD

[6] “As New Year Breaks, Petitioners Attempt Suicide At Tiananmen Square, Many Taken Into Custody at Black Jail in Jiujiangzhuang” ([新年伊始，访民到天安门自杀，多人被抓到久敬庄](#)), January 1, 2012, CHRD

[7] “Guizhou Netizen Beaten, Injured by Thugs; Liu Ping, Wei Zhongping Go Missing” ([贵州网友被暴徒砍伤后，刘萍、魏忠平下落不明](#)), January 1, 2012, CHRD; “Jiangxi Independent Candidates Obstructed, Beaten On Way to Linyi City” ([江西独立参选人去临沂被拦截、殴打](#)), December 30, 2011, CHRD; “Beating of Jiangxi Independent Candidate Liu Ping” ([江西独立参选人刘萍被打情况](#)), December 30, 2011, CHRD

[8] “Democracy Activist Xie Changfa Forced to Work Over 10 Hours Daily in Prison” ([民主人士谢长发狱中每天被强制劳动十余小时](#)), January 3, 2012, CHRD

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