



Promoting human rights & empowering grassroots activism in China

A Nightmarish Year Under Xi Jinping's "Chinese Dream"



2013 Annual Report on the Situation of Human Rights Defenders in China

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Cover: Chinese citizens inspired by the “New Citizens’ Movement” (新公民运动) took to the streets in 2013 to rally for anti-corruption measures, calling on top government officials to disclose their personal wealth.

“2013 saw the harshest suppression of civil society in over a decade...with human rights and rule of law basically going backwards. Still, the drive in Chinese civil society to keep fighting under difficult and dangerous conditions is the most important asset for promoting human rights and democratization in the country.”

- Teng Biao, Chinese human rights lawyer

Introduction: Defining Features of 2013

Human rights defenders in China experienced a tumultuous year of government suppression, yet they continued to demonstrate remarkable strength and extraordinary courage.¹ In interviews and discussions conducted by Chinese Human Rights Defenders (CHRD), dozens of Chinese activists describe 2013 as the worst year for human rights since at least 2008, which saw severe crackdowns on civil liberties around the Beijing Olympics and with the Charter 08 campaign for reform. Some of them pointed out that the number of activists detained on criminal charges in the 2013 crackdown surpassed that in any period of suppression since the late 1990s, when many organizers of the Democracy Party of China were jailed. They commented to CHRD that reprisals against human rights activists have gone hand-in-hand with growing civil society activism in recent years, observing that 2008 ended with the detention of dissident **Liu Xiaobo** (刘 晓 波), the 2010 Nobel Peace Prize laureate who is serving an 11-year prison sentence, while 2013 ended with the government having incarcerated hundreds of activists.

The Chinese government’s assault on activists throughout the year indicates just how far authorities under the rule of President Xi Jinping are willing to go to suppress an increasingly active and emboldened civil society. By the time the current leadership took full control of top Chinese Communist Party (CCP) and government posts in March 2013, a sweeping crackdown was underway. Authorities gutted advocacy platforms forged by human rights defenders (HRDs) in both city streets and cyberspace, criminalizing peaceful acts of assembly, association, and expression en masse.

The government’s tactics of repression in 2013 pointed to some detectable shifts from the past, as reflected in partial data collected by CHRD.² CHRD documented more than 220 criminal detentions of human rights defenders in 2013—nearly a three-fold increase from the previous year—including dozens who have been arrested and will face trial. In addition, many activists received short-term administrative detentions while others were locked up in “black jails” (illegal detention cells set up by Chinese security forces) or faced detention in “legal study classes” and psychiatric hospitals. While the perverse system of Re-education through Labor to detain activists and dissidents without due process was being phased out, CHRD observed in its place an increased use of criminal detention on trumped-up charges and detention in illegal facilities. Some detainees were held incommunicado for months without legal access to attorneys and family visits.

As seen through CHRD's data for 2013, there were also three times more recorded cases of "enforced disappearances" compared to the year prior. In fact, known "enforced disappearances" even exceeded the total from the widespread crackdown in 2011, when Chinese authorities reacted to online calls for "Jasmine rallies" inspired by political upheavals then taking place in North Africa and the Middle East.

The government's extraordinary measures in trampling human rights dispelled any hope that President Xi's new administration would be tolerant of diverse voices in a more open society. Xi touted the "Chinese Dream" of economic growth under iron-fisted maintenance of political stability and introduction of draconian policies. In 2013, top CCP leaders unleashed a bellicose attack on "universal values" in internal documents and state-controlled media, asserting the new leaders' contempt for the rule of law, constitutional democracy, and freedom of the press. A memo from senior leaders to government officials that surfaced in the summer, known as "Document No. 9," urged an assault on "Western ideals," including democracy and human rights.³ Despite the Chinese government's flagrant disregard of fundamental human rights principles, China was re-elected in November to a third term on the United Nations Human Rights Council in a politicized vote devoid of serious human rights considerations.⁴

In an ominous nod to methods of persecution used during the Cultural Revolution, authorities resorted to public humiliation to break down and discredit several detainees, using state television to broadcast videotaped "confessions" that were most likely coerced or even obtained through torture. Among those reportedly subjected to this treatment were **Wang Gongquan** (王功权), the benefactor of the "New Citizens' Movement," a loose grouping of activists who have peacefully advocated for democratic and rule-of-law reforms since 2011 (see page 5 for more on the movement); and the online opinion leader **Charles Xue** (薛蛮子), whose *weibo* (a Twitter-like social media tool) had millions of followers and who was accused of soliciting prostitutes.

"The year saw a greater rise of civil society activism: more citizens took the risk to assemble, act in groups (like with the formation of the China Human Rights Lawyers Group), and express views in public. This doesn't contradict the fact that 2013 saw the worst crackdown in many years, since more citizens became aware of injustice and reacted by taking action. The unprecedented availability and use of new media contributed to the exposure and spread of news on individual cases and raised public awareness of repression."

Chinese human rights lawyer

In perhaps the most notable change in the government's tools of repression, detentions in Re-education through Labor (RTL) camps slowed to a trickle in 2013. The drop was largely expected, following years of international pressure, especially vocal criticism of RTL by many in China's intellectual establishment in

2012.⁵ The start of 2013 saw subtle policy shifts in RTL, as officials hinted the system would undergo "reform,"⁶ and the CCP eventually announced in November that RTL would be abolished.⁷ However, its impending "dissolution" has been fraught with concern. For example, there are signs that "community correction centers," another extrajudicial form of detention that

resembles RTL, may be further developed to “replace” it. Additionally, there has been an increased use of “black jails” that are believed to be proliferating (despite the government’s attempts to deny their existence⁸). Those released from RTL still have no clear channel to seek recourse over abuses suffered in the camps, as the government continues to rebuff past detainees who appeal for justice.⁹ While welcoming the decision to get rid of RTL, Chinese lawyers have expressed concern about how the CCP will phase out the system,¹⁰ as have human rights groups, with both wary of the government’s reliance on abusive systems of extralegal detention.¹¹

Even with the unrelenting attack on HRDs, 2013 will also be remembered as a year that saw encouraging developments in China’s civil society. One unequivocal sign of growing and vibrant activism was precisely authorities’ strong reaction to peaceful gatherings and public expressions of dissent. The strident nature of the crackdown testifies to how citizens’ organized support for rule-of-law reforms and human rights protections reached a new height, unnerving the country’s leaders who fear, above all, an increasingly assertive civil society that poses strong challenges to their legitimacy.

The government barely concealed its fear of losing its grip on “stability” as it reacted strongly to HRDs who publicly pushed for modest policy changes—such as more transparency of Party leaders’ wealth or assuring the right of children to an education—by charging them with crimes like “gathering a crowd to disrupt order of a public place” and “unlawful assembly.” The levying of such charges departed from some of the government’s prevailing practices in persecuting HRDs.¹² In avoiding overtly political charges that have often been used to convict activists and dissidents, such as “inciting subversion against state power,” “subversion against state power,” or “leaking state secrets,” authorities sought to play down the political motivations behind the crackdown. However, the scale of the 2013 crackdown revealed Chinese leaders’ fears that their hold on power faced a serious enough challenge from civil society that they had to strike hard against its leading activists.¹³

Below, CHRD delineates several trends from 2013 and continuing concerns, including a major crackdown targeting peaceful assembly, association and expression; increased criminalization of speech in the media as well as online; physical violence against human rights lawyers; severe reprisals of activists demanding participation in UN human rights activities; and political persecution and suppression in ethnic minority regions. We urge the Chinese government to release human rights defenders who have been detained for exercising their constitutional rights, shut down illegal detention facilities, and end the use of arbitrary detention and torture, especially in ethnic minority regions. Such actions would

“In the past, detention in a labor camp was the biggest danger we faced. The government’s announcement in November that the Re-education through Labor system would be abolished is good news for human rights defenders, but ‘new risks’ include widespread use of criminal detention, rampant abuses of power by police and courts, and a prison system accountable to no one.”

Chinese activist, former RTL detainee

demonstrate adherence to China's own pledges regarding protection of rights made to its own citizens and the international community (see page 15 for a full list of recommendations).

Crackdown on Liberties That Are Fundamental to Civil Society

Beginning in earnest from late March, authorities ruthlessly suppressed acts of peaceful assembly, association, and expression protected by international human rights conventions that the Chinese government has pledged to uphold, as well as being guaranteed in China's own constitution. By the end of 2013, CHRD had documented detentions of 68 HRDs in the crackdown—activists, lawyers, and others—and confirmed that about two-thirds had been formally arrested. About one-third of all those detained were later released on “bail awaiting trial.” While nearly half of the detainees are in Beijing, police also rounded up individuals in Anhui, Guangdong, Hubei, Hunan, Jiangsu, Jiangxi, Xinjiang, and Yunnan.¹⁴

Early on in the crackdown, police in Beijing took into custody activists who had organized a campaign that called for, among other things, more than 200 high-ranking CCP officials, including President Xi and Premier Li Keqiang, to publicly disclose their personal wealth. The activists' anti-corruption campaign took off soon after Xi himself vowed to cleanse the CCP of rampant corruption. Among the first to be detained in the capital were **Hou Xin** (侯欣), **Ma Xinli** (马新立), **Yuan Dong** (袁冬), and **Zhang Baocheng** (张宝成). The detentions of the so-called “Xidan Four”—police took these activists into custody after they demonstrated in Beijing's Xidan shopping district—would inspire widespread appeals for justice. (Yuan and Zhang were tried in January 2014; Yuan was given an 18-month sentence but no verdict was issued for Zhang.)¹⁵ Showing solidarity with these activists, dozens of petitioners were also swept up during the year after joining the anti-corruption drive or rallying for the detained HRDs' freedom.¹⁶

HRDs subsequently detained in the provinces displayed banners in the streets, clamored for the release of other activists and lawyers, and insisted the government ratify the International Covenant on Civil and Political Rights (ICCPR), which China signed in 1998. In May, five activists, most of them traveling from Guangdong—**Chen Jianxiong** (陈剑雄), **Huang Wenxun** (黄文勋), **Li Yinli** (李银莉), **Yuan Fengchu** (袁奉初, aka **Yuan Bing**, 袁兵), and **Yuan Xiaohua** (袁小华)—were taken into custody in Hubei during a cross-country “advocacy trip” that, in their words, was meant to “put into practice the bright Chinese Dream,” a play on the political slogan adopted by China's president.¹⁷

In connection with the arrests of the activists in Hubei, police in Guangdong also detained a number of other HRDs, including **Liu Yuandong** (刘远东) in January and **Guo Feixiong** (郭飞雄, aka **Yang Maodong**, 杨茂东) in August. Police accused both of “gathering a crowd to disrupt order of a public place,” though it is believed that they are being punished for organizing rallies for press freedom in front of the *Southern Weekly* headquarters in January 2013, organizing a campaign calling on the government to ratify the ICCPR, and also leading an anti-corruption campaign.

“One new method of harassment and intimidation is the use of mass media to tarnish the reputation of detained activists or online critics of the government by making them confess wrongdoings, with those videos later shown on China Central Television.”

Chinese activist

In June, police in Jiangsu detained a dozen activists who, inspired by the government’s vow to close down illegal “black jails,” had located such a facility, freed individuals being held there, and reported its existence to authorities. Four of these HRDs were eventually arrested and remain in detention: **Ding Hongfen** (丁红芬), **Shen Guodong** (沈果东), **Yin Xijin** (殷锡金), and **Qu Fengsheng** (瞿峰

盛).¹⁸ And in Anhui, starting in July, several activists were detained, including **Zhang Lin** (张林), **Zhou Weilin** (周维林), **Yao Cheng** (姚诚), and **Li Huaping** (李化平), after they had joined a peaceful sit-in protesting an official decision to bar **Annie Zhang** (张安妮), **Zhang Lin**’s 10-year-old daughter, from attending a school in Hefei.

Many of the affected HRDs, particularly in Beijing, have been associated with (or inspired by) the New Citizens’ Movement, activists who have sought political, legal, and social reforms in recent years. The prominent legal advocate **Xu Zhiyong** (许志永) spearheaded the movement, which emerged after the Open Constitution Initiative, co-founded by Xu, was banned. Prior to being seized, some individuals openly identified themselves with the movement, in part by displaying a “Citizen” (公民) logo on their social media profiles.

Taken into custody in July, **Xu Zhiyong** was the first of those identified with the crackdown to be sent to prison. In January 2014, he received four years on a charge of “gathering a crowd to disrupt order of a public place”—both a singular punishment for a charismatic civic leader, law professor, and one-time elected local legislator, and a broad warning to those who had run afoul of the Party through like-minded advocacy for reforms. Not surprisingly, police prevented many of Xu’s supporters and others who wished to attend the proceedings from getting near the courthouse. Xu and his defense counsel largely kept silent in court to protest his and others’ arbitrary detentions and official violations of legal procedures.¹⁹

As dozens languished in detention centers—some for longer than legally permitted without going to trial—only a few of these HRDs had their cases heard in 2013. Jiangsu activist **Gu Yimin** (顾义民), whose alleged crime of “inciting subversion of state power” stemmed from posting photos of the 1989 Tiananmen Massacre and planning to hold an event to mark its anniversary, was tried in late September. An Anhui court heard the case in December against activist **Zhang Lin**, who had organized rallies to support his daughter’s right to education (see page 13 for more on Zhang’s case).²⁰

Detainees have been subjected to torture, deprived of medical care, and threatened. In Beijing, lawyers for activist **Song Ze** (宋泽), aka **Song Guangqiang** (宋光强), filed a lawsuit against detention center officials for “inflicting intentional harm” and “abuse” after Song was shackled for days at a time, kept awake for round-the-clock interrogations, and not provided medical treatment for illnesses.²¹ Seized in June, Shenzhen-based activist **Yang Mingyu** (杨明玉, aka

Yang Lin, 杨林), was held incommunicado for more than a month, during which time national security officers reportedly warned him that he could disappear by being “put into a bag and thrown to the bottom of the South China Sea, or buried in a pit dug in the desert in the North.”²² Hubei activist **Liu Jiakai** (刘家财), who has a heart condition, has dealt with declining health since being seized in August.²³ Beijing-based activist **Cao Shunli** (曹顺利), who was detained in September in reprisal for her activism tied to the Universal Periodic Review of China’s human rights record, has also suffered from extremely poor health due to a lack of proper medical care (see page 12 for more on Cao’s case).²⁴

In several instances, confessions have been obtained, very likely as a result of police torture or other types of coercion. In a video reportedly made in December, financier and philanthropist **Wang Gongquan**, who had been taken into custody two months earlier, admitted to the crime of “gathering a crowd to disrupt order of a public place” and promised to sever his ties to **Xu Zhiyong**, whom Wang had supported. Wang was subsequently released on “bail awaiting trial” in January, a possible sign that he had shown a willingness to cooperate with authorities and may eventually face a lighter punishment.²⁵

It is believed that activists in Jiangxi, who perhaps have faced the most egregious rights violations, were also coerced to admit to crimes.²⁶ Activist **Liu Ping** (刘萍), tried in marred proceedings in early December, was tortured after being taken into custody in April. The court that heard her case, however, dismissed evidence of mistreatment and refused to call for an investigation into the allegations. Initially delayed in July, the trial for Liu and two other Jiangxi activists, **Li Sihua** (李思华) and **Wei Zhongping** (魏忠平), was suspended in October after their lawyers resigned over violations of the defendants’ legal rights and court procedures.²⁷ (At the time of this report’s release, the court had not yet issued a verdict in their case.)

Police regularly prevented lawyers from meeting with detained clients,²⁸ even resorting to physical assaults in order to intimidate them, and threw other roadblocks in the way when cases went to trial. As hearings sped up in January 2014, court authorities in Beijing employed tactics that have become routine in “politically sensitive” cases: they rejected defense lawyers’ requests to have hearings open to the public, arranged to hold trials in small courtrooms with “limited space” for the public, turned down applications by hundreds of people to observe proceedings or serve as witnesses, and limited lawyers’ access to case materials. Judicial authorities also refused to have all the Beijing activists detained in connection with the New Citizens’ Movement tried as co-defendants in a single case, even though prosecutors had accused these HRDs of committing the same offense as a coordinated group. Such circumstances led to courtroom protests and suspended proceedings, as defense lawyers dropped cases and activists decided to give up their attorneys.²⁹

While holding activist Yang Mingyu in detention incommunicado, national security officers reportedly threatened that he could disappear by being “put into a bag and thrown to the bottom of the South China Sea, or buried in a pit dug in the desert in the North.”

2013 saw the forced closure or retreat of outspoken independent groups, including some that have been allowed to register as commercial firms due to restrictions for them to obtain NGO status. In general, groups working on issues of health and discrimination that had more space in previous years faced paralyzing scrutiny. The criminal detentions of **Xu Zhiyong** and others associated with the New Citizens' Movement were quite likely intended to prevent Xu from reviving the Open Constitution Initiative, which authorities shuttered in 2009. In July, officials from the Beijing Bureau of Civil Affairs, accompanied by police, searched the office of the Transition Institute on Social Economic Research, confiscated publications, and issued an order for the group to be shut down. The think tank had worked closely with the Open Constitution Initiative and was especially active in advocacy involving local elections, land rights, migrant labor, tax reform, and democratic transition.³⁰

Grassroots leaders of specific causes faced direct harassment as well. In May, police in Guangxi detained, handcuffed, interrogated, and beat activist **Ye Haiyan** (叶海燕), who had been subjected to years of harassment for championing the rights of sex workers and persons infected with HIV/AIDS. Before being taken into custody, both a local chapter of the All-China Women's Federation and a homeowners association had reportedly pressured Ye's landlord to cancel her rental lease.³¹ Hunan police issued a 12-day detention in May to **Yu Han** (俞韩), who had organized a parade to promote anti-discrimination on International Day Against Homophobia, which he had hoped would present a positive image of the homosexual community to greater Chinese society.³²

Judicial Authorities Lend a Hand in Reining in Online Speech & Media

Throughout 2013, Chinese authorities continued to control the Internet and sought to counter activists' heavy reliance on online tools for organizing advocacy campaigns, expressing dissenting views, and disseminating information. Hundreds of online commentators and citizen journalists were detained, including some of China's most influential bloggers, for exposing corruption and discussing "sensitive" topics. The government closed down scores of blogs and *weibo* accounts. And in the name of "maintaining stability," police disrupted events organized online, seizing and questioning citizens in large numbers.³³

Looking to quell signs of dissent online in 2013, authorities continued to stamp out expression that they perceived as politically or socially disruptive. **Cheng Wanyun** (程婉芸), a Sichuan netizen and accountant, was detained in February for the alleged crime of "inciting subversion of state power" over comments on her *weibo* account critical of President Xi, but she was freed within days after an uproar on social media.³⁴ In March, Shanghai government censors deleted *weibo* messages posted by poet **Pan Ting** (潘婷) and shut down her account when she urged people to "memorialize" the Huangpu River after corpses of thousands of pigs had been found floating downstream, an incident that spurred criticism of incompetent governance and an official cover-up of environmental hazards.³⁵ Beijing police in July detained singer and journalist **Wu Hongfei** (吴虹飞) for "creating a disturbance" after she posted language on her *weibo* account that authorities viewed as provocative.³⁶ In addition, Yunnan-based activist **Bian Min** (边民), who has helped investigate cases of rights violations, was detained in September on suspicion of "illegal business activity," among other alleged offenses, and his *weibo* account was blocked for a time.³⁷

In the ongoing “cat and mouse” guerrilla battles between increasingly tech-savvy activists and the government’s army of cyber-police, 2013 stood out because of a notorious “interpretation” by China’s highest judicial authorities that criminalizes certain online speech. In September, the Supreme People’s Court and the Supreme People’s Procuratorate lent support to the government’s aim to intimidate free online expression and further stifled cyber activism by specifying conditions under which online posts that allegedly “spread rumors” and involved “defamation” would be grounds for criminal punishment.³⁸ Outlining arbitrary criteria open to abuse, the interpretation dictates that any post, if it has been clicked on or viewed at least 5,000 times, or re-posted at least 500 times, would be considered a “serious offense,” and its author would face imprisonment for up to three years (Article 246 (1) of the Criminal Law).

The interpretation specifies seven situations where online activities that would “severely harm social order and national interests,” including activities “causing negative international influence,” “harming the state’s image and severely endangering national interests,” “inciting ethnic and religious conflicts,” and “instigating mass incidents.” In such perceived cases, a procuratorate has the power to bring criminal charges against those whose Internet postings are considered “defamatory” by authorities; previously, a case could only be prosecuted at the request of an aggrieved party. In addition, the judicial interpretation provides that online activities that allegedly “disrupt social order” are punishable with up to five years in prison (Article 293 of the Criminal Law).³⁹

“The interpretation by the Supreme People’s Court and the Supreme People’s Procuratorate represents the trend of using law and regulations to suppress expressions of dissent.”

Chinese human rights lawyer

Days after this judicial interpretation took effect, two citizens in Gansu, including a high school student, became among the first known individuals detained under the new standards. Officers in Zhangjiachuan Hui Autonomous County put under criminal detention 16-year-old **Yang Hui** (杨辉) on a charge of “creating a disturbance” after he disclosed doubts about how a local man died. Police had declared the death a suicide, while the man’s family

believed that officers had beaten him to death. **Sha Xiaolong** (沙小龙), a migrant laborer, was later given a 10-day administrative detention for sharing information about the case. Besides these two detentions, five others were fined for being associated with posts about the “suicide.” A public furor erupted over Yang’s detention, and he was freed after being locked up for seven days.⁴⁰ In an unexpected turn, Yang’s case triggered an event that became a textbook example of how Chinese citizens can leverage the Internet to help bring about justice: a Chinese netizen who railed against Yang’s detention ended up uncovering documents that implicated the county police chief in a bribery scandal, leading to the chief’s suspension.⁴¹

Less than a week after the detentions occurred in Gansu, police in Hunan detained **Duan Xiaowen** (段小文), a netizen known by the screen name “Uncle Anti-Corruption” (反腐大叔观音土), on the suspected crime of “creating a disturbance.” Duan has used the Internet to disclose scandals involving local officials, including forced evictions and demolitions and also a case where a government post was secured through bribery.⁴² Days later, Hunan police detained **Yin**

Weihe (尹卫和) for going online to expose graft by officials, calling for commemoration of June Fourth victims, and demanding the government pay reparations to individuals detained in the crackdown on peaceful assembly and association (see page 4). Yin was arrested in October for “creating a disturbance” and remains in police custody.⁴³

In a move apparently meant to create an atmosphere of intimidation, police went after some of China’s most high-profile social media figures—bloggers often referred to as “Big V’s,” or “verified account users” whose commentaries attract enormous readership. Chinese-American investor **Charles Xue** was detained in August, allegedly for soliciting prostitutes, but more likely in retaliation for speaking out against injustice via his *weibo* account, which has over 12 million followers. Xue, who uses the screen name “Xue Manzi,” gave what appeared to be a coerced video confession in September, saying that he had irresponsibly spread unverified information. (At the time of this report’s release, Xue had not been brought up on formal criminal charges.)⁴⁴ In mid-October, police took into custody on suspicion of “creating a disturbance” the well-known cartoonist and political satirist **Wang Liming** (王立铭), who works under the alias “Rebel Pepper” (变态辣椒). Police interrogated him over online messages that he had sent out about unreported deaths of flood victims in Zhejiang. Authorities also shut down his *weibo* account, which had attracted about 300,000 followers.⁴⁵

Tightening censorship in cyberspace marched in lockstep with controlling mass media, as police took into custody journalists who sought to expose human rights abuses and official corruption. Photographer and documentary filmmaker **Du Bin** (杜斌), who has worked in the past for *The New York Times*, was held incommunicado after Beijing police seized him in May. His detention was in apparent retaliation for producing a

“Defamation and libel are crimes covered by civil lawsuits. That is, only citizens or legal entities that feel they are victims of defamation or libel can bring suit in court. It is not the business of government authorities to bring charges against people who are writing on the Internet.”

Chinese human rights lawyer

documentary on abuses at the Masanjia Women’s Re-education through Labor camp and for a book he authored on the Tiananmen massacre. He faced charges of “disrupting order of a public place” and “illegal publishing”⁴⁶ but was released after being held for a short time. **Hou Zhihui** (侯志辉), a Beijing-based filmmaker, was detained on suspicion of “creating a disturbance” in June after filming petitioners in a black jail.⁴⁷ Two journalists with the Guangdong-based newspaper *New Express* also were detained: **Liu Hu** (刘虎), on suspicion of “libel” in September after he reported on abuses of power by Party cadres, and **Chen Yongzhou** (陈永州), detained weeks later on suspicion of “spreading fabrications that damage the reputation of a business” after he disclosed financial fraud at a manufacturing firm.⁴⁸ In addition, **Wang Hanfei** (王寒非), editor of the Hong Kong-based journal “China Special Report,” continued serving a three-and-a-half-year sentence in Hunan after publishing articles that disclosed corruption by a local CCP secretary and praised **Liu Xiaobo**. Wang, whose retrial ended in April with no change in his punishment, was originally sentenced in December 2012 on trumped-up charges of “illegal business activity” and “fraud.”⁴⁹

Bold Reprisals & Violence Against Human Rights Lawyers

The handful of lawyers willing to handle “politically sensitive” human rights cases over the years have become accustomed to taking risks and negotiating obstacles erected by law-enforcement and judicial authorities in order to defend their clients. In 2013, however, they found an even more hostile environment in which to work. Specifically, judicial authorities employed punitive administrative measures to harass lawyers and disrupt their work, such as threatening to block license renewal, refusing to allow lawyers to change law firms, and intimidating firms that might hire these lawyers. Police and hired thugs even resorted to physical violence to attack or provoke lawyers who sought to visit detained clients or raise objections to unlawful practices.

Far from deterring their efforts, however, these acts of reprisal galvanized China’s far-flung community of beleaguered attorneys. The year saw a surge of new or young lawyers join the ranks of the profession, with a noticeable increase in female lawyers. Responding to frequent threats and assaults, hundreds of defense attorneys banded together under the name “China Human Rights Lawyers Group” (中国人权律师团). They released joint open letters and statements calling for an end to rights violations victimizing defense lawyers, including enforced disappearances, arbitrary detentions and interrogations, torture and humiliation, disbarment, and illegal (but increasingly common) security inspections of attorneys at courthouse entrances.⁵⁰

In retaliation against human rights lawyers, judicial authorities failed to renew licenses for dozens of lawyers and some law firms by the end of May, the deadline for annual renewal. Used in the past to obstruct only the most prominent of rights defense attorneys, this tactic is now routinely used to punish and intimidate such lawyers, with officials rarely providing any explanation for delays. Among those who were unable to obtain renewed licenses by the official deadline in 2013 were **Chen Jihua** (陈继华), **Dong Qianrong** (董前勇), **Guo Haiyue** (郭海跃), **Lan Zhixue** (兰志学), **Liang Xiaojun** (梁小军), **Li Baiguang** (李柏光), **Li Dunyong** (李敦勇), **Li Xiongbing** (黎雄兵), **Lin Qilei** (蔺其磊), **Liu Peifu** (刘培福), **Wang Quanzhang** (王全章), **Wang Yajun** (王雅军), **Wu Hongwei** (邬宏威), **Xie Yanyi** (谢燕益), and **Zhang Quanli** (张全利).⁵¹ Eventually, these lawyers were able to renew their licenses, but the annual threat of disbarment hangs over them.

Lawyers were also threatened with license revocation during the year, and authorities pressured law firms to fire or refuse to hire lawyers as a way of punishing the attorneys for taking on human rights cases. Guangzhou judicial authorities in November warned lawyer **Liu Zhengqing** (刘正清) that they might revoke his license if he continued to represent and appeal the sentence of imprisoned democracy activist **Wang Bingzhang** (王炳章), who is serving life in prison. Officials also accused the lawyer of falsifying his licensing documents.⁵² Law professor and lawyer **Zhang Xuezhong** (张雪忠) was suspended in August from his teaching position at East China University of Political Science and Law in Shanghai, apparently for taking on the cases of activists detained in the crackdown on free assembly and association, and for publishing articles about constitutionalism and democracy.⁵³

Human rights lawyers continue to face detention or criminal charges in apparent reprisal for their work on behalf of activists. In April, Beijing-based lawyer **Wang Quanzhang** (王全章) was

taken into custody in a courtroom and issued a 10-day “judicial detention” in Jiangsu for allegedly being out of order for “speaking loudly during the hearing.” It was the first known instance of a Chinese lawyer being detained by police in a courtroom after presenting a criminal defense. Police detained Wang after he had defended an alleged Falun Gong practitioner and challenged what he considered to be the judges’ violations of procedural rights. The incident sparked concerns about Article 194 of the revised Criminal Procedure Law, which gives judges the power to detain any litigation participant or observer accused of violating courtroom order. Wang was released after three days, after many activists went to Jiangsu to protest his detention and a deluge of online criticism denouncing the authorities’ overreach of power.⁵⁴

In June, judicial authorities in Henan pressured law firms not to hire a lawyer who had represented clients in various human rights cases. Government officials reportedly passed down a verbal order to pressure a firm to fire attorney **Ji Laisong** (姬来松) and then told other firms not to hire him. The sole reason given by officials in blocking Ji’s employment was that he had taken part in “civic activities.” This was in apparent reference to Ji’s participation in a public call for reform of the Re-education through Labor system and for seeking a review of the “tomb-flattening” policy in Henan, where graveyards had been converted into farmland. Officials may have also been bothered by a case that Ji defended involving a victim of involuntary psychiatric commitment.⁵⁵

During the year, violent attacks by police and security guards (or even hired thugs) against human rights lawyers were commonplace. In May, Shandong lawyer **Liu Jinbin** (刘金斌) was severely beaten by national security police after he submitted an application to meet his client **Wei Zhongping** (魏忠平) in Jiangxi.⁵⁶ Also in May, police in Sichuan detained eight lawyers, including **Jiang Tianyong** (江天勇), **Liang Xiaojun** (梁晓军), **Tang Jitian** (唐吉田), **Tang Tianhao** (唐天昊), and **Lin Qilei** (蔺其磊). While holding the lawyers on suspicion of “obstructing official business,” police violently assaulted them, causing numerous injuries. The lawyers had gone to Sichuan to investigate a “black jail” where more than 200 people were being illegally detained.⁵⁷

In September, Beijing-based attorney **Li Fangping** (李方平) was beaten by a police officer when trying to meet **Yang Hailong** (杨海龙), who was in custody in Shandong after protesting judicial injustice. A police officer refused to grant Li’s request to meet Yang, and instead struck and injured Li.⁵⁸ In November, police beat lawyer **Cheng Hai** (程海) inside a detention center while Cheng was visiting his client **Ding Jiayi** (丁家喜) and then held the lawyer for several hours before releasing him. In December, unidentified men assaulted lawyer **Li Changqing** (李长青) at the entrance of a courthouse in Shandong. Police and security guards at the scene refused to assist Li, who was representing a client in a forced eviction case.⁵⁹

On two consecutive days in December, thugs and police in Henan attacked lawyers trying to provide legal assistance to a Christian pastor and church staff members who had been detained for weeks without being allowed to see a lawyer. The pastor, **Zhang Shaojie** (张少杰), had been seized presumably for trying to help others seek accountability for rights abuses. The lawyers tried to lodge a protest of police harassment and denial of their clients’ right to counsel. Among the lawyers who were assaulted, with some sustaining injuries, were **Liu Weiguo** (刘卫

国) and **Yang Xingquan** (杨兴权). In a particularly violent episode, lawyers had to barricade themselves inside a procuratorate building in order to protect themselves. The lawyers called the emergency police number for help after each incident, but police did not dispatch assistance, reportedly saying that it was not their responsibility to find the perpetrators.⁶⁰

Reprisals Against Activists Seeking Participation in UN Human Rights Reviews

In 2013, one priority of the Chinese government appeared to be blocking civil society activists from participating in reviews of China by UN human rights bodies. China's human rights record was scrutinized by the UN Human Rights Council's Universal Periodic Review (UPR) in October, and the UN Committee on the Rights of the Child (CRC) conducted a review in September of China's compliance with the UN Convention on the Rights of the Child. The government took these reviews seriously, as they presented opportunities for activists to expose its human rights abuses on an international stage. But the government also saw the opportunity for engineering public relations campaigns to paint itself as an actor faithfully "promoting and protecting" human rights. Under these circumstances, Chinese HRDs who sought to participate in the UPR and CRC reviews and in other UN human rights activities in 2013 became major targets of government harassment and persecution.

Despite the Chinese government's flagrant disregard of fundamental human rights principles, China was re-elected in November to a third term on the United Nations Human Rights Council in a politicized vote devoid of serious human rights considerations.

It is thus distressing that many UN Member States voted to elect China to a third term as a member of the Human Rights Council (HRC) in November. It was clear that these states had not truly taken into account standards that are required of HRC members, namely "the promotion and protection of human rights" and demonstration that China had "fully cooperated with the Council," including supporting civil society

participation in UN human rights activities. Indeed, the government had rejected most recommendations made during the first UPR of China in 2009 while failing to implement "accepted" ones, and has not extended invitations for visits to most UN Special Rapporteurs and the High Commissioner for Human Rights.⁶¹ By the HRC's own measures, the Chinese government has not lived up to its "voluntary pledges" about human rights protections that it made to the international community when it announced it would seek election to the Council.⁶²

In the run-up to the UPR in October,⁶³ activists conducted peaceful demonstrations for months outside of the Ministry of Foreign Affairs (MFA), demanding authorities respond to their repeated requests over previous years for a role for civil society in China's preparations for the review. (Some of the demonstrators had requested such a role in 2008, before the last UPR involving China. In retaliation, authorities jailed one of the activists **Peng Lanlan** (彭兰岚)⁶⁴ and sent others to Re-education through Labor camps, including **Cao Shunli**, one of the activists at the forefront of the most recent drive.) The MFA responded in November 2012 to Cao and her fellow activists' renewed request for public disclosure of the government's process in drafting its state report for the review. In an official document, the MFA asserted that preparing for the UPR

is a “diplomatic action” involving “state secrets” that cannot be subjected to a lawsuit filed by citizens, and that the Ministry would not release information about the UPR preparation process to the public.⁶⁵ A Beijing court fortified the government’s position in August 2013 when it tossed out a suit filed by activists against the MFA.⁶⁶

Beijing police closely monitored the gatherings in front of the MFA between June and October, which attracted as many as 200 participants at one point. Acting on orders from “high level” officials, police forcibly cleared the area four times, and detained and interrogated demonstrators. Two weeks before the UPR, police were told to seize every protester who showed up in front of the MFA, and after the final demonstration was broken up, police swept up dozens of citizens, drew their blood (apparently to identify them), and collected fingerprints.⁶⁷

In September, authorities blocked several activists from going to Geneva, Switzerland, to attend a training program on UN human rights mechanisms and the 24th session of the HRC. While preparing to board a plane to Geneva in September, **Cao Shunli** was taken into custody at Beijing Capital International Airport. Cao disappeared into police custody for weeks. Police only disclosed her whereabouts over one month later, and she was formally arrested in October on suspicion of “creating a disturbance.”

Another activist **Chen Jianfang** (陈建芳), who is based in Shanghai and had also been involved in the UPR campaign, was detained in Guangzhou when trying to board a flight to Geneva on the same day as Cao. After Chen returned to Shanghai, she was detained briefly by police for interrogation and then closely monitored. Chen eventually had to go into hiding for a period of time in November after police raided her mother’s home looking for her and took away Chen’s computer.⁶⁸ In addition, police in Beijing seized **Hu Daliao** (胡大料), a Henan activist, when she tried to attend a trial in late September, around the time of the UPR on China. Detained on suspicion of “creating a disturbance,” Hu had joined the sit-in protests in front of the MFA and engaged in other human rights activities.⁶⁹

One other activist who was to go to Geneva to attend the same training program, **Zhou Weilin**, was detained in Anhui a week before the trip. He was formally arrested in October on a charge of “gathering a crowd to disrupt order of a public place.” The charge cited as “evidence” his participation in rallies in support of the right to an education of **Annie Zhang**, the daughter of dissident **Zhang Lin**.⁷⁰ Annie had been taken out of a school in Hefei in February by authorities who cited that her household registration in another city disqualified her for attending the school. For a short time, Annie was detained without any guardian in violation of Chinese law and then placed under house arrest with her father. She was subjected to double discrimination in her right to an education—both on account of her place of birth and, as many supporters believe, because of her father’s political beliefs and activities. In July, Anhui police detained **Zhang Lin** for his role in the sit-in and hunger strikes conducted in front of government buildings in support of his daughter, and he was charged with “gathering a crowd to disrupt order of a public place.”⁷¹

After the review of China in September,⁷² the UN Committee on the Rights of the Child (CRC) expressed myriad concerns in its Concluding Observations, including over reprisals against activists who have advocated for children’s rights. This committee also called attention to issues that have been flashpoints for HRDs for many years, such as forced abortions, child trafficking,

discrimination in education against rural migrants' children, child labor,⁷³ and violations against Tibetan and Uyghur children and children of Falun Gong practitioners.⁷⁴ The detention in 2013 of several activists, including **Zhou Weilin** and **Zhang Lin** in Anhui, and **Xu Zhiyong** and other Beijing activists in the New Citizens' Movement who have campaigned for equal education rights, represented a convergence of the two CRC concerns of reprisals against HRDs who oppose government policies and the negative effects of the discriminatory urban-rural *hukou* (or household registration) system that has sometimes been used to punish children for their parents' beliefs or activities.⁷⁵ These policies and practices have prevented children from enjoying equal rights to an education as well as health, housing, and other social benefits.

New Leaders Follow Old Patterns

In 2013, Chinese authorities under the leadership of President Xi Jinping maintained a familiar style of persecuting prominent HRDs by harassing their family members. In June, **Liu Hui** (刘晖) was given an 11-year sentence in Beijing on a concocted "fraud" charge.⁷⁶ Liu is the brother-in-law of imprisoned dissident and Nobel laureate **Liu Xiaobo**, who is serving an 11-year sentence for "inciting subversion of state power," and the brother of **Liu Xia** (刘霞), herself suffering under oppressive house arrest since late 2010. It was reported at the end of the year that **Liu Xia** has been dealing with severe depression, but she has refused to seek medical help for fear that authorities might forcibly commit her to a psychiatric hospital. And in February 2014, Liu was hospitalized with a serious heart ailment.⁷⁷ In Shandong, police stepped up intimidation against the relatives of activist **Chen Guangcheng** (陈光诚), who is now living in the United States. Chen's nephew **Chen Kegui** (陈克贵) continued serving a 39-month prison term for "intentional injury" in connection with his uncle's escape from house arrest in April 2012.⁷⁸

In a year that did not see as many long sentences handed down to HRDs compared to previous years, except in Tibetan areas and the Xinjiang Uyghur Autonomous Region, some activists were still sent to prison or struggled with poor health that deteriorated in detention. Two Shanghai-based activists **Wang Kouma** (王扣玛) and **Wei Qin** (魏勤) were sentenced in September for 30 and 27 months, respectively, on a charge of "creating a disturbance." Both had been detained for a year before going to trial. Wang has tried to expose local officials' criminal behavior that he believes led to his mother's death in a "black jail."⁷⁹ **Ni Yulan** (倪玉兰), a Beijing housing rights activist disabled years ago by torture at the hands of police, was released from prison in October after serving two-and-a-half years for "creating a disturbance," and her husband, **Dong Jiqin** (董继勤), was freed in April after two years of detention. Having been held since April 2011, Ni suffered from health problems that were inadequately treated in detention and is facing an extended period of recovery.⁸⁰ It also came to light in the spring of 2013 that two prisoners in poor health and serving lengthy sentences—Hangzhou dissident **Zhu Yufu** (朱虞夫) and Hunan activist **Xie Fulin** (谢福林)—were in need of urgent medical attention.⁸¹

Suppression of ethnic minorities, particularly Uyghurs and Tibetans, continued to intensify in 2013. Authorities tightened restrictions in Xinjiang by criminalizing forms of Internet use by Uyghurs and, as elsewhere in China, detained large numbers of people due to their online communications.⁸² In an especially serious case, two Xinjiang courts in March sentenced 20 Uyghurs to prison on charges of "inciting splittism," handing down four life sentences—to

Kadirjan Omer (喀迪尔江·约麦尔), **Mentimin Bekri** (麦麦提敏·拜克热), **Rozi Barat** (肉孜·巴拉提), and **Abdukerim Abliz** (阿布都克热木·阿布力孜)—and 16 other sentences ranging from five to 15 years. The courts found that the defendants had “used the Internet, cell phones, and electronic storage media to organize, lead, and participate in a terrorist organization.” It is believed, however, that the convicted Uyghurs had only listened to foreign radio broadcasts and gone online to discuss issues involving religious and cultural freedom.⁸³

Implementing a policy adopted in December 2012, authorities in Tibetan areas criminalized activities tied to self-immolation protests against Chinese rule,⁸⁴ particularly religious rites and ceremonies held for those who died after setting themselves on fire. In August, a court in Sichuan issued the first known death sentence tied to this form of protest to a Tibetan man whose wife self-immolated.⁸⁵ Ethnic Tibetans were also imprisoned for expressing views about self-immolations as well as Tibetan independence and culture. In Qinghai, a court sentenced **Gartse Jigme**, a writer and monk, to five years for authoring a book about “sensitive” topics.⁸⁶ Also in Qinghai, four Tibetans were convicted of “inciting splittism” for allegedly distributing materials with “separatist” content,⁸⁷ including photographs and information on self-immolations: **Choepa Gyal** (given a six-year sentence), **Namkha Jam** (six years), **Chagthar** (four years), and **Gonbey** (three years).

In addition, authorities in the Tibet Autonomous Region (TAR) executed a “mass line” campaign ordered by the central government that aimed to elevate loyalty to the CCP, patriotic education, and mass surveillance. Beginning in September 2013, more than 60,000 Party cadres were sent to areas of the TAR, in part to propagate pledges of “love and gratitude” to the CCP and the country. In certain regions, it became mandatory to fly the Chinese national flag atop homes, a placement traditionally reserved for Tibetan prayer flags.⁸⁸ Such policies led to an especially severe backlash in the counties of Diru (Chinese: Biru) and Sog (Suo) in Nagchu (Naqu) Prefecture. Authorities responded by deploying armed police to quell public demonstrations, detaining large numbers of Tibetans, and imposing curfews, extra surveillance, and strict limitations on petitioning over personal grievances.⁸⁹

Recommendations

To guarantee the freedom of Chinese human rights defenders to carry out their work promoting human rights, the Chinese government should:

- Ratify the International Covenant on Civil and Political Rights, respect the Chinese Constitution, implement the country’s two National Human Rights Action Plans, and keep the promise made in China’s “voluntary pledge” to the international community to “promote and protect human rights and fundamental freedoms”;
- Release human rights defenders who have been detained for exercising and advocating human rights, including the rights of peaceful assembly, association, and expression;
- Revise the Law on Assembly, Procession and Demonstration, and end the practice of using crimes such as “unlawful assembly” and “gathering a crowd to disrupt public order” to punish participants in peaceful demonstrations;

- Ensure civil society participation in United Nations human rights activities, including the drafting of National Human Rights Action Plans and other processes involving the Universal Periodic Review, end harassment and reprisals aimed at citizens demanding a role in such activities, and hold legally accountable those government agents who have subjected HRDs to retaliation for their efforts;
- End harassment and violence against human rights lawyers, including the practice of using the annual evaluation of attorney performance and licensing renewal process as means of intimidation and retaliation, and take effective measures to ensure that lawyers can defend their clients independently and freely without fear of reprisals;
- Immediately end all other forms of detention without judicial review, such as illegal detention in “black jails” and psychiatric hospitals, and guarantee that deprivations of liberty committed in Re-education through Labor camps are not simply replicated under a system with a new name;
- Investigate reports of torture and other forms of mistreatment of detainees while in police custody, and hold authorities legally accountable for their actions, ending criminal impunity;
- Ensure that all citizens of China, including ethnic minority groups and religious groups, can exercise freedom of religion, belief, and private worship.

Notes

¹ “Human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights, according to a definition from the Office of the United Nations High Commissioner for Human Rights (OHCHR). For more information on the work of human rights defenders, see: OHCHR, Fact Sheet No. 29, <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf>.

² Partial statistics for 2013 were compiled by examining the year’s issues of “China Rights Defense Development Brief” (中国维权动态), which include reports gathered by the Rights Defense Network (维权网), as well as information provided by Civil Rights & Livelihood Watch (民生观察) and Human Rights Campaign in China (权利运动), among other organizations. For more information on the partial data, see: CHRDR, Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China (Partial data, updated 12/31/2013), <http://chrdrnet.com/2013/10/deprivation-of-liberty-and-torture-other-mistreatment-of-human-rights-defenders-in-china-partial-data-updated-6302013/>. For more information on the state of human rights defense in China in 2012, see: CHRDR, In the Name of “Stability”: 2012 Annual Report on the Situation of Human Rights Defenders in China, <http://chrdrnet.com/2013/03/in-the-name-of-stability-2012-annual-report-on-the-situation-of-human-rights-defenders-in-china/>.

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⁷ Xinhua.net, “China to abolish reeducation through labor,” November 15, 2013, http://news.xinhuanet.com/english/china/2013-11/15/c_132891921.htm; *Business Recorder*, “China bids halfhearted farewell to re-education camps,” December 29, 2013, <http://chrdrnet.com/2014/01/china-bids-halfhearted-farewell-to-re-education-camps/>.

⁸ “Response of the Chinese Government to Questions Concerning the Combined 3rd and 4th Periodic Reports on the Implementation of the UN Convention on the Rights of the Child” (CRC/C/CHN/Q/3-4/Add.1), UN CRC - Session 64 (September 16, 2013 - October 4, 2013), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHN%2fQ%2f3-4%2fAdd.1&Lang=en.

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¹⁰ CHRDR, “Chinese Lawyers Concerned About Proposed Substitute for Re-education Through Labor,” *China Human Rights Briefing November 14-20, 2013*, <http://chrdrnet.com/2013/11/chrdr-lawyers-warn-against-other-forms-of-arbitrary-detention-to-replace-rtl-1114-1120-2013/>. See English translation of statement: Siweiluozi’s Blog, “Statement on the Abolition of Re-education Through Labour (RTL) and Related Problems by Chinese Lawyers for the Protection of Human Rights,” November 19, 2013, <http://www.siweiluozi.net/2013/11/statement-on-abolition-of-re-education.html>.

¹¹ For example, see: Tibetan Centre for Human Rights and Democracy (TCHRD), “Extrajudicial detention still a major issue despite RTL abolition,” December 29, 2013, <http://www.tchrd.org/2013/12/extrajudicial-detention-still-a-major-issue-despite-rtl-abolition/>.

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¹⁵ CHR, “Activists Detained After Staging Protest Calling for Leaders to Disclose Wealth,” *China Human Rights Briefing March 28-April 3, 2013*, <http://chrdnet.com/2013/04/chr-activists-detained-for-seeking-public-disclosure-of-top-chinese-officials-wealth-328-43-2013/>; CHR, “More Trials Held, Suspended in Beijing for New Citizens’ Movement Activists,” *China Human Rights Briefing January 17-30, 2014*, <http://chrdnet.com/2014/01/chr-show-trials-of-anti-corruption-activists-held-suspended-117-13014/>; CHR, Prisoner of Conscience – Ma Xinli, <http://chrdnet.com/2014/01/prisoner-of-conscience-ma-xinli/>.

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²² CHR, Prisoner of Conscience – Yang Lin, <http://www.chrdnet.com/2013/12/prisoner-of-conscience-yang-lin-%C2%9F/>.

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