



# Silencing the Messenger

2014 Annual Report on the Situation of Human Rights Defenders in China

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**The Network of Chinese Human Rights Defenders (CHRD)** is a coalition of Chinese and international human rights non-governmental organizations. The network is dedicated to the promotion of human rights through peaceful efforts to push for democratic and rule of law reforms and to strengthen grassroots activism in China.

**CHRD** engages in capacity building and provides advocacy tools as well as technical support to grassroots Chinese human rights defenders through organizing trainings on international human rights instruments and protections for human rights defenders.

**CHRD** administers a program of small grants for activists to implement human rights projects, and provides legal aid and emergency assistance to victims of human rights abuses.

**CHRD** investigates and monitors the human rights situation in China, disseminating human rights news updates, alerts to urgent situations, statements about important developments, and research reports and analyses to inform the media, policy makers, human rights agencies, and the general public.

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**Cover:** Many Chinese human rights defenders are languishing in detention centers and prisons, as the government has in effect tried to “silence the messengers” who seek better human rights protections inside the country. (Image: photograph from the Internet)

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## **Executive Summary**

Human rights defenders in China experienced another year of unusually severe persecution and reprisal in 2014. The Chinese government intensified its campaign to purge universal values, including democracy and human rights. While top leaders ostentatiously promised to “rule the country with law,” the government they presided over blatantly disregarded the law and manipulated the legal system to obstruct peaceful expression, assembly, association, and other basic liberties. Those who demanded to exercise their fundamental rights or challenge the increasingly repressive system faced government retaliation, including the use of torture, arbitrary detention, enforced disappearance, intimidation, and other forms of mistreatment.

In its annual report on the situation of human rights defenders (HRDs) in China, based on data meticulously tracked over the years, CHRD contends that the second year under Xi Jinping’s rule was even more draconian than the first. There were nearly as many confirmed cases of arbitrary detention of HRDs in 2014 as in the previous two years combined. During two “politically sensitive” periods in 2014—around the 25<sup>th</sup> anniversary of June Fourth and as pro-democracy protests took place in Hong Kong in the fall—police detained more than 200 rights defenders over two successive crackdowns. Moreover, CHRD found that more human rights lawyers were likely put under criminal detention or prosecuted in 2014 than in any year since the early 2000s, when such lawyers first came onto the scene. The due process rights of detained HRDs were systematically violated, as seen in many cases involving unreasonably prolonged pre-trial detentions, restricted access to lawyers, and deprivation of medical treatment.

To place the year in perspective, CHRD contends that the government’s persecution of human rights defenders in 2014 was as severe as it has been since the mid-1990s. Since Xi came to power, authorities have pursued a relentless and ruthless assault on fundamental liberties to tighten the stranglehold on the rapidly shrinking space of civil society, targeting HRDs, the messengers of human rights.

One legacy of 2014 will hopefully be an awakening in the international community to the reality facing HRDs in China. One of the most enduring images of the year was that of China trying to silence NGOs at the United Nations and denying the government’s deadly reprisal against activist Cao Shunli, who died in police custody as authorities punished her staunch efforts to hold the state accountable to its international obligations to protect its citizens’ human rights. Authorities have retaliated against Chinese citizens seeking to engage with UN human rights mechanisms over the past decade. As Xi’s government seems poised to erode universal values and promote its “Chinese Dream” on the world stage, it has ramped up suppression on its own citizens who try to draw international attention to their government’s rights abuses at home. Several dozen activists were blocked from attending international human rights trainings, UN Human Rights Council sessions, or treaty body reviews, and several of them were detained or jailed, in 2013-14.

2014 also saw even more stringent state control over the media and more sophisticated surveillance on the Internet. Authorities tightened restrictions on online and cellular

communications. NGOs and other independent institutions that had operated previously with a measure of autonomy felt greater government pressure. Authorities forced a number of them to shut down and detained many affiliated individuals. Among minority groups, the Uyghurs suffered particularly intensified suppression in China's "war on terrorism." Christians and other faith communities continued to face persecution meant to cut down on the growing popularity of their spiritual practices.

In concluding the report, CHRD urges the Chinese government to:

- Release all human rights defenders deprived of liberty for exercising their fundamental rights, end impunity for public officials torture or mistreat HRDs in detention, and ensure that victims are given redress;
- Fulfill its commitment to protect rights to freedom of expression, association, and assembly, as obligated by international treaties and Chinese laws and regulations;
- End the prevalent practice of unreasonably prolonged pre-trial detention, and close down all extrajudicial, illegal detention facilities, such as black jails;
- Guarantee detainees' access to legal counsel, and allow lawyers to meet with clients in compliance with relevant provisions in Chinese law;
- End criminal prosecution and violence against human rights lawyers as well other forms of political interference in their work;
- Ensure civil society participation in United Nations human rights activities, and end harassment and reprisals aimed at citizens who seek to engage in such activities; and
- End suppression and discriminatory policies against ethnic minorities, particularly in Tibet and Xinjiang, and ensure that all Chinese citizens can exercise freedom of religion.

## Introduction

Human rights defenders in China experienced particularly harsh reprisals in 2014, the second year of President Xi Jinping's rule.<sup>1</sup> In the backdrop of Xi's escalating ideological purge of universal values, including democracy and human rights, the Chinese government incarcerated, tortured, or harassed a large number of activists, lawyers, NGO staff members, journalists, and others who tried to promote and exercise their basic liberties. Authorities took extraordinary measures to close up the space in which human rights defenders (HRDs) can engage in advocacy work, by further tightening controls over the media, the Internet, and in academia. The Xi administration widely targeted freedom of assembly, association, and expression, especially in crackdowns around the 25<sup>th</sup> anniversary of June Fourth and the Hong Kong pro-democracy protests in the fall. Moreover, in lockstep with top leadership's vow to "rule the country with law" through a judicial system tightly controlled by the Chinese Communist Party, authorities criminally prosecuted many HRDs while systemically depriving their due process rights.

In 2014, the Chinese government set its worst record of human rights violations since the mid-1990s, especially in terms of abuses aimed at silencing, intimidating, and punishing those who promote the protection of fellow Chinese citizens' rights. In greater numbers than at any time since the mid-1990s, in the aftermath of the 1989 Tiananmen Massacre, activists, lawyers, journalists, and liberal intellectuals were locked up, put under house arrest, blocked from speaking out, or essentially forced into exile abroad. By one NGO estimate, there are 44 Chinese journalists in prison today, perhaps more than at any time since at least 1990.<sup>2</sup> Under government pressure, independent rights advocacy organizations, including those that had previously been allowed some monitored space to operate, suspended their work or were forced to shut down. By the end of the year, usually lively social media platforms went eerily quiet, having been "harmonized" by government censors, in the words of one activist interviewed for this report.

"It is obvious that authorities will take action against any activity that challenges them. They don't hesitate to use suppression while aiming to terrorize civil society across the country."

**Human rights activist**

By now it has become clear that the Xi Jinping leadership's pledge to "rule the country with law," an ideal promoted with much fanfare at the Chinese Communist Party's (CCP) Fourth Plenum in October, has little to do with protecting Chinese citizen's legal rights or strengthening judicial independence. As reported in state media a month before the Plenum, Xi expounded on the slogan in a major speech, stating that "[we] must be skillful at turning the CCP's position into the will of the state through legal procedures, turning candidates recommended by Party organizations into leaders in government offices through legal procedures, and implementing the Party's rule over the state and society through government offices."<sup>3</sup>

Xi has spearheaded an ideological shift that harkens back to the Maoist era, and which has largely defined his rule so far: emphasize a CCP orthodoxy that rejects constitutional democracy, human rights, free press, and rule of law as “Western universal values.” A CCP directive issued in 2014, reportedly referred to as “Document No. 30,” demands that Chinese universities and cultural institutions be rid of liberal ideas inspired by “Western” thought.<sup>4</sup> Another directive issued a year prior (“Document No. 9”) denounced “perils” like “Western” constitutional democracy, human rights, and press independence.<sup>5</sup>

It was also in 2014, however, that a couple of notorious government practices related to human rights were officially declared “abandoned.” Officials announced a decision to stop using executed prisoners as a source of organs for transplants starting on January 1, 2015, after years of international criticism and growing public distaste with the practice.<sup>6</sup> In March, the National People’s Congress approved the abolishment of Re-education through Labor (RTL), an administrative detention system where police could force detainees to perform hard labor for up to four years without any judicial review. The end to RTL, however, has sparked further human rights concerns. Some labor camps have been “repurposed” as other kinds of extralegal detention facilities, or “black jails.”<sup>7</sup> And victims of RTL abuses have been obstructed from or even punished for seeking reparations; in just one example, eight former detainees at the notorious Masanjia Women’s RTL camp were imprisoned in 2014 for pursuing redress.<sup>8</sup>

In addition, a few new laws and regulations were drafted or adopted that may have the potential to curb rights abuses and provide some legal protection for Chinese citizens, though concerns abound about their possible effectiveness. In November, the government made public a long-awaited draft of the Anti-Domestic Violence Law, albeit one in need of significant revisions; for instance, its definition of “domestic violence” is too narrow, and the draft does not cover sexual or economic abuses.<sup>9</sup> Legal measures ostensibly aimed at eliminating torture of detainees also looks destined to fall short. While the Supreme People’s Court in 2014 drafted more guidelines on barring “illegally obtained evidence” at trial, previous legislation—like amendments to the Criminal Procedure Law in 2012 to ban confessions extracted from torture—have not been implemented.<sup>10</sup> Indeed, torture of HRDs remains rampant and abusers are rarely held accountable.

An alarming yet persistent pattern in the use of torture and cruel punishment against detained HRDs is the deprivation of medical treatment, even when it is urgently needed. A tacit policy of Chinese authorities, the longstanding practice received considerable attention in 2014; it led directly to deaths of activists, and was evident in the severely damaged health of prisoners released in the year who are still recuperating.<sup>11</sup> Beijing-based activist **Cao Shunli** (曹顺利) passed away in March after she was deprived treatment for illnesses while being detained in Beijing (see page 21).<sup>12</sup> Tibetan prisoners **Goshul Lobsang** (果秀洛桑) and **Tenzin Choedak** (丹增曲扎) died in March and December, respectively, after their bodies were decimated by torture and lack of medical care during long sentences.<sup>13</sup> In these cases, authorities released the victims only when their lives were in grave danger, an apparent attempt to absolve the government of responsibility in case of death. Two prominent human rights figures released in 2014 also suffered medical neglect and mistreatment, and continue to live under restricted access to

health care. The pioneering rights lawyer **Gao Zhisheng (高智晟)**, now under house arrest in Urumqi, has received sporadic treatment for dental problems after a Xinjiang prison in August in such a bad state that he could barely speak.<sup>14</sup> Mongolian activist **Hada (哈达)** was released in poor health in December after 19 years of imprisonment and extralegal detention.<sup>15</sup>

“For a long time, there have some legal provisions that explicitly prohibit confessions coerced through torture. But due to endemic shortcomings within the political and judicial systems, it is still a widespread phenomenon. It is difficult to bring about substantive change.”

**Rights defense lawyer**

In this annual report on the situation of Chinese human rights defenders, CHRD provides an overall assessment of 2014, including data that reveals:

- The Xi government detained nearly 1,000 HRDs for peacefully exercising their rights in 2014, nearly as many as in the previous two years combined;
- Police took into custody 212 individuals around the 25<sup>th</sup> anniversary of June Fourth and as pro-democracy protests rocked Hong Kong in the fall; and
- Courts sentenced to prison 24 HRDs in 2014 who had been detained the previous year during the crackdown on assembly, association, and expression.<sup>16</sup>

In this report, CHRD also identifies several noteworthy developments, highlighting government tactics that characterize the persecution and retaliation that HRDs experienced in 2014. For instance, CHRD finds:

- *Systematic deprivation of due process rights:* Compared to the past, authorities routinely flouted laws protecting due process rights, turning away lawyers, sometimes with violence, who tried to meet their clients. Pre-trial detention for many HRDs tended to be unreasonably prolonged, greater than a year in some cases. In dozens of cases, judges denied detainees’ right to a fair trial, holding closed-door trials fraught with procedural violations. Lawyers and families had little success in obtaining medical release for detainees or prisoners suffering from serious health problems.
- *Escalation of assault on freedom of expression, association, and assembly:* The Xi government drastically curtailed the limited space that had remained for HRDs to exercise free expression, association, and assembly. Many HRDs and non-governmental groups that worked within the confines of what authorities previously may have viewed as “non-sensitive” or less politically threatening work faced greater harassment and persecution, or were forced to shut down. China’s Supreme People’s Court issued new rules that further restrict what individuals and organizations can do



and say in cyberspace, making once-accepted efforts to publish information online punishable as crimes.<sup>17</sup> For running afoul of China's increasingly intolerant censors, more journalists were sent to prison in China in 2014 than in any other country, including bloggers, citizen journalists, and other netizens.<sup>18</sup>

- *Expanded criminal prosecution of human rights lawyers:* In 2014, authorities resorted to criminal prosecution more than before to rein in China's human rights lawyers. CHRD documented at least nine human rights lawyers who were sent to prison or criminally detained during the year. Authorities particularly targeted lawyers who represented detained fellow lawyers, dealing another blow to the community of rights lawyers who struggle to defend clients in the CCP-controlled criminal justice system.
- *Harsh reprisals against activists accessing UN human rights instruments:* While government reprisals against activists trying to participate in human rights activities at the United Nations have been going on for years, government retaliation turned deadly in 2014. Activist **Cao Shunli** died in March 2014 after she had been detained for months in Beijing. Police had blocked her from travelling to Geneva to participate in a session of the Human Right Council, which was to conduct its second Universal Period Review of China in October 2013. Also, as in the past, government-operated NGOs (GONGOs) took up much of the space in 2014 reviews, which should have included civil society groups independent from the CCP, before both the Committee on Economic, Social and Cultural Rights (CESCR) in May and the Committee on the Elimination of Discrimination Against Women (CEDAW) in October. Authorities prevented several activists from travelling to attend the reviews by seizing their passports or pressuring them to give up through intimidation.
- *Intensified suppression on ethnic minorities and religious freedom in the name of "anti-terrorism" measures:* The government under Xi further intensified its systematic oppression of ethnic Uyghurs and Tibetans, and made concerted moves to ramp up control in restive western areas in 2014 as part of its "anti-terrorism" campaigns. A telling example of heightened suppression was the life sentence handed down in September to the Uyghur scholar and economics professor **Ilham Tohti** (伊力哈木·土赫提), who has been a moderate voice advocating for the rights of Uyghurs.<sup>19</sup> Several leading Tibetan monks were sentenced to long prison terms.

This report concentrates on distinct events and developments that set 2014 apart from previous years. In the report, CHRD strives to identify trends and patterns, providing analyses and perspectives of major incidents with significant impact on Chinese human rights defenders. The report is thus not intended to cover all human rights conditions in China, nor provide a comprehensive analysis of the situation of human rights in China in 2014. In preparing this report, CHRD has collaborated with Chinese HRDs, drawn heavily on investigations by grassroots rights groups based inside China, interviewed many members of China's civil society, and gathered observations and assessments from these individuals and organizations about conditions that HRDs faced in 2014. For their security, we have withheld the identities of certain individuals and groups. CHRD provides detailed recommendations to the Chinese government at the end of this report.

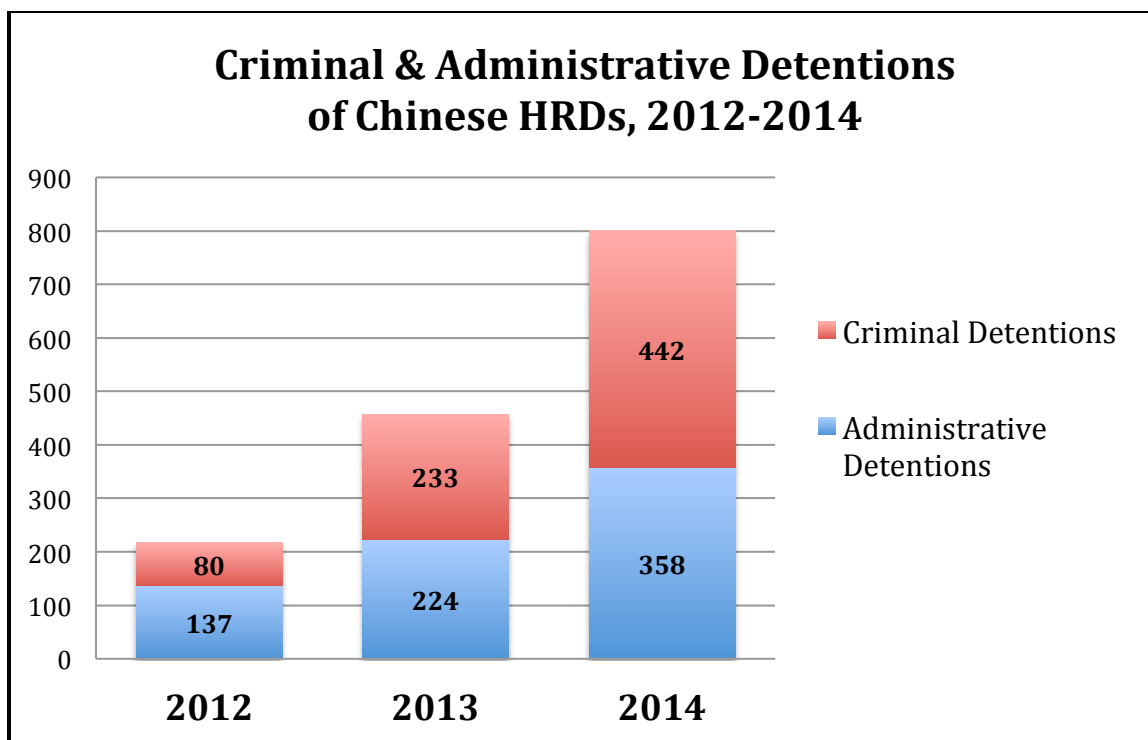
## Persecution of HRDs: 2014 in Numbers & Perspective

By the time 2014 rolled around, China's human rights defenders already found themselves ensnarled in a severe crackdown on civil society activism targeting peaceful assembly, association, and expression (the AAE crackdown hereafter). It was President Xi Jinping's first political clampdown, launched soon after he came to power in the spring of 2013. At the beginning of 2014, 46 HRDs seized in the crackdown had already been placed under formal arrest. During the year, 29 of these individuals were put on trial, including the leading activist of the New Citizens' Movement, the legal advocate **Xu Zhiyong** (许志永), and 24 others were sentenced to prison (including five put on trial in 2013 but sentenced in 2014). At the time of this report, all others arrested in the 2013 crackdown, and whose cases had not gone to trial, had been released on bail (except for three detainees in Hubei Province; these three have so far spent nearly two years in pre-trial detention). In addition, nine of those tried in 2014 have still not been sentenced.<sup>20</sup>

In 2014, the Xi government launched two more crackdowns on activists and dissidents during especially "sensitive" periods: around the 25<sup>th</sup> anniversary of June Fourth, and as pro-democracy protests unfolded in Hong Kong from late September. By CHRD's count, Chinese authorities detained 212 individuals who expressed their views in commemorating the Tiananmen Massacre or supporting the Hong Kong demonstrations.<sup>21</sup>

Partial data that CHRD has compiled on cases of HRDs who were deprived of liberty and/or subjected to torture between the beginning of 2012 and the end of 2014 sheds light on the escalating suppression. According to the data, recorded cases in 2014 of deprived freedom of HRDs (955) nearly reached the total from the previous two years combined (1,160).<sup>22</sup> Compared to the two prior years, both criminal and administrative detentions rose significantly in 2014. CHRD documented 442 cases of criminal detentions of HRDs in 2014, up from 233 in 2013—the first year of Xi Jinping's administration—and a large spike from the 80 recorded in 2012. There were 358 cases of administrative detentions of HRDs tracked in 2014, a rise from the 224 cases in 2013 and a substantial increase from the 137 cases in 2012 (see **Figure I** on the next page). Notably, the documented year-on-year increases in such detentions—and a drop in the use of "soft detention" at home—has coincided with the phase-out and, in March 2014, the eventual abolishment of RTL. This shift may mean that police, with RTL no longer an option for punishing HRDs, are simply placing larger numbers of them under criminal and administrative detention.

To better grasp the risks facing HRDs under the Xi government, it is useful to look at the evolving human rights terrain in China over the past two decades. Those who make up the rights defense community today are more diverse and more politically moderate than the CCP's main targets in the 1990s—the pockets of hard-core pro-democracy activists who fought to build the China Democracy Party in the aftermath of the crushed 1989 movement, and also individuals whose spiritual practices met harsh persecution for challenging orthodox Communist ideology, especially Falun Gong adherents.



**Figure I:** The alarming rise in criminal and administrative detentions of Chinese HRDs from 2012 to 2014—and particularly since President Xi Jinping came to power in March 2013—is a strong indication of escalating suppression. (Source: CHRD, *Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China, Partial Data*.)

Since the early 2000s, authorities have come to recognize that potential threats to their rule may exist in relatively “non-political” segments of the population, such as citizens who have been marginalized and victimized by breakneck economic development, social dislocation, and rampant corruption. This lull seemed to have allowed some time, with the facilitation of mobility and the Internet, for the citizens’ rights advocacy efforts, known as the “rights defense movement,” to grow. At this time, a circle of emboldened liberal intellectuals, lawyers, and others took to the Internet to express and share opinions, and with relatively more freedom in new online spaces. They coordinated rights protection campaigns to challenge the government over cover-ups of an HIV/AIDS epidemic in rural Henan, discrimination against migrant laborers in southern Chinese cities, and violent implementation of the one-child-per-couple policy in villages in Shandong Province.

By the mid-2000s, the government had turned its focus and apparatus of political suppression to the rapidly spreading rights defense movement, with the detention, imprisonment, disappearance, or torture of a number of leading rights activists and lawyers, such as **Chen Guangcheng** (陈光城),<sup>23</sup> **Hu Jia** (胡佳), **Gao Zhisheng**, **Li Heping** (李和平), and **Teng Biao** (滕彪). Around this time, the government also rolled out cyber-surveillance tools to monitor (and disrupt) vibrant online communities, which had become key channels for exercising free expression and organizing rights advocacy work. The completion of the “Great Firewall” helped authorities sweep up many Chinese

citizens who were then prosecuted for their online speech on a range of concocted criminal charges, ranging from “inciting subversion of state power” to “leaking” or “possessing state secrets.” These punishments exposed government fears that widespread social discontent and grievances against ruthless officials might morph into a movement similar to the one that challenged the ruling elite’s political legitimacy in 1989.

In the months leading up to the Beijing 2008 Summer Olympics, authorities detained a large number of petitioners and activists, and kept many more out of the city in advance of the Games. In December 2008, police pounced as formerly dispersed voices of online dissent galvanized into a more public presence—when 303 prominent Chinese citizens openly endorsed “Charter 08,” a manifesto on political and legal reforms that promoted constitutional democracy and human rights. Hundreds of people were visited by police or taken in for questioning, and many of them were put under house arrest or fired from government jobs. One of the “Charter 08” leaders, writer **Liu Xiaobo (刘晓波)**, was given an 11-year prison sentence in direct retaliation for his involvement.

Between 2009 and 2012, the government persecuted several 1989 and 1990s-era democracy activists, who, after serving prison time, went on to play leadership roles in the rights defense movement. Such dissidents, including **Chen Wei (陈卫)**,<sup>24</sup> **Chen Xi (陈西)**,<sup>25</sup> **Liu Xianbin (刘贤斌)**,<sup>26</sup> and **Zhu Yufu (朱虞夫)**,<sup>27</sup> each received prison sentences of between seven to 10 years. Some of these men were seized during the spring of 2011, when online calls for a “jasmine revolution” during the Arab Spring drew crowds into the streets in Beijing and Shanghai. Police detained dozens for interrogation and disappeared and tortured many suspected organizers. Even in this crackdown, however, the known number of formally arrested HRDs—11—was still smaller than the number of arrests in each of the three crackdowns under Xi Jinping in 2013 and 2014—46 in the AAE crackdown, 20 in the June Fourth anniversary crackdown, and 25 in the crackdown on supporters of the Hong Kong protests.

Though for years many criminal cases against HRDs have been based on trumped-up charges, CHRD noted some shifts in Chinese authorities’ choices of criminal charges against HRDs in 2013 and 2014. Going back to the 1990s and 2000s, dissidents and HRDs were more likely to face charges that were recognized as politically motivated, like those related to “subversion” or “state secrets.”<sup>28</sup> For a stretch of time between 2012 and 2014, however, authorities appeared more inclined to obfuscate political persecution (and perhaps avoid bad publicity) by charging HRDs with offenses that fall under the category of “obstructing the administration of public order.”<sup>29</sup> This shift is especially evident in 2013 and 2014; CHRD documented 477 cases of HRDs criminally detained on such charges over those two years, continuing a steep upward trend seen since 2012.<sup>30</sup>

In particular, authorities have heavily used the charges of “creating a disturbance” and “gathering a crowd to disrupt order of a public place” (or “social order”) to detain or convict individuals. During Xi’s first major crackdown, which began in March 2013, 31 of 70 detained HRDs tracked by CHRD were detained for the crime of “gathering a crowd to disrupt order of a public place”; 18 of these 31 have been put on trial, and of these, 12 were convicted of the crime by the time of this report’s release.<sup>31</sup> During 2014,

CHRD recorded 218 criminal detentions on suspicion of “creating a disturbance” and 29 cases of “gathering a crowd to disrupt public order of a public place.”<sup>32</sup> (See **Figure II** on the next page.)

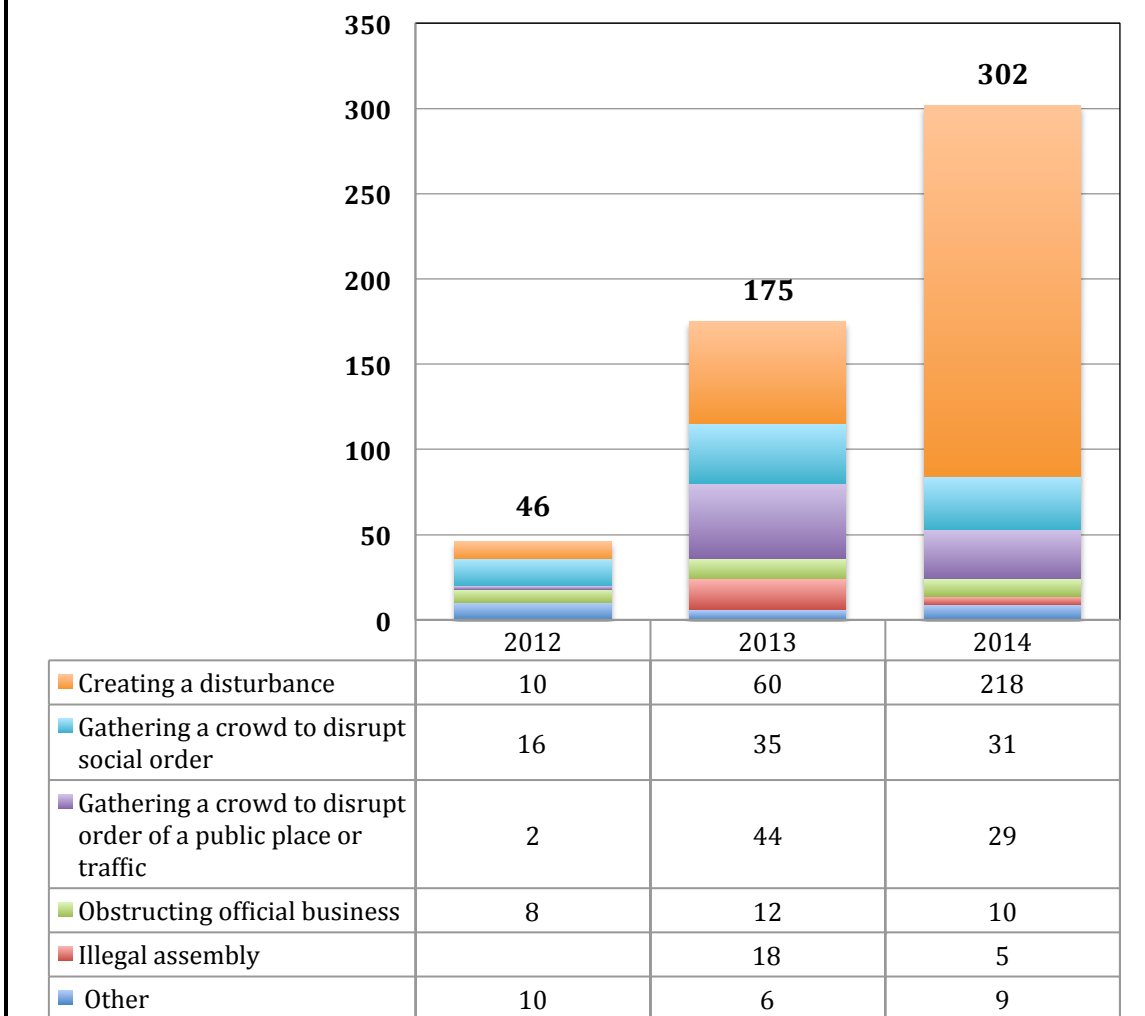
Moreover, authorities appeared to stretch the scope of the crime “creating a disturbance” to include cyberspace as “public” space, leading to the detentions of individuals on suspicion of this crime for their online speech.<sup>33</sup> This is apparent in the crackdown on supporters of the Hong Kong protests. CHRD documented 71 individuals detained on suspicion of “creating a disturbance” between October and November, and police had taken many of them into custody after they posted messages online.

“The biggest impact [of the elevated suppression in 2014] was the greater pains we had to take for our own security. Just to discuss rights defense issues, we had to figure out a lot of ways to avoid police interference, and it became harder to gather in sizeable groups.”

**Rights defense lawyer**

By the fall of 2014 (and into 2015), authorities seemed to have pulled away from this trend of using de-politicized crimes to charge HRDs, instead reverting back to the previous practice of accusing them of overtly political crimes, which carry harsher punishments. For instance, quite a few prominent activists and lawyers have been convicted or are now facing charges of “inciting subversion” or “separatism,” among other political crimes, including rights lawyer **Pu Zhiqiang** (浦志强) and disbarred lawyer **Tang Jingling** (唐荆陵),<sup>34</sup> Uyghur scholar **Ilham Tohti**, and seven activists arrested during the crackdown on supporters of the Hong Kong protests: **Chen Qitang** (陈启棠), **Su Changlan** (苏昌兰), **Sun Feng** (孙峰), **Wang Mo** (王默), **Xie Wenfei** (谢文飞), **Ye Xiaozheng** (叶晓峥), and **Zhang Rongping** (张荣平).<sup>35</sup> Ilham Tohti was convicted of separatism and sentenced to life in prison. While life sentences and very long prison terms tend to be reserved for ethnic Tibetans and Uyghurs, the Han activists and lawyers facing charges of political crimes are likely to receive longer sentences than those detained on suspicion of “disrupting public order” offenses. This shift is just another indication of the increased severity of persecution in 2014.

## Criminal Detentions of Chinese HRDs Suspected of Public Order Offenses, 2012-2014



**Figure II:** Criminal detentions of Chinese HRDs for offenses that fall under the category of “obstructing the administration of public order” dramatically increased from 2012 to 2014. Authorities have appeared to make greater use of such charges to obfuscate political persecution. (Source: CHRD, *Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China, Partial Data.*)

## Surge in Criminal Cases Against HRDs & Systematic Deprivation of Legal Rights

2014 saw a sharp increase in incidents where authorities abused the country's laws and criminal justice system to silence and punish HRDs by systematically depriving detained activists of due process rights. In many cases documented by CHRD, the CCP operated the law-enforcement, prosecution, and the court system as expedient political tools, through the control by the CCP-appointed Political and Legal Committees at each level of the government bureaucracy. The surge in criminalizing HRDs coincided with the abolishment of Re-education Through Labor (RTL), which for decades had been a major extrajudicial detention system for incarcerating and punishing activists and dissidents. The end to RTL in early 2014, though a positive development, has clearly not remedied the problems of arbitrary detention. Instead, it has factored into the increase during the year in criminal and administrative detentions of HRDs and other forms of extralegal detention, such as “black jails” (See “Persecution of HRDs: 2014 in Numbers & Perspective” above).

As the Xi government escalated campaigns to crush civil society efforts to advocate universal values like human rights, authorities have had to resort more heavily than before on the criminal justice system. To the government, this shift may also provide a semblance of legality for its political persecution, as compared to RTL. However, that impression crumples upon scrutiny of the many criminal cases against HRDs, where violations of legal or due process rights are endemic.

“Since the spring of 2013, with the arrests of HRDs en masse and the fierce crackdowns, it's evident that authorities are engaged in a power struggle to topple civil society. At the very least, they want to curb its steady expansion that has happened over the past decade, and which has quietly gained momentum.”

**Rights defense lawyer**

As summarized below, this report highlights several notable or emerging patterns of violations of legal rights that we observed in 2014: unreasonably prolonged pre-trial detention, systematic deprivation of detainees' right to legal counsel, and concocting “illegal business” charges to criminalize freedom of speech and association. Other violations, such as torture to extract confessions, remained serious in 2014, as in previous years; however, they do not seem to characterize the year, and thus have not been singled out below.

### *Unreasonably Prolonged Pre-Trial Detention*

Law-enforcement and judicial authorities routinely disregarded provisions in the Criminal Law and Criminal Procedure Law (CPL) that are meant to protect detainees, including those that limit criminal and pre-trial detentions. Police prolonged such detentions in most cases involving HRDs, claiming concerns about “national security” or

“harm to society” to justify holding individuals beyond the 37-day limit before formal arrest or release (CPL, Article 89), or beyond the average six-month limit before trial for minor cases (CPL, Articles 154, 169, and 202).

Analyzing the cases in 2014, CHRD was struck by how police prolonged criminal detentions as long as the law could possibly allow, and even beyond legal limits, taking advantage of the fact that Chinese law permits rather loose and arbitrary interpretations of how long a detainee can be held before trial. Making HRDs even more vulnerable in this regard, police and prosecutors in China do not normally need to obtain a court order or judicial review before prolonging pre-trial detention. This pattern was clear in the detentions in October and November of more than 100 mainland supporters who expressed support for the protests in Hong Kong. Among cases that CHRD has documented, 14 individuals were still in police custody at the close of 2014, and past the 37-day limit for criminal detention without having been formally arrested or released. (At the time of this report, 25 individuals who were formally arrested in the Hong Kong-related crackdown have spent nearly five months in detention, including housing rights activists **Han Ying** (韩颖), **Jiang Liuyong** (姜流勇), and **Li Dongmei** (李冬梅), and artist **Wang Zang** (王藏).) Following the arrests of dozens of individuals in May for commemorating the June Fourth anniversary, 13 of those formally arrested remained in police custody at the end of 2014 without having been indicted. These detainees include lawyers **Pu Zhiqiang** and **Tang Jingling**, journalist **Jiang Lijun** (姜力均), and housing rights activist **Jia Lingmin** (贾灵敏).

Related to the issue of prolonged detentions, police often flouted Article 84 of the CPL, which stipulates that an individual must be let go within 24 hours if no evidence of criminal wrongdoing is found. In the crackdown linked to Hong Kong, only 11 individuals were reportedly released within that amount of time.<sup>36</sup> For those who remained detained beyond the 24-hour limit, police seemed to lack evidence for the offenses that they were suspected of committing, but nevertheless kept them in custody, searched their residences or offices, and interrogated others, all in an attempt to look for “evidence” of criminal wrongdoing.

Holding individuals under extended pre-trial detentions without being brought in front of a judge or tried in court within a “reasonable” time period is a violation of international law.<sup>37</sup> However, such a breach may seem to be sheltered in Chinese law. According to the CPL, an individual can be legally held for a maximum of 16 months before trial, a length of time that can be extended further (if a court obtains an extension with the approval of the Supreme People’s Court).<sup>38</sup> In the case of detained activists **Guo Feixiong** (郭飞雄, aka **Yang Maodong**, 杨茂东) and **Sun Desheng** (孙德胜), Guangdong authorities put them on trial together in November 2014, about 15 months after they were seized.<sup>39</sup> CHRD has tracked even more egregious cases. Three detained activists arrested in July 2013 had not yet been brought to a trial by the end of 2014—**Huang Wenxun** (黄文勋), **Yuan Fengchu** (袁奉初, aka **Yuan Bing**, 袁兵), and **Yuan Xiaohua** (袁小华). (At the time of this report, these three individuals were still in pre-trial detention, and a Hubei court had applied to delay their trials.)



### *Systematic Deprivation of Detainees' Right to Legal Counsel*

Lengthy periods of pre-trial detention raise particular concerns since many HRDs are also denied visits from their lawyers, and Chinese law does not allow family visits during pre-trial detention. In practical terms, incommunicado detention subjects detainees to enforced disappearance, which is a breeding ground for torture; many detainees whose cases CHRD has tracked, when they were eventually allowed to see their lawyers, said that they had been tortured or otherwise mistreated. The problem of incommunicado detention and enforced disappearance is further compounded by routine failures by police to notify families about an HRD's detention within 24 hours. Police took advantage of a CPL provision that allows authorities to keep families in the dark if revealing the location of detention or residential surveillance away from home “would hinder the investigation” (CPL, Article 83).

In cases tracked by CHRD, police often referenced laws on “endangering state security” or terrorism as a pretext to block detainees from meeting with lawyers or to reject requests for obtaining bail on medical grounds, citing the threat to “state security” or “public order.” Such decisions are in clear violation of both the CPL and the Law on Lawyers. In June, Zhengzhou authorities told a group of attorneys that they could not visit their detained clients—who included lawyers **Chang Boyang** (常伯阳) and **Ji Laisong** (姬来松), journalist **Shi Yu** (石玉), and activists **Chen Wei**, **Dong Guangping** (董广平), **Fang Hongwei** (方鸿维), **Hou Shuai** (侯帅), **Shen Shengdong** (邵晟东), and **Yu Shiwen** (于世文)—because they were being held on “endangering state security” charges; however, all were in fact being held on suspicion for “gathering a crowd to disrupt order of a public place” or “creating a disturbance.”<sup>40</sup> Chang Boyang, Dong Guangping, Hou Shuai, and Yu Shiwen's lawyers were barred from meeting them for the first 100 days of their criminal detentions. Several others, like Ji Laisong, were released on bail without ever having been granted a visit from a lawyer. In November, police detained lawyer **Xia Lin** (夏霖) and, as of this report's release, have refused all requests from his lawyer to meet with Xia.

### *Concocting “Illegal Business” Charges in Criminalizing Free Expression & Association*

Applying trumped-up criminal charges against HRDs is not a new tactic, as seen in the widespread use of “disrupting public order” and “creating a disturbance” in persecuting activists and dissidents. In the past, this crime had been used to persecute freedom of expression, mostly in cases involving government critics.<sup>41</sup> But authorities in 2014 increasingly began to use the crime “illegal business activity” in cases involving HRDs with ties to NGOs—more than in any year in recent memory—in an effort to criminalize free association. As the UN Working Group on Arbitrary Detention pointed out in a 2014 opinion stating that the imprisonment of journalist **Wang Hanfei** (王寒非) is “arbitrary,” the crime “illegal business activity” is a vague offense that is “open to arbitrary interpretation and prosecution of political opponents.”<sup>42</sup>

Authorities detained several individuals affiliated with NGOs on the charge in an apparent effort to curtail their groups' work. **Chang Boyang**, a board director of the

NGO Zhengzhou Yirenping (亿人平), was arrested in July. In October and November, respectively, police seized **Guo Yushan** (郭玉闪), co-founder of the independent think tank Transition Institute on Social Economic Research (传知行研究所), and the group's administrative director, **He Zhengjun** (何正军). **Liu Jianshu** (柳建树), manager of the rural libraries run by the Liren Group (立人乡村图书馆), was also detained on suspicion of "illegal business activity."<sup>43</sup>

Under very restrictive laws and regulations, such independent groups have tried to navigate the system and operate in the country by obtaining legal registration in China, which includes having to meet various financial requirements. Thus, it is not especially surprising that authorities have accused these groups' staff members of "illegal business activity" as a way to persecute them and stifle their NGOs' activities. These particular organizations' funding sources and work had long been subjected to government scrutiny, and police have frequently harassed their staff members and supporters.

In addition, several HRDs were arrested or sentenced during the year under this particular charge in retaliation for exercising their freedom of expression. Blogger **Dong Rubin** (董如彬), also known by his screen name, **Bian Min** (边民), was convicted of "illegal business activity" and sentenced to six-and-a-half years in prison in July, and documentary film producer **Shen Yongping** (沈勇平) was sentenced to one year in prison for the alleged offense in December.<sup>44</sup> The 81-year old writer **Huang Zerong** (黄泽荣), also known by his pen name, **Tie Liu** (铁流), was arrested for the crime in October.<sup>45</sup>

## Purge of “Universal Values” Constricts Space for Promoting Human Rights

President Xi’s campaign against “universal values” has seriously poisoned the conditions for human rights defenders to do their advocacy work. Several liberties vital for advocating and promoting human rights without fear of retaliation—freedom of expression, assembly, and association—have come under relentless government assault. Chinese authorities targeted liberal intellectuals in 2014—including writers, journalists, and researchers, especially those with ties to independent organizations—as well as NGOs for exercising these freedoms in their work.

### *NGOs Crumble Under Anti-Human Rights Assault*

2014 saw several independent groups shut down or suspend operations under intense government pressure, after operating with limited space and under surveillance. The suppression of NGOs during the year only tightened the squeeze that such organizations have been feeling, particularly under Xi Jinping. The chilling environment can be seen in the persecution in 2013-14 of many participants in the New Citizens’ Movement, including one of its main organizers, **Xu Zhiyong**, who was imprisoned in January 2014; the movement itself had emerged only after the government shut down an NGO headed by Xu, the Open Constitution Initiative (or *Gong Meng*, 公盟). With Xi Jinping in power, organizations have faced elevated levels of harassment, from detentions of key leaders to police raids on their offices and further restrictions on civil liberties. Affected groups include those working on rights issues involving public health, anti-discrimination, equal education, migrants, laborers, and women’s rights.

In 2014, state suppression netted even more independent groups than before, as authorities snuffed out NGOs that had been surviving, albeit under restrictive conditions, while working on what the government considers “politically sensitive” matters. As one activist interviewed for this report told CHRD, state security authorities began to look more carefully in 2014 into overseas funds going to NGOs and universities, and went so far as to demand that these institutions refuse to cooperate with foreign entities.

In June, police in Henan froze the bank account of the Zhengzhou office of Yirenping, which promotes public health and social justice, and effectively shuttered the organization after harassing several staff members and others associated with it. Police pressured staff to cooperate with an investigation of **Chang Boyang**, a human rights lawyer detained in May who was the group’s legal representative and a board member.<sup>46</sup> In April, China’s largest NGO assisting domestic violence victims, the Anti-Domestic Violence Network of China Law Society, abruptly closed down. Though the NGO stated that it had “basically completed” its mission, many believe that its growing influence led the group to encounter trouble from authorities.<sup>47</sup>

From September to November, in coordinated police operations, authorities went after two other independent institutions that for years had been able to operate, though under pressure and harassment—the Liren Group and the Transition Institute of Social Economic Research. This time, police did not simply look to curb the groups’ activities,

but detained a number of leaders and staff members on the pretext of investigating their involvement in supporting the Hong Kong demonstrations.<sup>48</sup>

Authorities had already shut down Liren University, which offered mostly online classes run by the Liren Group, and its many branch libraries that had been set up in rural villages since 2007. By September, officials from local cultural affairs and education departments or the police had “inspected” the libraries, reportedly looking for signs of foreign influence.<sup>49</sup> On October 1, police detained **Chen Kun (陈堃)**, the school’s executive director. In the next two weeks, police criminally detained three more people linked to the Transition Institute, all for “creating a disturbance.” Two taken into custody were **Guo Yushan**, the Transition Institute’s founder and former director, and **Huang Kaiping (黄凯平)**, its director at the time. A third person, the writer **Kou Yanding (寇延丁)**, who wrote a number of books on democracy and was affiliated with the group, was seized as well. (As of the filing of this report, police have released all after months in detention except Guo, who was formally arrested in January 2015.)<sup>50</sup>

On November 26, Beijing authorities detained four more people with ties to Liren and the Transition Institute: **He Zhengjun**, the Transition Institute’s administrative director; **Liu Jianshu**, a former Transition employee who had been managing the Liren libraries; **Xue Ye (薛野)**, a board director of the libraries and former executive director of the environmental NGO Friends of Nature; and the well-known writer **Xu Xiao (徐晓)**, the chief cultural editor of the publication *New Century* who had been involved with Liren. (Police later released all after weeks in detention except **He Zhengjun**, who was arrested in January.)<sup>51</sup>

In October, the Guangzhou Municipal Government Office put out draft regulations prohibiting “illegal” non-governmental organizations in the city, leading to protests. Labor rights activists feared that, under the new rules, many independent groups already facing restrictions would be forced to close. The regulations proposed stricter requirements for registration and inspection, and less time for authorities to bring criminal charges against groups that the government regards as “illegal.” After an outcry online and local protests by labor activists, Guangzhou authorities did eventually abandon a very controversial provision in the draft rules—that groups would be banned if they are mainly funded by or closely linked to foreign organizations. However, the government’s overreach in this area casts a long shadow: NGOs that receive financial support from abroad will be required to report such funding 15 days before accepting it.<sup>52</sup>

### *Criminalizing Speech Reaches New Heights*

In 2014, the Xi government’s campaigns, which also targeted press independence, led to the detention of some of the country’s best-known journalists, writers, and other critics of the CCP. For example, **Gao Yu (高瑜)**, a dissident journalist, was detained in April and arrested in May on a charge of “illegally disseminating state secrets overseas.” The “secrets” were, in fact, a CCP directive (Document No. 9) that she was alleged to have sent to an overseas website in August 2013. Gao was put on trial in November (a verdict is still pending at the time of this report).<sup>53</sup>

Another well-known writer and outspoken government critic, **Tie Liu**, was criminally detained in September on suspicion of “creating a disturbance,” likely due to an online essay in which he exposed ties to corruption of the head of the CCP’s propaganda department.<sup>54</sup> In June, journalist **Jiang Lijun** from Liaoning Province, was arrested on charges of “creating a disturbance” and “inciting subversion,” allegedly for information that he circulated online.<sup>55</sup> The human rights lawyer **Pu Zhiqiang**, detained in May and then formally arrested after attending a June Fourth memorial event, is perhaps best known for his essays and social media comments that are highly critical of government policies. (It has become clear that he is being persecuted for his free speech, as police asked prosecutors in January 2015 to indict him on serious criminal charges based on his online expression.) In addition, scholar **Ilham Tohti**, an influential voice for the rights of the ethnic Uyghur minority, was arrested and sentenced to life in prison in 2014.

“Compared to last year, the biggest change in 2014 is that officials aren’t overly concerned about pressure from civil society or even from abroad. For example, the online environment has gotten worse—Weibo is deserted, even Google has been blocked, and the number of people accused of crimes due to their expression has gone up.”

**Human rights lawyer**

During the year, there were several other disturbing cases of journalists and bloggers who faced blatant political retaliation for criticizing the government. Police forcibly committed **Shi Genyuan** (施根源), a blogger from Fujian Province, to a mental health ward for months after he had posted political comments online—a punishment for Shi’s exercise of free speech that violates China’s Mental Health Law.<sup>56</sup> In another case involving retaliation, the popular blogger **Zhang Jialong** (张贾龙) was fired from his job at the Internet company Tencent in May, for allegedly “leaking business secrets and other confidential and secret information.” Along with other Chinese journalists and bloggers, Zhang had attended a February meeting on Internet freedom with US Secretary of State John Kerry in Beijing. During the discussion, Zhang criticized Chinese government censorship and also raised the cases of **Xu Zhiyong** and **Liu Xiaobo**.<sup>57</sup> On his blog, Zhang later posted directives from the government about censoring online expression.<sup>58</sup>

Criminalizing online speech took on a new dimension in 2014, when authorities went after journalists and online commentators armed with the 2013 Supreme People’s Court and Supreme People’s Procuratorate interpretation on Internet speech crimes, which targets online expression and information sharing.<sup>59</sup> One related case is that of blogger **Dong Rubin**, who was sent to prison in July for having questioned how authorities’ handled the suspects in the killings of Chinese citizens on the Mekong River in 2012. In its verdict, the court retroactively—and illegally—invoked the 2013 interpretation.<sup>60</sup> Other notable cases of free speech being punished involved journalists **Liu Hu** (刘虎)

and **Chen Yongzhou (陈永州)**, who were detained in 2013 after reporting on financial fraud, corruption, and official abuse of power for the Guangzhou-based *New Express*. In October 2014, a court in Hunan Province held a secret trial and convicted Chen of “fabricating and spreading falsehoods to damage the business reputation of others” and sentenced him to 22 months in prison. Liu was indicted by Beijing police on charges of “libel” and “creating a disturbance” but eventually released.<sup>61</sup>

The government took further steps in 2014 to control allegedly “sensitive” information, censoring content and tightly regulating methods of dissemination, particularly in online social media. State media regulators published a new set of rules in June that barred media workers from obtaining and disseminating information deemed “state secrets,” an ill-defined concept under Chinese law that authorities have readily exploited to punish speech and the sharing of information. The government also reinforced its online content control and censorship, and imposed new restrictions on China’s mobile instant messaging services to curb the sharing of news and information without government authorization.<sup>62</sup> The new rules appear to be intended to legitimize what authorities had already been doing—criminalizing netizens based on the content of their posted messages. For instance, **Zhao Huaxu (赵华旭)**, a 22-year-old university student, had been criminally detained in June two months before the new mobile messaging restrictions were imposed. Police accused her of “teaching methods for committing a crime” based on a message that she sent out on Twitter, which is still blocked in China, with an article about how to share background on the Tiananmen Massacre.<sup>63</sup>

## Human Rights Lawyers Criminally Prosecuted in Unprecedented Numbers

As lawyers in China have come under increasing encroachment on their independence to carry out their work, more of them have joined an expanding circle known as “rights defense lawyers.” They have taken on abusive or corrupt government officials, and defended persecuted activists, political or religious dissidents, and victims of rights violations. In doing so, these lawyers have also assumed great risks to their careers and personal security. In an indication of authorities’ determination to rein in the growing community of human rights lawyers, the government put an unusually high number of rights lawyers under criminal detention or in prison in 2014—likely the highest number of any given year since the rights defense movement began in the early 2000s.<sup>64</sup> Police and security guards continued to resort to physical violence to intimidate such lawyers and block them from carrying out their basic work duties, such as visiting clients at detention centers.

In 2014, a total of 11 human rights lawyers were confirmed to be serving prison time, under criminal detention, or formally arrested and facing prosecution. While putting rights lawyers in jail in China has almost been routine in recent years, there have not been this many lawyers in prison or detention at the same time since human rights lawyers came to the scene more than a decade ago. For a licensed lawyer in China, a criminal record comes with a hefty penalty that betrays a retaliatory measure by the government: an automatic ban from ever practicing law again inside the country, according to China’s Law on Lawyers (Article 7). This will be the fate of lawyer **Ding Jiaxi (丁家喜)**, who is serving a 42-month prison term after a Beijing Court sentenced him in April 2014.<sup>65</sup> This is also the case with lawyer **Wang Yonghang (王永航)**,<sup>66</sup> who has been serving a seven-year sentence since 2009, and **Gao Zhisheng**, who was released from prison in August.

Bookending 2014 were criminal cases involving two of China’s most prominent rights defense figures, one who went to prison and the other awaiting trial and facing a potentially long sentence. The influential legal advocate **Xu Zhiyong** was given a four-year prison term in January on a charge of “gathering a crowd to disrupt order of a public place,” a punishment for both his longtime advocacy and, more specifically, spearheading the New Citizens’ Movement.<sup>67</sup> By December, the case against outspoken lawyer **Pu Zhiqiang** was inching closer to trial, having been delayed in part after prosecutors in November added far-fetched charges of “inciting ethnic hatred” and “inciting separatism” against him.<sup>68</sup>

Of the six lawyers picked up by police around the 25<sup>th</sup> anniversary of June Fourth, five were eventually arrested: **Chang Boyang**, **Ji Laisong**, **Pu Zhiqiang**, **Ms. Qu Zhenhong (屈振红)**, and **Tang Jingling**.<sup>69</sup> Except for Pu and Tang, all were taken into custody for defending detained clients, some of whom were also lawyers. (As of writing, Pu, Qu, and Tang remain in custody while Ji and Chang are free on bail.) Two other lawyers, **Yu Wensheng (余文生)** and **Xia Lin**, were seized in October for representing several detainees from the crackdown related to the Hong Kong protests. (Police formally arrested Yu in November but released him in January 2015. While full details of Xia’s case are unknown as of the time of this report, he remains in police custody.)<sup>70</sup>

In addition, Shanghai police criminally detained another lawyer, **Liu Shihui (刘士辉)**, around the June Fourth anniversary after he submitted a lawsuit on behalf of his client, but he was released after two weeks. Also, Beijing police criminally detained lawyer **Wang Quanping (王全平)** in April after he drove to fellow lawyer **Ding Jiayi's** trial in a car painted with anti-corruption slogans, though he was later released.<sup>71</sup>

Violence against lawyers by police and detention center guards has become pervasive, and perpetrators have not been investigated nor held accountable. In March, authorities in Heilongjiang Province detained and tortured four lawyers—**Jiang Tianyong (江天勇)**, **Tang Jitian (唐吉田)**, **Wang Cheng (王成)**, and **Zhang Junjie (张俊杰)**.<sup>72</sup> The four were attempting to visit their clients, Falun Gong practitioners held in a black jail, when they were taken into custody in Jiansanjiang City and put under administrative detention for days. They had to be hospitalized after their release, and doctors found that all four sustained serious injuries, including more than 20 broken ribs combined. The lawyers subsequently filed complaints, but received no replies from authorities. Police also briefly detained several lawyers who protested the violence that occurred in Jiansanjiang, including **Fu Yonggang (付永刚)**, **Wang Quanzhuang (王全章)**, and **Wang Shengsheng (王胜生)**.<sup>73</sup>

“During the year, the greatest achievement [for the rights defense legal community] was that it cast off basic fears. Some large-scale campaigns were held even under trying circumstances, like those who exposed rights abuses in, among other places, Jiansanjiang City in Heilongjiang [where lawyers were detained and tortured] and Zhengzhou [where many HRDs, including lawyers, were held and denied access to legal counsel].”

**Rights defense lawyer**

In November, the government pushed through new draft amendments to the Criminal Law with specific provisions, which, once rubber-stamped by the National People's Congress, could criminalize lawyers' speech challenging unlawful court proceedings or mistreatment of clients in courtrooms. In the Ninth Draft Amendment to the Criminal Law, a proposed change (Article 35) would give authorities overly broad powers to deem speech in a courtroom as “insulting,” “threatening,” or “disruptive,” and charge the offending individual with a crime that can carry up to a three-year prison term, or a briefer criminal detention, police surveillance, or fine.<sup>74</sup> Soon after the draft amendments were made public in December, a rights lawyer, **Zhang Keke (张科科)**, was detained in a courtroom and then interrogated by police in Jilin Province, apparently for invoking China's Constitution while making a defense statement in court.<sup>75</sup>

Throughout 2014, CHRD documented a large number of incidents involving authorities denying lawyers' access to their clients, including to fellow lawyers. This type of obstruction, which interferes with the lawyers' ability to provide counsel and infringes



upon the right of detainees to such counsel, appears to be becoming the rule in parts of the country. In Heilongjiang Province, a local government policy, called the “Three No’s,” barred Beijing-based lawyers from representing clients detained in Mudanjiang City. Passed in August, the policy flatly spelled out: “no admittance [at detention facilities], no acceptance of [lawyers’] complaints, and no explanation.”<sup>76</sup> Many other lawyers have reported detention centers in cities across China establishing “regulations” to restrict lawyers’ visits, in violation of the CPL and the Law on Lawyers. Lawyers have reported being denied visits with clients based on “requirements” for them to receive authorization from a local public security bureau or court, wait for authorities to “review” a detainee’s case, or present original case documentation instead of photocopies.<sup>77</sup>

Human rights lawyers who protested denied access to their rights in defending clients in “sensitive cases” also faced familiar administrative punishments or pressure from law firms or local bureaus of judicial affairs.<sup>78</sup> For example, Guangdong authorities revoked rights lawyer **Wang Quanping’s** license in June, and the Beijing Municipal Bureau of Justice did not renew rights lawyer **Li Guobei (李国蓓)**’s license in May.<sup>79</sup> Authorities penalized two rights lawyers, **Sui Muqing (隋牧青)** and **Cheng Hai (程海)**, for representing jailed lawyer **Ding Jiayi** at his trial by suspending their law licenses for six to 12 months, respectively. The law firm of rights lawyer **Wang Yu (王宇)**, an attorney for imprisoned Uyghur scholar **Ilham Tohti**, pressured her into dropping the case after the firm refused to grant her permission to defend the scholar.<sup>80</sup> In a new development from the year, former state security officials were “hired” by some law firms that employ high-profile human rights lawyers, presumably to monitor the activities of these attorneys and intimidate them, according to lawyers who spoke to CHRD.

In incidents like the one above in Heilongjiang, when rights lawyers faced various forms of reprisal, many more human rights lawyers than in previous years spoke up or joined demonstrations in protest, despite increased hostility from government officials towards them. For instance, dozens of rights lawyers, along with many activists, attended a hearing of the Beijing Municipal Bureau of Judicial Affairs on its decision to suspend the license of lawyer **Cheng Hai** in September. These individuals were barred from entering the building where the hearing was held, and police also detained a number of lawyers for a short time, including **Dong Qianrong (董前勇)**, **Hu Guiyun (胡贵云)**, **Ms. Li Guobei**, **Li Jinxing (李金星)**, **Wang Xing (王兴)**, **Ms. Wang Yu**, **Yu Wensheng**, and **Zhang Lei (张磊)**.<sup>81</sup>

Facing myriad setbacks, human rights lawyers have developed the ability to “recover”—to pick themselves up and carry on whenever they are knocked down, as one lawyer interviewed for this report told CHRD. As one prime example, an informal and self-governed association of lawyers, calling itself the China Human Rights Lawyers Group (人权律师团), has grown to more than 200 members after starting with just 20 lawyers in 2013.<sup>82</sup> A far-flung swath of attorneys, some who previously had stayed “quiet” or carefully toed “official lines,” joined the group in 2014. During the year, the group spoke up collectively to decry government abuses of the law, expose legal and procedural violations in the criminal justice system. It supported fellow lawyers through open statements and organizing hunger strikes and public demonstrations. In November, more

than 500 rights lawyers signed a legal opinion opposing the Ninth Draft Amendment to the Criminal Law, arguing that it runs “counter to judicial reform” and undermines procedural justice.<sup>83</sup> Such efforts have strengthened a vital voice to counter the All-China Lawyers Association (ACLA), a state-controlled body with local branches that functions as a government arm to keep lawyers in line with the CCP.<sup>84</sup>

## Escalating Government Reprisals Against Human Rights Defenders Cooperating With UN Bodies

For nearly a decade, the Chinese government has persecuted activists seeking to contribute to reviews of China's human rights record by UN human rights bodies. Authorities have blocked many HRDs from traveling abroad to attend trainings on UN human rights mechanisms. Such HRDs have been interrogated, detained, or subjected to various punishments: they have lost their jobs, been suspended from teaching, had renewal of their lawyers' licenses delayed, and had their passports confiscated.

In 2014, one incident of such reprisal turned lethal, with the tragic death in custody of activist **Cao Shunli** in March after months of her being deprived of medical treatment in Beijing. Cao Shunli began taking part in activities to expose rights abuses in the mid-1990s. Beginning in 2008, she tried to use UN instruments to push for human rights protections in China, especially via the Universal Periodic Reviews (UPR) of the country before the UN Human Rights Council (HRC), first in 2009 and then in 2013. With other activists, she spearheaded an effort to demand the government allow civil society participation in China's preparation at the domestic level for the first UPR. Her group collected information about rights abuses against petitioners and inside RTL camps. Authorities turned the activists away and sent several to RTL. Refusing to yield to government retaliation, Cao and her fellow activists mobilized again for the second UPR. Government officials once again ignored their demands and intimidated them. In the summer of 2013, Cao and her group organized a sit-in to draw attention to their demands for civil society participation in front of the Ministry of Foreign Affairs in Beijing. Police eventually cleared away the last remaining peaceful demonstrators in October.

"In China, those who are involved in drafting the government's reports [to the UN] are the government and agencies servile to the government, the scope [of participation] is very narrow, and there is no participation by genuine civil society forces...If there were only 50 or 100 words in the report [submitted for the UPR] that had objectively described our human rights conditions, many of our problems could start to get addressed."

**Activist Cao Shunli (1968-2014)**

On September 14, 2013, weeks before the second UPR, border control police seized Cao at Beijing Capital International Airport and held her incommunicado for five weeks. She was on her way to Geneva to attend a human rights training course and a session of the HRC. Cao had been managing a liver condition before being taken into custody, but authorities confiscated her medication. For the next five months, because of neglect and inadequate treatment, her liver problem worsened and she developed other serious illnesses, including tuberculosis. Meanwhile, authorities repeatedly denied family and lawyers' requests for her medical release and instead made preparations to prosecute her for "creating a disturbance."

In February 2014, Cao fell into a coma after she was sent to an emergency room in Beijing, and she died four weeks later in a military hospital while under close monitoring by police, who prevented lawyers and supporters from seeing her. Just hours before Cao died, authorities forced a family member to sign her release on medical bail, apparently in order to avoid possible blame for Cao's death in police custody.<sup>85</sup>

Close associates of Cao's in the UPR-related campaigns also faced repercussions from authorities in 2014. **Liu Xiaofang** (刘晓芳), a Beijing activist, went missing on March 11 after visiting Cao in the hospital. CHRD later confirmed that she had been put under criminal detention (though on unknown charges). She was subsequently released on bail and put under police monitoring.<sup>86</sup> In addition, **Peng Lanlan** (彭兰岚) was locked up in a psychiatric facility in Hunan in January, and forced to undergo medical tests and take drugs before she was let go later that month. She had been transferred to that institution after initially being seized in Beijing in December 2013, on the heels of her release from detention for her UPR-related activities in the late 2000s. In Beijing, she was beaten and also held in a psychiatric hospital, where she was stripped naked, tied down, and forcibly given psychiatric medication.<sup>87</sup>

Despite widespread condemnation of the persecution of Cao and general scrutiny of reprisals against HRDs, Chinese authorities in 2014 retaliated against other activists who called on the government to live up to its international rights commitments. Henan authorities blocked HIV/AIDS activist **Wang Qiuyun** (王秋云) from travelling to Geneva to attend the CEDAW review, which took place on October 23. Local authorities confiscated her passport after the Swiss Consulate granted her a visa, later telling Wang that they did so due to "orders from higher up." Authorities also tried to force Wang to check into a hospital, claiming that she was too sick to travel, but she refused.<sup>88</sup> In addition, one week after the CEDAW review, police in Hubei Province seized women's rights activist **Ye Haiyan** (叶海燕) and put her under administrative detention for "intentionally exposing her body in a public place." Ye had tried to draw attention to the review—and its lack of civil society participation—by posting a naked photo of herself online with other activists, with all of them holding up signs with messages about the review.

Several other HRDs also faced various obstacles to traveling to attend trainings on UN human rights or were subjected to harassment after they returned from such activities. In some instances, police visited their families or workplaces during the trips to ask about their whereabouts and deliver warnings that their activities abroad should not "harm national security" or "defame the country," lest they face serious consequences. In 2014, a number of activists or lawyers who had in the past attended UN human rights trainings found themselves under criminal detention, facing trial, or in prison, though authorities had seized or convicted them under other pretexts. (Out of security concerns, CHRD is withholding their names and specific case details from this report.)

## Suppression of Ethnic Minorities in China's "War on Terrorism"

In 2014, the Xi leadership showed no sign of letting up on highly repressive policies towards ethnic minorities, particularly Tibetans and Uyghurs in restive western areas of the country. On the contrary, government authorities ratcheted up their suppression and persecution of these ethnic groups with so-called "anti-terrorism" and "counter-separatism" campaigns. A central way to try to control these groups has been for authorities to clamp down on their free expression and media communications; of the 44 journalists reportedly imprisoned in China at the end of 2014, more than half are ethnic Uyghurs or Tibetans.<sup>89</sup>

In November, the National People's Congress proposed a draft Anti-Terrorism Act that, if adopted, may be used to criminalize not only critics of the government's ethnic minority policies and practices in Tibet and Xinjiang, but also the work of HRDs all over China. The draft broadly defines "terrorism" to include "thought, speech or behavior" that is "subversive" or that seeks to "influence national policy making" (Article 104). The draft law also contains provisions that would allow organizations engaged in such activities to be designated as "terrorist organizations" (Articles 68-72), with membership in such groups constituting a criminal offense. The draft law also prohibits "extremism," which is defined vaguely as "distorting or slandering national laws, policies and regulations" or interfering with their implementation (Article 24).

"In legislation being adopted in the name of fighting terrorism and national security, the government intentionally leaves room for abuse. Besides repression, the development and use of technologies all over the country—to monitor citizens and control the Internet, for example—are tied in with extrajudicial violence on the part of the national security forces. These mechanisms are specifically used to constrict the space for people's [rights defense] activities, which has substantial long-term effects."

**Human rights activist**

Such a law would provide legitimacy to escalating suppression against Tibetans and Uyghurs, who continued to be detained in mass numbers in 2014, often receiving long prison sentences after secret trials on political charges. Several leading Tibetan monks were sentenced to terms of 10 or more years.<sup>90</sup> Courts in Xinjiang sent Uyghurs to prison on charges related to "terrorism" on a scale unseen since unrest turned violent in 2009 in the capital city of Urumqi.<sup>91</sup>

The persecution of the outspoken Uyghur scholar **Ilham Tohti**, who was convicted of "separatism" and sentenced to life in prison in September, was a case study in the highly politicized and discriminatory policies and practices towards activists and dissidents of ethnic minority origin. Seven of Ilham Tohti's students, six Uyghurs and one ethnic Yi

who had helped with the website Uyghur Online that he created and edited, were also convicted of “separatism.” They received sentences of three to eight years in December.<sup>92</sup>

In 2014, authorities “collectively punished” entire villages in the aftermath of individual incidents of self-immolation or local protests by Tibetans, or incidents of “domestic terrorism” that the government blamed on Uyghur “extremists.” Police conducted mass raids in which they rounded up hundreds of Uyghurs and Tibetans. A raid in August turned deadly after Tibetans in one village in Sichuan Province protested the detention of a local leader in Kardze (Ch: Ganzi) Tibetan Autonomous Region. Chinese paramilitary forces opened fire and shot 10 of them, all unarmed, and then seized all the males in the village—a highly unusual police action. Five of these Tibetans subsequently died—four from gunshot wounds that went inadequately treated, and one who reportedly committed suicide in police custody. Around the time of the raid, Chinese military reportedly had as many as 500 vehicles stationed along Sichuan’s border with the Tibetan Autonomous Region.<sup>93</sup>

Other measures undertaken by authorities under the pretext of “anti-terrorism,” “separatism,” or “extremism” in Xinjiang included policies restricting freedom of expression and religion. In June, students and civil servants were banned from fasting for Ramadan,<sup>94</sup> and the government in one city in Xinjiang banned people with long beards or wearing ethnic clothing from riding public buses.<sup>95</sup> In early December, authorities banned the wearing of burqas in public in the capital city of Urumqi, supposedly to combat Islamic extremism that the CCP has blamed for fueling violence in the region.<sup>96</sup>

In 2014, officials in Xinjiang reportedly discussed other plans that would further marginalize Uyghurs. They include stricter birth control policies, bringing the Uyghur population under the general one-child-per-family rule—the same as for the Han population in most cities, and down from the current policy allowing two or three births per Uyghur couple. There are also official proposals to build new cities, which the government claims would reduce poverty, create jobs, and bring better access to services. Some critics refer to them as “non-terror” cities, however, implying that they are simply intended to attract more Han Chinese settlers.<sup>97</sup>

## Harsh Government Responses to Religious-Based Activism

The CCP's repressive policies toward religious freedom affected faith communities in China's Han majority regions as well. Authorities seemed particularly wary of popular church groups stepping into matters of social justice and political reform. In 2014, authorities in provinces in eastern China took drastic measures to curtail the rapid rise of evangelical Protestantism. Authorities cited zoning laws to mask blatant efforts to force Christian house-churches to close down. Government officials demolished both official and unofficial churches or had crosses removed from buildings used as churches, citing regulations against "excessive religious sites" and "overly popular" religious activities. Churches in Wenzhou City in Zhejiang, a province where reportedly over 10 percent of the population is Christian, suffered perhaps the most devastating damage.<sup>98</sup> The Zhejiang CCP Disciplinary Commission warned party officials not to take part in organized religion.<sup>99</sup> Central CCP authorities are reportedly developing a "Chinese Christian theology" that would, in line with Xi's "Chinese Dream" to revive traditional Confucian culture, and in true party parlance, adapt to "China's national condition and integrate with Chinese culture."<sup>100</sup>

Criminal prosecution of "disobedient" church leaders led to long prison sentences for several individuals, betraying the government's skittishness about Christian-based challenges to party orthodoxy. In July, a Henan court sentenced a Christian pastor, **Zhang Shaojie (张少杰)**, to 12 years in jail after convicting him of "fraud" and "gathering a crowd to disrupt social order." The long sentence is believed to be a punishment for Zhang's efforts to organize members of his church to seek redress after church buildings were forcibly demolished in Nanle County.<sup>101</sup>

2014 also saw government authorities clamp down on a Buddhist group—the Huazang Dharma group—whose leader and members were seen as too outspoken about politically "sensitive" issues. On July 29, police conducted a series of coordinated raids in Shanghai as well as Shenzhen and Zhuhai in Guangdong, criminally detaining 21 Buddhists from the group. The detainees were accused of "fraud," "rape," and "using an evil cult to undermine implementation of the law." Like many cases in China involving religious groups, this one had a political tint: one detainee, the group's founder and key leader, **Wu Zeheng (吴泽恒)**, was a pro-democracy activist in the 1989 student movement who had previously served 11 years in prison after writing an open letter in 1998 to CCP leaders calling for political reform.<sup>102</sup>

## Recommendations

CHRD strongly urges the Chinese government to:

- Ratify the International Covenant on Civil and Political Rights and respect the rights protected under this treaty, which China signed and made the commitment not to violate in 1998, including rights to democratic participation, and freedom of expression, association, and assembly—rights that are vital for human rights defenders to conduct their work freely and safely.

*Repeal the “Supreme People’s Court and Supreme People’s Procuratorate Interpretation on Several Issues Regarding the Applicable Law in Cases of Using Information Networks to Commit Defamation and Other Such Crimes” (2013);*

*Repeal the “Guangzhou City Detailed Guide to Illegal Social Organizations” (2014) and other national and local regulations that place unconstitutional restrictions on freedom of association.*

- Reform domestic laws, particularly the Criminal Law and Criminal Procedure Law, and bring them into full compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China ratified in 1988.

*Investigate reports of torture and other forms of mistreatment of detainees while in police custody, including instances where medical treatment is withheld, and hold authorities legally accountable for their actions, ending criminal impunity;*

*End reprisals against torture victims and their families and lawyers who seek accountability and reparations;*

*Guarantee detainees’ access to legal counsel and allow lawyers to meet with their clients in compliance with relevant provisions in Chinese law, and end incommunicado detention and enforced disappearance to help prevent torture.*

- Release all detainees and prisoners of conscience penalized for peaceful exercise of their rights to free assembly, association, and expression, and end illegal detention in psychiatric hospitals and all types of black jails.

*End the prevalent practice of unreasonably prolonging pre-trial detention, bring detainees promptly before judges, or release them when police do not have sufficient evidence against them;*

*Close down all extrajudicial, illegal detention facilities, and investigate and hold criminally liable officials who authorize or run such facilities.*



- End criminal prosecution and violence against human rights lawyers and other forms of political interference in their independence, including using the annual licensing renewal as a means of intimidation and retaliation.

*Remove Article 35 in the Ninth Draft Amendment to the Criminal Law, which gives authorities broad powers to deem speech in a courtroom as “insulting,” “threatening,” or “disruptive” and in turn charge the offending individual with a crime that can carry up to a three-year prison term;*

*Repeal any unlawful national or local guidelines to detention centers to restrict lawyers’ visits, such as the Mudanjiang City guideline known as the “Three No’s.”*

- Ensure civil society participation in United Nations human rights activities, including all treaty body reviews, end harassment and reprisals aimed at citizens playing a role in such activities, and hold legally accountable those government agents who have subjected HRDs to arbitrary detention, disappearance, or torture for their efforts in engaging with UN human rights mechanisms.

*End intimidation against the family and supporters of Cao Shunli, allow independent investigation into her death, and hold officials responsible for her disappearance, arbitrary detention, and torture, including deprivation of medical treatment, which led to her death in police custody.*

- End violent suppression and discriminatory policies in ethnic minority regions, especially in Tibet and Xinjiang.

*Release Ilham Tohti and all other detained or imprisoned Tibetans and Uyghurs arbitrarily deprived of their liberties for peacefully exercising their rights to freedom of expression, assembly, or demonstration;*

*Lift discriminatory regulations that infringe upon the rights to cultural expression and freedom of religion of the Tibetan and Uyghur people;*

*Withdraw or substantially revise the NPC’s draft Anti-Terrorism Act.*

- End persecution of practitioners of officially banned religions or spiritual practices, and ensure that all Chinese citizens, including ethnic minorities, can exercise freedom of religion.

*Release detained or imprisoned religious leaders and practitioners for observing their faith and expressing their spiritual beliefs;*

*Lift regulations and zoning laws that have led to forced demolition of church buildings.*

## Notes

<sup>1</sup> “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>.

<sup>2</sup> The Committee to Protect Journalists only began tracking the arrests and persecution of journalists in 1990. Committee to Protect Journalists, “In China, mainstream media as well as dissidents under increasing pressure,” December 17, 2014, <https://www.cpj.org/blog/2014/12/China-mainstream-media-as-well-as-dissidents-under-incre.php>.

<sup>3</sup> *New Beijing News*, “Xi Jinping: Be Deft at Turning the Party’s Position into the Will of the State through Legal Procedures” (习近平: 要善于使党的主张通过法定程序成为国家意志), October 17, 2014, [http://news.southcn.com/zhuanqi/szqh/sjml/content/2014-10/17/content\\_110336525.htm](http://news.southcn.com/zhuanqi/szqh/sjml/content/2014-10/17/content_110336525.htm).

<sup>4</sup> *The New York Times*, “Maoists in China, Given New Life, Attack Dissent,” January 5, 2015, <http://www.nytimes.com/2015/01/05/world/china/maoists-are-revived-as-thought-police.html>.

<sup>5</sup> ChinaFile, “Document No. 9: A ChinaFile Translation,” November 8, 2013, <http://www.chinafile.com/document-9-chinafile-translation>.

<sup>6</sup> *The Guardian*, China to stop using executed prisoners as source of transplant organs, December 4, 2014, <http://www.theguardian.com/world/2014/dec/04/china-stop-using-executed-prisoners-organs-transplant-demand-donations>.

<sup>7</sup> CHRD, “We’ll Beat You to Death With Impunity” *Secret Detention & Abuse of Women in China’s Black Jails*, October 2014, <http://chrdnet.com/2014/10/chrd-releases-well-beat-you-to-death-with-impunity-a-report-about-secret-detention-abuse-of-women-in-chinas-black-jails/>.

<sup>8</sup> Eight women once held at the Masanjia Women’s Re-education through Labor (RTL) camp in Liaoning Province were sentenced in June 2014 to prison terms ranging from 12 to 18 months in retaliation for seeking remedies for horrendous abuses they suffered in the facility. They women are: Li Liyong (李立勇), Shi Junmei (石俊梅), Su Dezheng (苏德珍), Sun Rongyou (孙荣佑), Zhang Hongshu (张洪书), Zhao Lifeng (赵丽芬), Zhong Shujuan (仲淑娟), and Zhu Jianyun (朱建云). CHRD, *China Human Rights Briefing June 28-July 3, 2014*, <http://www.chrdnet.com/2013/06/chrb-detention-of-a-dozen-activists-in-shanghai-following-their-call-on-xi-jinping-to-respect-human-rights-june-28-june-29-2014/>.

<sup>9</sup> China Law Translate, PRC Domestic Violence Law (Draft), November 24, 2014, <http://chinalawtranslate.com/en/domestic-violence-law/>.

<sup>10</sup> *South China Morning Post*, “Supreme Court weighs rules to keep evidence within law,” <http://www.scmp.com/news/china/article/1633044/supreme-court-weighs-rules-keep-evidence-within-law>.

<sup>11</sup> CHRD, Watch List of Detainees and Prisoners of Conscience in Need of Medical Attention, <http://chrdnet.com/2014/06/medical-watch-list-of-chinese-detainees/>.

<sup>12</sup> CHRD, Cao Shunli & Her Legacy, <http://chrdnet.com/2014/04/prisoner-of-conscience-cao-shunli/>.

<sup>13</sup> CHRD, *China Human Rights Briefing March 21-27, 2014*, <http://chrdnet.com/2014/03/chrb-tibetan-dies-from-torture-suffered-in-prison-lawyers-detained-for-exposing-black-jail-321-3272014/>.

<sup>14</sup> CHRD, *China Human Rights Briefing July 30-August 7, 2014*, <http://chrdnet.com/2014/08/chrb-jailed-human-rights-lawyer-gao-zhisheng-released-into-control-by-authorities-730-872014/>; CHRD, Prisoner of Conscience – Gao Zhisheng, <http://chrdnet.com/2011/02/prisoner-of-conscience-gao-zhisheng/>.

<sup>15</sup> Reuters, “China releases one of its longest-serving political prisoners, relative says,” December 9, 2014, <http://www.reuters.com/article/2014/12/09/us-china-rights-idUSKBN0JN0VG20141209>; Southern Mongolia Human Rights Information Center, Video statements by Hada and Xinna (with English subtitles and texts), December 14, 2014, [http://www.smhric.org/news\\_551.htm](http://www.smhric.org/news_551.htm).

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- <sup>16</sup> CHRD, Individuals Detained in Crackdown on Peaceful Assembly, Association & Expression, <http://www.chrdnet.com/2013/07/individuals-detained-in-crackdown-on-assembly-and-association/>.
- <sup>17</sup> Reuters, “China court rulings stress control of internet rests with the Party,” October 10, 2014, <http://uk.reuters.com/article/2014/10/10/uk-china-internet-censorship-idUKKCN0HZ0AZ20141010>.
- <sup>18</sup> Radio Free Asia, “China Jails More Journalists Than Any Other Country in 2014,” December 16, 2014, <http://www.rfa.org/english/news/china/journalists-12162014133255.html>; Radio Free Europe/Radio Liberty, “Sixty-Six Journalists Killed In ‘Barbaric’ Year,” December 17, 2014, <http://www.rferl.org/content/rsf-journalists-killed-in-barbaric-year/26746230.html>.
- <sup>19</sup> CHRD, Prisoner of Conscience – Ilham Tohti, <http://www.chrdnet.com/2014/07/prisoner-of-conscience-ilham-tohti/>.
- <sup>20</sup> CHRD, Individuals Detained in Crackdown on Peaceful Assembly, Association & Expression, <http://www.chrdnet.com/2013/07/individuals-detained-in-crackdown-on-assembly-and-association/>.
- <sup>21</sup> CHRD, Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre, <http://www.chrdnet.com/2014/05/individuals-affected-by-government-crackdown-around-25th-anniversary-of-tiananmen-massacre/>; CHRD, Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests, <http://www.chrdnet.com/2014/10/individuals-detained-in-mainland-china-for-supporting-hong-kong-pro-democracy-protests/>.
- <sup>22</sup> CHRD, Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China (partial data), <http://chrdnet.com/2014/05/deprivation-of-liberty-and-tortureother-mistreatment-of-human-rights-defenders-in-china-partial-data-updated-6302013/>.
- <sup>23</sup> CHRD, Prisoner of Conscience – Chen Guangcheng, <http://chrdnet.com/2011/01/prisoner-of-conscience-chen-guangcheng/>.
- <sup>24</sup> CHRD, Prisoner of Conscience – Chen Wei, <http://chrdnet.com/2011/01/prisoner-of-conscience-chen-wei/>.
- <sup>25</sup> CHRD, Prisoner of Conscience – Chen Xi, <http://chrdnet.com/2011/01/prisoner-of-conscience-chen-xi/>.
- <sup>26</sup> CHRD, Prisoner of Conscience – Liu Xianbin, <http://chrdnet.com/2011/03/prisoner-of-conscience-liu-xianbin/>.
- <sup>27</sup> CHRD, Prisoner of Conscience – Zhu Yufu, <http://chrdnet.com/2011/08/prisoner-of-conscience-zhu-yufu/>.
- <sup>28</sup> See CHRD, “*Inciting Subversion of State Power*: A Legal Tool for Prosecuting Free Speech, January 8, 2008, <http://chrdnet.com/2008/01/inciting-subversion-of-state-power/>. Political crimes such as “state secrets” and offenses related to “separatism” (and other “endangering state security” crimes) have been heavily applied to Tibetans and Uyghurs (compared to HRDs in other parts of China). This is particularly true since the unrest in Tibetan areas in 2008 and in Xinjiang in 2009. See: Dui Hua Foundation, “State Security Indictments, Cult Trials Up in Xi Jinping’s 2013,” January 7, 2015, <http://www.duihuahrjournal.org/2015/01/state-security-indictments-cult-trials.html>.
- <sup>29</sup> UN Human Rights Council, “Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue,” May 27, 2011, [http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27.Add.1\\_EFOnly.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27.Add.1_EFOnly.pdf).
- <sup>30</sup> The crimes recorded are: creating a disturbance, disrupting order of a public place, disrupting public order, disrupting social order, gathering a crowd to disrupt social order, gathering a crowd to disrupt traffic order, gathering a crowd to disrupt order of a public place, and illegal assembly.
- <sup>31</sup> CHRD, Individuals Detained in Crackdown on Peaceful Assembly, Association & Expression, <http://chrdnet.com/2013/07/individuals-detained-in-crackdown-on-assembly-and-association/>.
- <sup>32</sup> CHRD, Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China (Partial Data), <http://www.chrdnet.com/2014/05/deprivation-of-liberty-and-tortureother-mistreatment-of-human-rights-defenders-in-china-partial-data-updated-6302013/>.

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<sup>33</sup> *FT Chinese*, “‘Creating a Disturbance’ Spreads to Internet Speech” (延伸到网络言论的“寻衅滋事”), February 4, 2015, <http://www.ftchinese.com/story/001060493?full=y>.

<sup>34</sup> CHRD, Prisoner of Conscience – Tang Jingling, <http://www.chrdnet.com/2014/10/prisoner-of-conscience-tang-jingling/>. Tang initiated the “Non-violent Citizens’ Disobedience Movement,” which has pushed for reform on issues such as labor rights, equal access to education, and the discriminatory household registration (*hukou*) system.

<sup>35</sup> CHRD, *China Human Rights Briefing January 8-15, 2015*, <http://www.chrdnet.com/2015/01/chrb-torture-ill-treatment-of-detainees-political-charges-returning-under-xi-18-152015/>.

<sup>36</sup> CHRD, Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests, <http://www.chrdnet.com/2014/10/individuals-detained-in-mainland-china-for-supporting-hong-kong-pro-democracy-protests/>.

<sup>37</sup> See: International Covenant on Civil and Political Rights (ICCPR), Article 9 (3), <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. That China has not ratified the ICCPR (after signing it in 1998) does not dissolve its “obligation not to defeat the object and purpose” of the Covenant. The obligation is stipulated by the Vienna Convention of the Laws of Treaties (1969), Article 18, which establishes the rules for treaties under customary international law. [http://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf).

<sup>38</sup> The 16 total months are stipulated under Articles 149, 154, 169, and 171 of the Criminal Procedure Law. <http://www.cecc.gov/resources/legal-provisions/criminal-procedure-law-of-the-peoples-republic-of-china>.

<sup>39</sup> CHRD, “Free Guo Feixiong and Sun Desheng: Cases Rife With Injustice,” November 27, 2014, <http://www.chrdnet.com/2014/11/free-guo-feixiong-and-sun-desheng-cases-rife-with-injustice/>.

<sup>40</sup> CHRD, *China Human Rights Briefing July 4-10, 2014*, <http://www.chrdnet.com/2014/07/chrb-curtailing-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/>.

<sup>41</sup> Some prominent examples include: Guo Feixiong (郭飞雄), sentenced to six years in 2006 for releasing a book, and Wang Hanfei (王寒非), sentenced to four years for “illegal business activity” and “fraud” in 2012 over the publication of a magazine. CHRD, Prisoner of Conscience – Guo Feixiong, <http://www.chrdnet.com/2013/12/prisoner-of-conscience-guo-feixiong/>; CHRD, Prisoner of Conscience – Wang Hanfei, <http://www.chrdnet.com/2013/05/prisoner-of-conscience-wang-hanfei/>.

<sup>42</sup> UN Human Rights Council, Opinion No. 21/2014 (China) on Mr. Wang Hanfei, in Opinions adopted by the Working Group on Arbitrary Detention at its seventieth session, 25 to 29 August, 2014, <http://www.chrdnet.com/wp-content/uploads/2013/12/Opinion-2014-21-PR-of-China-Mr.-Wang-Hanfei.pdf>.

<sup>43</sup> CHRD, *China Human Rights Briefing November 21-December 4, 2014*, <http://www.chrdnet.com/2014/12/chrb-beijing-police-detain-outspoken-intellectuals-close-2-independent-groups-1121-124-2014/>; CHRD, *China Human Rights Briefing June 13-19, 2014*, <http://www.chrdnet.com/2014/06/chrb-imprisoned-dissident-chen-xi-in-failing-health-612-6202014/>.

<sup>44</sup> CHRD, Watch List of Detainees and Prisoners of Conscience in Need of Medical Attention, <http://www.chrdnet.com/2014/06/medical-watch-list-of-chinese-detainees/>; CHRD, Prisoner of Conscience – Dong Rubin, <http://www.chrdnet.com/2014/08/prisoner-of-conscience-dong-rubin/>; CHRD, *China Human Rights Briefing*, May 23-29, 2014, <http://www.chrdnet.com/2014/05/chrb-crackdown-before-64-anniversary-50-people-detained-disappeared-or-summoned-523-5292014/>.

<sup>45</sup> Tie Liu was convicted of “illegal business activity” on February 25, 2015, but released after being issued a two-and-a-half-year prison sentence, suspended for four years. CHRD, *China Human Rights Briefing February 20-26, 2015*, <http://www.chrdnet.com/2015/02/chrb-82-year-old-dissident-writer-found-guilty-given-2-5-year-suspended-sentence-220-262015/>.

<sup>46</sup> CHRD, Prisoner of Conscience – Chang Boyang, <http://www.chrdnet.com/2014/09/prisoner-of-conscience-chang-boyang/>.

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<sup>47</sup> Agence France-Presse, “China domestic abuse victims voiceless as network disbands,” July 22, 2014, <http://www.mysinchew.com/node/100133>.

<sup>48</sup> CHRD, Prisoner of Conscience – Chen Guangcheng, <http://chrdnet.com/2011/01/prisoner-of-conscience-chen-guangcheng/>.

<sup>49</sup> *The New York Times* (Sinosphere blog), “Rural Library Chain Closes, Citing ‘Tremendous Pressure,’” September 22, 2014, [http://sinosphere.blogs.nytimes.com/2014/09/22/rural-library-chain-closes-citing-tremendous-pressure/?\\_r=0](http://sinosphere.blogs.nytimes.com/2014/09/22/rural-library-chain-closes-citing-tremendous-pressure/?_r=0).

<sup>50</sup> CHRD, Prisoner of Conscience – Chen Guangcheng, <http://chrdnet.com/2011/01/prisoner-of-conscience-chen-guangcheng/>.

<sup>51</sup> CHRD, *China Human Rights Briefing November 21-December 4, 2014*, <http://chrdnet.com/2014/12/chrb-beijing-police-detain-outspoken-intellectuals-close-2-independent-groups-1121-124-2014/>; *The New York Times* (Sinosphere blog), “Young, Idealistic and Caught Up in a Wave of Detentions,” December 10, 2014, <http://mobile.nytimes.com/blogs/sinosphere/2014/12/10/young-idealistic-and-caught-up-in-a-wave-of-detentions/>. Xu Xiao, who was put under criminal detention on suspicion of “endangering state security,” went to prison for “counterrevolutionary” crimes during the Cultural Revolution.

<sup>52</sup> CHRD, *China Human Rights Briefing October 17-30, 2014*, <http://chrdnet.com/2014/10/chrb-guangzhou-new-restrictions-on-ngos-un-experts-ask-release-of-detained-chinese-journalist-1017-302014/>; Caixin, “Guangzhou’s New NGO Rules Lack Controversial Measures Found in Draft,” November 7, 2014, <http://english.caixin.com/2014-11-06/100747653.html>.

<sup>53</sup> CHRD, *China Human Rights Briefing July 4-10, 2014*, <http://www.chrdnet.com/2014/07/chrb-curtailling-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/>; CHRD, Prisoner of Conscience – Gao Yu, <http://chrdnet.com/2014/12/prisoner-of-conscience-gao-yu/>. State secret laws were also levied against Gao Yu in the mid-1990s, when she was sentenced to six years in prison.

<sup>54</sup> CHRD, *China Human Rights Briefing September 12-18, 2014*, <http://chrdnet.com/2014/09/chrb-new-cases-of-forced-psychiatric-commitment-detentions-of-prominent-writer-democracy-activist-912-182014/>. Tie Liu previously had spent more than two decades in labor camps after being labeled a “rightist” in the 1950s. He was convicted of “illegal business activity” on February 25, 2015, but released after being issued a two-and-a-half-year prison sentence, suspended for four years.

<sup>55</sup> CHRD, *China Human Rights Briefing June 20 - 26, 2014*, <http://www.chrdnet.com/2014/06/chrb-arrested-uyghur-scholar-ilham-tohti-suffering-from-multiple-illnesses-other-news-june-20-june-26-2014/>. Jiang Lijun previously served four years in prison for “inciting subversion of state power” after Yahoo! provided details of his account to Chinese authorities, who then used pro-democracy writings found in his email as evidence at trial in 2002.

<sup>56</sup> CHRD, *China Human Rights Briefing September 12-18, 2014*, <http://www.chrdnet.com/2014/09/chrb-new-cases-of-forced-psychiatric-commitment-detentions-of-prominent-writer-democracy-activist-912-182014/>.

<sup>57</sup> CHRD, Prisoner of Conscience – Liu Xiaobo, <http://chrdnet.com/2011/03/prisoner-of-conscience-liu-xiaobo/>.

<sup>58</sup> CHRD, *China Human Rights Briefing May 23-29, 2014*, <http://chrdnet.com/2014/05/chrb-crackdown-before-64-anniversary-50-people-detained-disappeared-or-summoned-523-5292014/>.

<sup>59</sup> The full title of the judicial interpretation is “Supreme People’s Court and Supreme People’s Procuratorate Interpretation on Several Issues Regarding the Applicable Law in Cases of Using Information Networks to Commit Defamation and Other Such Crimes,” September 8, 2013, <http://chinalawtranslate.com/en/spc-and-spp-interpretation-on-internet-speech-crimes/>.

<sup>60</sup> CHRD, Prisoner of Conscience – Dong Rubin, <http://www.chrdnet.com/2014/08/prisoner-of-conscience-dong-rubin/>.

<sup>61</sup> Reuters, “China jails reporter for defaming state-controlled construction firm Zoomlion,” October 17, 2014, <http://www.reuters.com/article/2014/10/17/china-reporter-idUSL3N0SC1LM20141017>; CHRD, *China Human Rights Briefing January 31-February 6, 2014*, <http://chrdnet.com/2014/02/chrb-guizhou-activist-disappeared-police-role-suspected-in-suicide-of-activists-father-131-262014/>; CHRB, *China Human Rights Briefing October 17-23, 2013*,

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<http://www.chrdnet.com/2013/10/chrb-cao-shunlis-detention-confirmed-crackdown-expands-as-china-touts-achievements-at-un-review-1017-23-2013/>.

<sup>62</sup> *The New York Times*, “China Moves to Rein In Messaging for Mobile,” August 7, 2014, <http://www.nytimes.com/2014/08/08/world/asia/china-cracks-down-on-popular-mobile-messaging-services.html?ref=world&r=0>.

<sup>63</sup> CHRD, *China Human Rights Briefing June 6-12, 2014*, <http://chrdnet.com/2014/07/chrb-curtailling-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/>.

<sup>64</sup> Prominent cases of lawyers that faced prosecution include: Zheng Enchong in 2003, in what is considered one of the first case of criminal prosecution of a lawyer, Gao Zhisheng in 2006, Li Zhuang in 2009, Wang Yonghang in 2009, and Yang Zaixin in 2011. *The South China Morning Post*, “Land-row lawyer to go on trial tomorrow,” August 27, 2003, <http://www.scmp.com/article/426042/land-row-lawyer-go-trial-tomorrow>; CHRD, Prisoner of Conscience – Gao Zhisheng, <http://chrdnet.com/2011/02/prisoner-of-conscience-gao-zhisheng/>; *The New York Times*, “Trial in China Tests Limits of Legal System Reform,” April 19, 2011, [http://www.nytimes.com/2011/04/20/world/asia/20china.html?\\_r=2](http://www.nytimes.com/2011/04/20/world/asia/20china.html?_r=2); CHRD, Prisoner of Conscience – Wang Yonghang, <http://chrdnet.com/2011/05/prisoner-of-conscience-wang-yonghang/>; CHRD, *China Human Rights Briefing June 29-July 6, 2011*, <http://www.chrdnet.com/2011/07/china-human-rights-briefing-june-29-july-6-2011/>.

<sup>65</sup> CHRD, *China Human Rights Briefing April 18-24, 2014*, <http://chrdnet.com/2014/04/chrb-sentences-trials-arrests-in-ongoing-crackdown-a-chrd-guide-418-4242014/>.

<sup>66</sup> CHRD, Prisoner of Conscience – Wang Yonghang, <http://chrdnet.com/2011/05/prisoner-of-conscience-wang-yonghang/>.

<sup>67</sup> CHRD, Prisoner of Conscience – Xu Zhiyong, <http://chrdnet.com/2013/10/prisoner-of-conscience-xu-zhiyong/>.

<sup>68</sup> CHRD, Prisoner of Conscience – Pu Zhiqiang, <http://www.chrdnet.com/2014/06/prisoner-of-conscience-pu-zhiqiang/>. As of the time of this report, Pu was facing at least 16 years in prison if convicted on four criminal charges: inciting separatism (Criminal Law, Article 103) – 5 years; inciting ethnic hatred (Article 250) – 3 years; illegally obtaining personal information (Article 253a) – 3 years; and creating a disturbance (Article 293) – 5 years.

<sup>69</sup> CHRD, *Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre*, <http://www.chrdnet.com/2014/05/individuals-affected-by-government-crackdown-around-25th-anniversary-of-tiananmen-massacre/>.

<sup>70</sup> “CHRD, *Individuals Detained in Mainland China for Supporting Hong Kong Pro-Democracy Protests*, <http://www.chrdnet.com/2014/10/individuals-detained-in-mainland-china-for-supporting-hong-kong-pro-democracy-protests/>; CHRD, Prisoner of Conscience – Xia Lin, <http://chrdnet.com/2015/02/prisoner-of-conscience-xia-lin/>.”

<sup>71</sup> CHRD, *China Human Rights Briefing April 11-17, 2014*, <http://www.chrdnet.com/2014/04/chrb-lawyer-detained-for-driving-car-with-anti-corruption-slogans-upon-arriving-at-ding-jiaxis-trial-411-4172014/>.

<sup>72</sup> CHRD, “China Has Obligation to End Violence Against Lawyers,” April 3, 2014, <http://www.chrdnet.com/2014/04/china-has-obligation-to-end-violence-against-lawyers/>.

<sup>73</sup> CHRD, *China Human Rights Briefing March 28-April 3, 2014*, <http://www.chrdnet.com/2014/04/chrb-328-432014-two-dozen-detained-over-black-jail-case-former-rtl-abuse-victim-under-criminal-detention/>.

<sup>74</sup> CHRD, *China Human Rights Briefing December 4-11, 2014*, <http://www.chrdnet.com/2014/12/chrb-activists-trials-possible-during-holidays-proposed-amendments-to-chinas-criminal-law-124-112014/>.

<sup>75</sup> RDN, “Rights Lawyer Zhang Keke Taken Away and Interrogated by State Security on Orders of Presiding Judge for Defending Suspect” (维权律师张科科为当事人辩护被审判长命国保当庭带走非法盘问), December 11, 2014, [http://wqw2010.blogspot.se/2014/12/blog-post\\_52.html](http://wqw2010.blogspot.se/2014/12/blog-post_52.html).

<sup>76</sup> CHRD, *China Human Rights Briefing August 7-14, 2014*, <http://www.chrdnet.com/2014/08/chrb-details-of-torture-emerge-official-order-blocks-detainees-access-to-lawyers-87-142014/>.

<sup>77</sup> RDN, “Lawyer Liu Shiqing Meeting Notes With Li Yufeng: Li Yufeng Tortured to Coerce Confession” (刘书庆律师会见李玉凤备忘录 II——李玉凤被刑讯逼供), February 5, 2015, [http://wqw2010.blogspot.se/2015/02/blog-post\\_14.html](http://wqw2010.blogspot.se/2015/02/blog-post_14.html); “Lawyer Sui Muqing: Meeting with Poet Wang Zang (Wang Yuwen), Unsuccessful in Meeting with Li Lei” (隋牧青律师: 会见诗人王藏 (王玉文)、李磊未果的情况通报), October 24, 2014, RDN, [http://wqw2010.blogspot.se/2014/10/blog-post\\_396.html](http://wqw2010.blogspot.se/2014/10/blog-post_396.html); “Lawyer Liu Zhengqing Breaks Through Barrier and Finally Meets with Tang Jingling” (代理律师刘正清排除障碍终于得以会见唐荆陵), June 4, 2014, RDN, [http://wqw2010.blogspot.se/2014/06/blog-post\\_8088.html](http://wqw2010.blogspot.se/2014/06/blog-post_8088.html); “Lawyer Sui Muqing: We Demand our Rights as Citizens – Notes of Difficulty from Court in Trying to Meet Lawyer Ding Jiaxi for the First Time” (隋牧青: 我们要做公民——首次会见丁家喜律师的周折及法院遭遇侧记), March 1, 2014, RDN, [http://wqw2010.blogspot.se/2014/03/blog-post\\_8312.html](http://wqw2010.blogspot.se/2014/03/blog-post_8312.html).

<sup>78</sup> CHRD, “CHRD Letter to UN Legal Expert Regarding Deprivation of Detainees’ Right to Legal Counsel – August 2014,” <http://www.chrdnet.com/2014/09/chrd-letter-un-expert-regarding-deprivation-of-detainees-right-to-legal-counsel-august2014/>.

<sup>79</sup> CHRD, *China Human Rights Briefing August 22-28, 2014*, <http://www.chrdnet.com/2014/08/chrb-hundreds-face-harassment-around-youth-olympics-in-nanjing-21-buddhists-detained-in-guangdong-822-282014/>; CHRD, *China Human Rights Briefing May 23-30, 2014*, <http://www.chrdnet.com/2014/05/chrb-crackdown-before-64-anniversary-50-people-detained-disappeared-or-summoned-523-5292014/>.

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<sup>81</sup> HRCC, “Petitioners In Beijing Support Rights Lawyer Cheng Hai, But Authorities Terrorize and Seize Them” (在京访民声援人权律师程海, 当局实施恐怖主义抓人), September 5, 2014, [http://www.hrcchina.org/2014/09/blog-post\\_77.html](http://www.hrcchina.org/2014/09/blog-post_77.html); CHRD, *China Human Rights Briefing September 5-11, 2014*, <http://www.chrdnet.com/2014/09/chrb-rights-campaigners-detained-in-guangzhou-activist-zhang-lin-sentenced-to-3%C2%BD-years-95-11-2014/>.

<sup>82</sup> Radio Free Asia, “China Human Rights Lawyers Group Holds One Year Anniversary and Membership Grows to 225 People” (中国人权律师团成立一周年成员增至 225 人), September 13, 2014, <http://www.rfa.org/mandarin/yataibaodao/renquanfazhi/ql2-09132014120710.html>.

<sup>83</sup> RDN, “Joint Signatures of Mainland Legal Community to “Legal Opinion on Article 35 of the Ninth (Draft) Amendments to the Criminal Law” Reaches 468 People” (大陆法律人就《刑法修正案(9)》草案第 35 条修改内容的法律意见联署已达到 468 人), November 22, 2014, [http://wqw2010.blogspot.se/2014/11/935468\\_13.html](http://wqw2010.blogspot.se/2014/11/935468_13.html).

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<sup>85</sup> CHRD, Cao Shunli & Her Legacy, <http://chrdnet.com/2014/04/prisoner-of-conscience-cao-shunli/>.

<sup>86</sup> CHRD, *China Human Rights Briefing March 21-27, 2014*, <http://chrdnet.com/2014/03/chrb-tibetan-dies-from-torture-suffered-in-prison-lawyers-detained-for-exposing-black-jail-321-3272014/>.

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<sup>89</sup> Committee to Protect Journalists, “In China, mainstream media as well as dissidents under increasing pressure,” December 17, 2014, <https://cpj.org/blog/2014/12/China-mainstream-media-as-well-as-dissidents-under-incre.php#more>.

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<sup>94</sup> Al Jazeera, "China bans Ramadan fasting in Muslim province," July 3, 2014, <http://www.aljazeera.com/news/asia-pacific/2014/07/china-bans-ramadan-fasting-muslim-province-20147371648541558.html>.

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<sup>101</sup> CHRD, *China Human Rights Briefing July 4-10, 2014*, <http://chrdnet.com/2014/07/chrb-curtailling-church-based-rights-activism-authorities-sentence-christian-pastor-to-12-years-in-prison-july-4-7-2014/>.

<sup>102</sup> CHRD, *China Human Rights Briefing August 22-28, 2014*, <http://chrdnet.com/2014/08/chrb-hundreds-face-harassment-around-youth-olympics-in-nanjing-21-buddhists-detained-in-guangdong-822-282014/>.