



Tang Jingling



Xia Lin



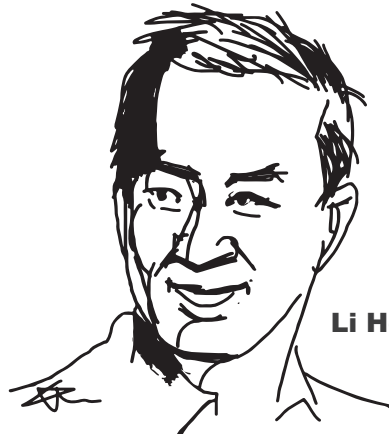
Wang Yu



Pu Zhiqiang



Shu Xiangxin



Li Heping



Zhou Shifeng



Liu Sixin



Tu Fu



Hu Shigen



Li Shuyun

“Too Risky to Call Ourselves Defenders”

CHRD Annual Report on the Situation of Human Rights Defenders in China (2015)

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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: The human rights defenders depicted on the front of this report all were deprived of their liberty in 2015, including many seized in coordinated police operations in July that targeted human rights lawyers. (Images: courtesy of Chinese artist)

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I

Overview

In 2015, Chinese authorities' persecution of human rights defenders followed a trajectory of increasing severity and prevalence, which has become a hallmark of President Xi Jinping's three-year leadership. Authorities escalated the relentless assaults on fundamental liberties, further tightened the stranglehold on expression, reduced the already contracted space for civil society, and utilized hardnosed methods to rein in human rights defenders (HRDs). During the year, government authorities targeted HRDs who have tried to use available channels to seek justice and push for implementation of the country's constitutional and international commitments to protect human rights. Officials particularly focused on human rights lawyers, who put themselves at risk in defending the legal rights of persecuted rights activists, political dissidents, and ethnic and religious minorities.

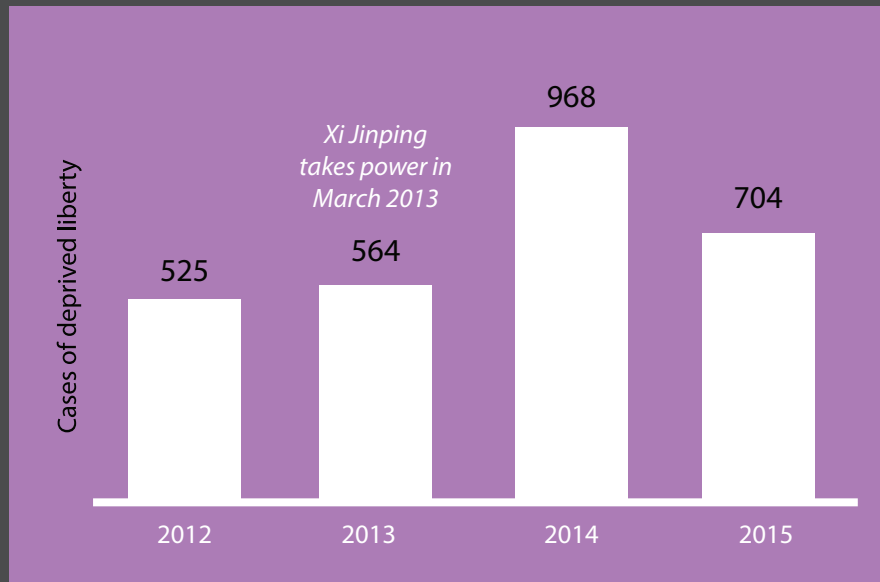
Prompting alarmed reactions and criticism from inside and outside the country, the Xi leadership pushed for draconian laws to legitimize the escalating persecution of HRDs, including rights lawyers, as well as anyone perceived as challenging Xi's policies. Examples of these laws include the National Security Law passed in July and the Ninth Amendment to the Criminal Law issued in August, which have already been used by authorities to punish the exercise of basic liberties.¹

In an example that demonstrates the government's hostility towards international human rights mechanisms and rights defenders in general, China rejected an historic resolution voted on in November in the UN General Assembly that recognized the role of HRDs and the need for their protection.² China was one of 14 UN Member States that voted against the resolution after it failed to use its political might to quell it entirely.

2015 will go down in history as the year that Chinese authorities launched an unprecedented attack on the country's human rights lawyers.³ Beginning in July, in coordinated nationwide operations, police summoned more than 300 lawyers and activists for interrogation and put many under secret detention, including some in "residential surveillance in a designated location," a de facto type of enforced disappearance. For months, authorities deprived the detainees access to legal counsel and refused to inform families of their whereabouts. At the time of this report's publication, 22 lawyers and activists remain in custody from this crackdown; 19 of these have been formally arrested, including 16 in January 2016. Of the 19 arrested, all but three face charges of "subversion" or "inciting subversion of state power." These individuals are all being punished for seeking justice—boldly challenging the CCP-ruled government's interference in the judiciary, standing up for clients' rights, and refusing to yield to state pressure. In addition,

HRDs Still Detained in Large Numbers Under Xi Jinping

HRDs continued to be deprived of liberty in large numbers in 2015, though documented cases were fewer than 2014. The drop was likely due to less access to information about detentions than in past years.



(Source: CHRD, Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China, Partial data 01/01/2012 to 12/31/2015)

throughout the year, rights lawyers continued to be subjected to violent beatings while carrying out their professional work in defending their clients. CHRD documented eight incidents of violence (against 13 defense lawyers) between January and June 2015.⁴

In this ninth annual report on the situation of HRDs in China, CHRD provides a recap and analyses of developments during 2015 related to three basic rights that are requisites for anyone striving to defend and promote human rights: the rights to freedom of association, peaceful assembly, and expression. Given that HRDs have continued to be subjected to torture as a major form of reprisal, and that a UN treaty body, the Committee against Torture, reviewed China in 2015, this report also devotes a section on

the prevalence of torture and the problem of impunity for torturers.

From events that took place during the year, it is clear that China's laws and practices in these four areas continue to contravene its own Constitution (Art. 35) and international standards, such as those enshrined in the Universal Declaration on Human Rights (Arts. 20, 19, and 5), the International Covenant on Civil and Civil and Political Rights (Arts. 22, 21, 19, and 7), and multiple resolutions and norms related to the right to freedom of association, assembly, and expression, as well as the right to not be subjected to torture.⁵

Freedom of Association

Authorities launched an unprecedented crackdown in July on China's rights lawyers, in part to try to break up the increasingly influential "China Human Rights Lawyers Group" (中国人权律师团).⁶ Authorities also blocked HRDs from traveling to UN human rights activities and retaliated against them for associating with the international human rights community. In May, the National People's Congress introduced the draft Overseas NGO Management Law, which, if enacted as is, would give police broad powers to monitor foreign-based groups in China, place limits on the activities of those organizations, and restrict how they can support and cooperate with independent Chinese NGOs.⁷ Key provisions of the draft would cut off "unapproved" overseas funding sources for independent Chinese groups, which already face harassment and funding shortages due to government regulations.

"The 709 crackdown is a top-level plan straight from the central government. Officials are afraid that lawyers will pursue justice and expose the truth about their illegality, which would wake people up."

Chinese human rights lawyer

Freedom of Peaceful Assembly

The Chinese government exerted greater control in 2015 over the remaining public space for HRDs to peacefully assemble or demonstrate. As part of government efforts to criminalize assemblies in public space, legislators passed an amendment to the Criminal Law meant to punish those who "organize" or "fund" public gatherings (Criminal Law, Article 290). While thousands of demonstrations continue to take place spontaneously in China, HRDs are categorically denied permission to hold public rallies, and many face reprisals for participating in or organizing peaceful protests.⁸ Dozens of HRDs were detained, put on trial, or imprisoned during 2015 for exercising their freedom of peaceful assembly.

Freedom of Expression

The government further diminished the space for free expression. The Xi leadership appears to have adopted a zero-tolerance strategy to rein in political expression, speech critical of government policies, and information-sharing about human rights. One manifestation of this approach in 2015 was the intensified criminalization of speech, in law and practice, of HRDs who promote and advocate for human rights through disseminating information exposing abuses and engaging in public discussions. Under the pretext of “anti-terrorism” efforts and “protecting national security,” China introduced the draft National Cyber Security Law in July.⁹ Throughout the year, the government detained, put on trial, and imprisoned prominent journalists, cyber commentators, citizen reporters, and rights lawyers for free expression or information-sharing. Amendments to the Criminal Law that went into effect on November 1, 2015, codify the criminalization of lawyers’ speech during trials, penalizing “disrupting courtroom order” and giving authorities broad powers to punish lawyers’ speech in court as “insulting,” “threatening,” or “disruptive.”¹⁰

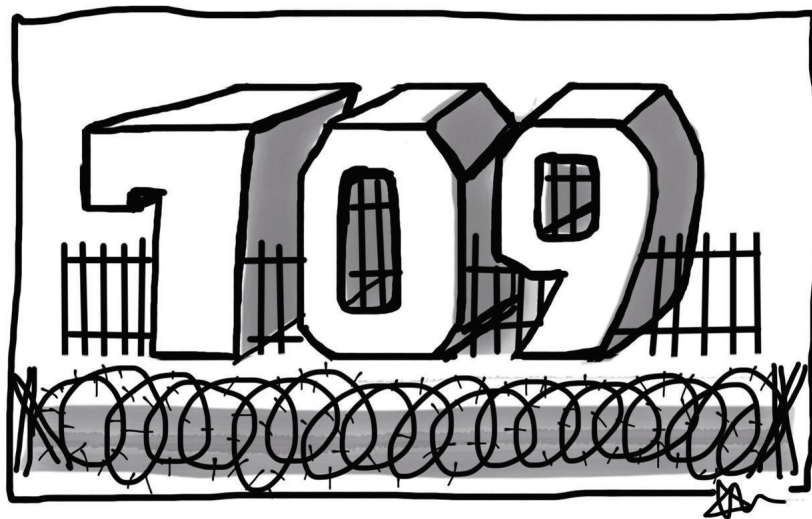
Torture and other forms of mistreatment

Torture and ill-treatment or cruel punishment in China remain rampant and worrisome. Authorities have continued to use many forms of torture against HRDs, including violent assault, deprivation of proper medical treatment, solitary confinement, deprivation of food or outdoor time, and extended shackling of hands and legs for suspects of non-violent crimes, among many others. In 2015, the UN Committee against Torture (CAT) reviewed China’s implementation of its treaty obligations under the Torture Convention.¹¹ However, police have largely ignored this treaty as well as newly amended laws. The persistent use of torture is, in part, a consequence of the impunity enjoyed by torturers, including police and other state agents. Accused torturers rarely face investigation, and those who have been investigated are seldom prosecuted. Victims of torture who file complaints or seek state compensation have encountered insurmountable hurdles and retaliation.

To place the situation of HRDs in 2015 in perspective, this report presents some statistical information on the persecution of HRDs. The data is based on cases documented by at-risk groups and activists inside China and is limited, due to governmental non-transparency and suppression of the free flow of information.¹² Hence, the numbers below are not inclusive of all cases of suppression of HRDs across the country:

- Authorities extensively resorted to criminal detention and “enforced disappearance” as major tools of retaliation against HRDs,

detained on suspicion of “political” crimes, including “subversion of state power” and “inciting subversion of state power,” which fall under the category of “endangering state security” offenses. Twenty-two HRDs were detained for “inciting subversion” in 2015—matching the recorded total for the three previous years combined (four in 2014, 10 in 2013, and eight in 2012). CHRD documented 11 cases of HRDs arrested on suspicion of “subversion” in January 2016 alone, a number surpassing the documented number from 2012-2014 combined; detentions/



An unprecedented attack on China’s human rights lawyers affected more than 300 individuals.

including rights lawyers. Among those lawyers and activists seized in the July police operations, 26 were either criminally detained or put under “residential surveillance” in police-designated locations for six months or longer without having access to their lawyers, and authorities did not inform their families of their whereabouts.

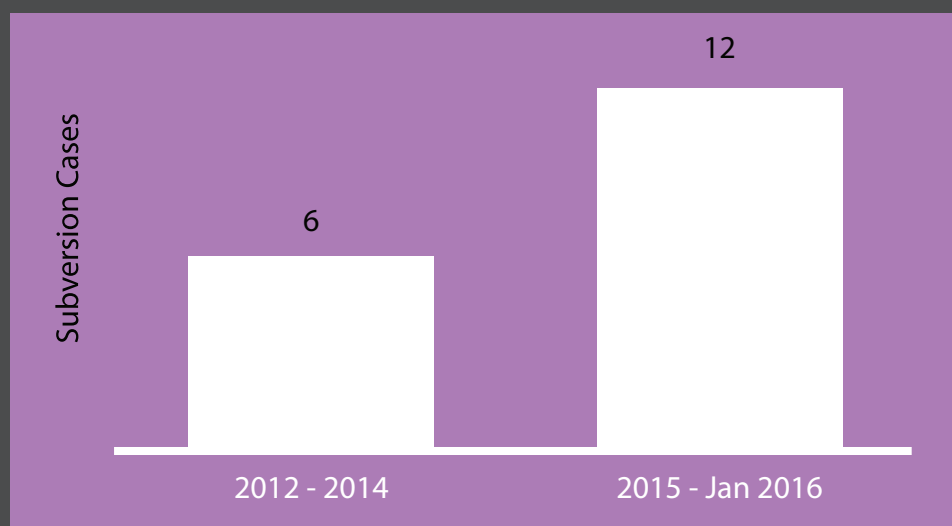
- Compared to data available for the previous three years, our documentation shows that there were more cases in 2015 of HRDs

arrests for “subversion” in those years were: two in 2012, three in 2013, and one in 2014.

- More than 700 HRDs were arbitrarily detained for at least five days in 2015—deprived of their liberty of movement in retaliation for their exercise or advocacy for human rights. This number is smaller than the 952 cases that CHRD documented in 2014, and one reason for this is likely because access to information on detentions in 2015 was more limited than in past years.

Spike in “Subversion of State Power” Cases Against HRDs

From the start of 2015 thru January 2016, CHRD recorded 11 cases of HRDs facing “subversion” charges – almost double the combined total from 2012-2014, and a strong indicator of greater suppression of civil society.



(Source: CHRD, Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China, Partial data 01/01/2012 to 12/31/2015)

Still, several developments point to an overall escalation of persecution against HRDs in 2015: longer average detention times, especially taking into consideration cases involving excessively prolonged pre-trial detention; and the severity of the criminal charges against HRDs (i.e., the increased use of “political” crimes that carry potentially heavier punishments).

- More than 100 HRDs spent part or all of 2015 under prolonged pre-trial detention, where police stretched the law to hold these HRDs beyond legally permitted periods of time, or simply held them with no legal basis. As of the release of this report, some of these HRDs remain in detention without a trial or still await verdicts, while others have

been released or convicted and imprisoned. In some cases, detainees have been held for more than two-and-a-half years, which means that they have been punished and deprived of their liberty for a significant period of time without any judicial review.

In releasing this report, CHRD urges the Chinese government to:

- End criminal prosecution of and release all human rights defenders (HRDs);
- Fulfill its commitment to protect human rights as bound by all international human rights treaties that China has signed or ratified, and by the Chinese Constitution;
- Cease politicizing challenges to unlawful state practices as well as efforts to promote human rights, and eliminate barriers to access to justice for HRDs;
- End the prevalent practice of unreasonably prolonged pre-trial detention;
- Repeal Article 73 of the Criminal Procedure Law allowing for “residential surveillance” in locations designated by police, and put an end to “enforced disappearances”;
- Guarantee detainees’ access to legal counsel notify families of their whereabouts in a timely fashion;
- End violence against lawyers, including human rights lawyers; and
- End harassment of and reprisals against citizens who seek to engage in UN human rights activities.

II

Government Offensives Target Freedom of Association

During 2015, the Xi government significantly reduced the space for independent civil society groups and targeted self-organized human rights lawyers in an ongoing crackdown. Authorities also obstructed human rights defenders from traveling to UN human rights activities and retaliated against them for associating with the international human rights community. In addition, the government drafted or passed legislation that likely will further limit the development of civil society in China, and place new restrictions on international non-profit organizations associating with local non-government organizations (NGOs).

Draft Overseas NGO Management Law & Other Laws Smother Civil Society

In May 2015, the National People's Congress opened the draft Overseas NGO Management Law for public comment.¹³ Many of the law's provisions will place new restrictions on overseas non-profit groups and mainland organizations. This draft law, if enacted as is, would give China's public security organs authority over the registration and management of overseas non-profits operating or wishing to operate in China. It would also seriously jeopardize the survival of

independent Chinese NGOs, which already face harassment and severe funding shortages due to draconian government regulations.¹⁴ Given the domestic regulations restricting the registration, activities, and fundraising of Chinese NGOs, these groups are forced to rely on financial support from abroad. Over the past few years, official measures have made it increasingly more difficult for these groups to obtain international funding. The Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association highlights that access to funding is an integral part of freedom of association.¹⁵

The draft law bans Chinese NGOs from receiving any funding from unregistered overseas NGOs, and also from conducting "activities" on behalf of (or with the authorization of) overseas NGOs that have not registered representative offices with the police or received a temporary "activity" permit issued from police (Article 38). The draft law's broad definition of "overseas NGO" encompasses all international non-profits, including schools, hospitals, churches, charities, and sports clubs (Article 1). Overseas NGOs that have not registered or obtained temporary activity approvals may not conduct activities in China (Article 6). The draft also restricts overseas NGOs from hiring personnel or recruiting volunteers, and stipulates that

The “Five Feminists” were detained in March just prior to an anti-sexual harassment activity set to coincide with International Women’s Day



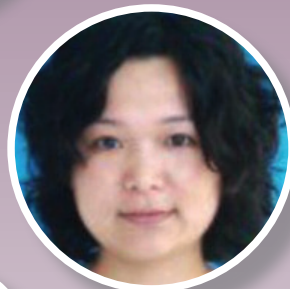
Li Tingting
(李婷婷)



Wei Tingting
(韦婷婷)



Zheng Churen
(郑楚然)



Wu Rongrong
(武嵘嵘)



Wang Man
(王曼)

Chinese government-entrusted units are to handle these affairs (Article 32).

The draft law also prohibits registered overseas NGOs from engaging in or funding for-profit organizations (Article 5), which would cut off funding for non-profit Chinese groups that have been forced to register as businesses or for-profit firms. The process to register as a domestic non-profit organization requires most Chinese groups to obtain sponsorship from a government entity. In order to maintain their independence, some Chinese organizations have not met the requirement for official sponsorship, or have not wanted to subject themselves to the “guiding” hand of the government. Such groups, including the HIV/AIDS education organization Beijing Aizhixing Institute, as well as Open Constitution Initiative (Gong Meng), the Transition Institute, and Beijing Yirenping Center, have had no choice but to register as for-profit entities.

At the same time, Chinese authorities have issued or drafted other new or revised laws that have far-reaching consequences for civil society and the freedom of association. The government passed the National Security Law in July 2015, which expands the scope of the definition of national security and legitimizes infringements on not only freedom of association, but also freedom of assembly and expression.¹⁶ In December 2015, authorities passed the Counter-Terrorism Law, which also contains provisions that could be used to further monitor, censor, and criminalize the work of NGOs and human rights advocates.¹⁷ In March, an NPC spokesperson said the Overseas NGO Management Law was needed “for safeguarding national security and maintaining social stability,” indicating that Chinese authorities believe that both overseas and domestic NGOs pose threats to China’s national security.¹⁸ In the past, Chinese authorities have already targeted

certain domestic NGOs and their leaders, but this law would provide additional legal justification for targeting independent, outspoken domestic and international groups and for subjecting their leaders to persecution.

Shrinking Space for Rights Advocacy Groups

During the year, Chinese authorities took steps to drastically reduce the space for independent groups to function in China, including those that promote the rights of, or provide services to, marginalized and disadvantaged social groups such as women, LGBT individuals, persons with disabilities, and migrant workers. Several NGOs and their staff working in these areas became targets of the ongoing clampdown on civil society. In the past, those NGOs had been able to conduct their activities in restricted public space—unlike their counterparts working on civil or political rights, who have almost never enjoyed government tolerance to operate.

In March, five female activists associated with NGOs focusing on women's rights and LGBT issues were criminally detained just as they prepared to launch a public campaign against sexual harassment timed with International Women's Day.¹⁹ The detention of the "Five Feminists," as they became known, marked a new level of government intolerance for NGOs; state media had previously lauded some of these women for their advocacy work promoting women's rights and health rights. The activists were let go after a few weeks in custody—on "bail awaiting trial"—but the criminal charges against them were not dropped, and they continued to face numerous restrictions and could potentially be detained again at any time. Police also forced the closure of the Weizhiming Women's Center in Hangzhou in June, with which several of the female activists were affiliated.

Activists **Guo Bin** (郭斌) and **Yang Zhanqing** (杨占青), both one-time directors of the Zhengzhou branch of the health rights and anti-discrimination organization Beijing Yirenping, were accused of "illegal business activity" and spent 30 days in police custody beginning in June.²⁰

In March, Beijing Yirenping, which had long been harassed by the government, was raided and forced to cancel its public events and then, in April, to permanently close its offices due to pressure and threats. The organization later

"President Xi should at least keep his government's promises on women's rights and, especially, keeping his hands off women's rights NGOs."

Chinese women's rights activist

reported that former employees and volunteers had been stopped at the border and prevented from traveling abroad. The Ministry of Foreign Affairs accused the group of unnamed legal violations, and police scrutinized the finances of affiliated NGOs, probing into what police suspected were their sources of foreign funding.

Authorities also accused the staff of other NGOs of violating financial or tax laws, including staff at the Transition Institute, and independent think tank. In late 2014, police took into custody

Guo Yushan (郭玉闪), the founder and co-director of the Institute, and **He Zhengjun** (何正军), the managing director, questioning them about the NGO's funding sources.²¹ They were ultimately arrested on suspicion of "illegal business activity" in January 2015. Though Guo and He were released in September on "bail awaiting trial," the criminal accusation will hang over their heads for a year. Authorities also detained other staff from the Transition Institute for various periods of time, including **Huang Kaiping** (黄凯平). Officials released Huang in January 2015 after holding him incommunicado for 110 days, prompting concerns of torture.²²

Toward the end of the year, police detained staff at labor rights NGOs that advocate for rights protection of migrant workers and labor organizing.²³ In December, Guangdong authorities targeted two labor rights NGOs, Panyu Workers Center and the Nanfeiyang Social Worker Center, and more than 20 staff members were taken into custody. Authorities released most of the individuals but formally arrested four in January 2016: **He Xiaobo** (何晓波), **Meng Han** (孟晗), **Zeng Feiyang** (曾飞洋), and **Zhu Xiaomei** (朱小梅) (Zhu was released on bail in February 2016). Officials also detained and later released on "bail awaiting further investigation" two staff members from other labor rights groups, **Deng Xiaoming** (邓小明) and **Peng Jiayong** (彭家勇). State media aired police accusations against some of the labor rights advocates for "accepting

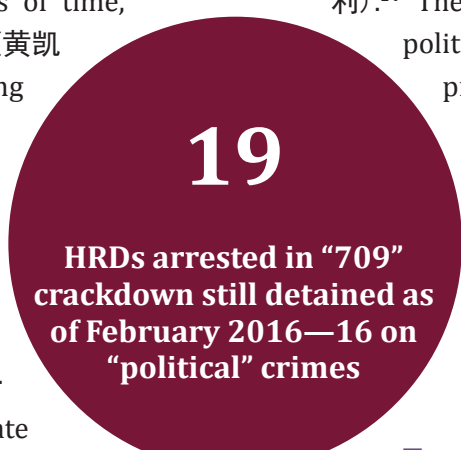
financial support from overseas organizations" and "inciting workers to gather a crowd and provoke troubles."

In addition, over the past year, police formally arrested, forcibly disappeared, or criminally detained more than 10 members of the group "Human Rights Watch in China" (also known as the "Rose Team"), including **Qin Yongmin** (秦永敏) and his wife, **Zhao Suli** (赵素利).²⁴ The group advocates for democratic political reforms and improved rights protections. In January 2016, **Guo Jianmei** (郭建梅), a women's rights lawyer, reported that authorities ordered her, without giving a reason, to close down the women's legal aid group Beijing Zhongze Women's Legal Counseling and Service Center.

Targeting Self-Organized Human Rights Lawyers

Authorities launched a major assault on China's rights lawyers in an attempt to stifle the increasingly influential "China Human Rights Lawyers Group," a loose circle of lawyers who have jointly issued public statements on rule-of-law reform, defended their independence, and supported persecuted fellow lawyers. The government apparently views the self-organization of lawyers—outside the government-run "lawyer's associations"—as a major threat to the Chinese Communist Party-controlled legal system.

The year 2015 will be remembered for the massive, nationwide police operations, starting in early July (known as the "709" crackdown),



Four from the “709” crackdown arrested for “subversion of state power” on January 8, 2016



Lawyer Zhou Shifeng
(周世锋)



Lawyer Li Heping
(李和平)



Lawyer Wang Yu
(王宇)



Zhao Wei (赵威)
[an aide to lawyer Li]

which led to more than 300 individuals being interrogated, warned, or secretly detained, and several law firms raided.²⁵ Some of the detained lawyers were subsequently paraded on Chinese state television (CCTV), where they were denounced and humiliated in a smear campaign intended to discredit them. The principal targets were the Beijing Fengrui Law Firm, which has on staff several of the detained prominent rights lawyers, including female lawyer **Wang Yu** (王宇) and **Wang Quanzhang** (王全璋), and the Beijing Globe-Law Law Firm, which employed the lawyer **Li Heping** (李和平) and his aides **Zhao Wei** (赵威) and **Gao Yue** (高月), all of whom were detained.²⁶

Authorities apparently blame those two law firms for the self-organization efforts or the activities of the “China Human Rights Lawyers

Group,” and are criminalizing their suspected ties to international human rights groups. Police interrogations of the lawyers and court documents related to the cases of those now facing trial seem to zero in on the suspected key roles these firms played in organizing the lawyers’ network, their funding sources, and their ties to overseas organizations. For instance, lawyer **Wang Quanzhang** was publically accused on CCTV of having an affiliation with the China Urgent Action Working Group, whose director, Peter Dahlin, a Swedish national, was detained in January 2016 on suspicion of “funding criminal activities harmful to China’s national security” before being deported.²⁷ **Gao Yue**, an aide to lawyer Li Heping, was a staff member of the international NGO The Rights Practice.²⁸ These cases against rights lawyers and the targeting of foreign NGOs may be but a prelude to the future

environment if central lawmakers pass the Overseas NGO Management Law in its current draft form.

Reprisals Against HRDs & Their Families: “Collective Punishment”

As in years past, Chinese authorities obstructed Chinese citizens from participating in UN human rights activities or learning firsthand about UN human rights mechanisms. Authorities stopped HRDs from traveling, or threatened or pressured them to give up their plans to travel to attend the UN Committee against Torture’s (CAT) review of China and other overseas human rights training programs.²⁹ Several NGO professionals also were blocked from going to international human rights trainings outside China. Police briefly detained one of these activists for questioning and also raided his residence and confiscated possessions, including his passport and electronic devices.³⁰ A few human rights lawyers were unable to attend the CAT review in Geneva in November after being threatened with “serious consequences” by national security officers. Such intimidation tactics typically include “suspending a lawyer’s license,” threatening the “safety of family members,” or detention.

In more than 30 documented cases between July 2015 and the end of January 2016, Chinese authorities penalized human rights lawyers,

rights defenders, and their family members, including children, by banning them from traveling abroad.³¹ Typically, when authorities impose “collective punishment” related to travel, officials refuse to issue passports, as was the

case with the 21-year-old son of rights lawyer **Liu Xiaoyuan** (刘晓原);

Liu’s son had intended to begin graduate school overseas in the fall but could not because officials would not give him a passport. In October, police took into custody the teenage son of detained lawyers

Wang Yu and **Bao Longjun** (包龙军) after authorities

brought him back from Myanmar, where the youth had fled after having been abducted with his father by

authorities at the Beijing airport while on his way to Australia to study.³² Authorities placed the teenager under unlawful de facto house arrest and confiscated his passport.

The activists **Xing Qingxian** (幸清贤) and **Tang Zhishun** (唐志顺), who tried to free

the young man from his unlawful captivity and help him leave China,

were also picked up in Myanmar, sent back to China, and detained.³³ Authorities continue to keep them in incommunicado detention at the time of this report’s release.

120+

Lawyers petitioned National People’s Congress in February to repeal annual license review system

13

Human rights lawyers physically attacked in the course of defending their clients in 2015

III

HRDs Face Harsh Persecution in Shrinking Space for Peaceful Assembly

In 2015, the Xi Jinping leadership accelerated the drive to assert greater control over the remaining public space for human rights defenders to peacefully assemble, demonstrate against rights violations, and engage in public discussions on issues concerning rights protections.

As part of the Xi government's efforts to tighten its control through tough legislation, authorities passed an amendment to the Criminal Law (CL) to further suppress freedom of peaceful assembly by targeting those who "organize" or "provide funding" for public gatherings (CL, Article 290). With this amendment in place, individuals who "repeatedly organize or fund others" to gather several times in "serious circumstances" can be imprisoned for up to three years. They would face charges for offenses of "disrupting" "public" or "social" order, which authorities have frequently applied when detaining or prosecuting HRDs exercising their free assembly rights. The amendment may also lead to the prosecution of those "behind the scenes" who "organize" or "fund" a gathering but are not themselves present.

While thousands of demonstrations continue

to take place in China's cities, rural townships, and industrial zones in 2015, most were broken up by police, who sometimes used force or detained the organizers.³⁴ Police or other state agents consistently harassed, manhandled, beat, or detained citizens who gathered in front of government offices to file petitions for personal grievances, or near courthouses to demand their lawful right to attend trials. HRDs are categorically denied permission to hold public rallies when they file applications with the police.

In a case symbolic of the rapidly shrinking space in 2015 for HRDs to advocate for better rights protections through peaceful demonstration, activist **Wu Gan** (吴淦) (known widely in China as "The Butcher," **Tu Fu**, 屠夫)³⁵ was taken into custody when he staged a one-man protest in May. He called his performance protest "selling my body to raise funds," with the aim to support harassed lawyers working on a death penalty case involving detainees who alleged they had been tortured to confess. The state media outlet Xinhua tried to vilify the 42-year-old Wu and his unconventional advocacy campaigns,³⁶ which combine spirited online speech, humor, and street performance. Official media rebuked him for criticizing local officials in Heilongjiang Province, where a policeman shot and killed

a petitioner inside a train station in early May. Wu and others had demonstrated to challenge the government's reportedly inadequate investigation of the killing. Wu was formally arrested in late June, accused of "libel," "picking quarrels and provoking troubles," and "inciting subversion"; authorities added the "incitement" charge to the other two offenses that he was accused of previously in May. Police have denied Wu's lawyer's requests for meetings with Wu, citing the "endangering state security" charge and the possibility that Wu would "leak state secrets" during such a visit. In January 2016, police re-started the period of investigation into his case, claiming that new evidence against him had been uncovered.

In 2015, several HRDs were convicted and sentenced to prison after being detained in early 2013 in the first crackdown on civil society under President Xi Jinping.³⁷ That crackdown targeted³⁸ HRDs who peacefully rallied in support of press freedom and anti-corruption measures, including activists **Yang Maodong** (杨茂东)³⁹, who is also known by his pen name, **Guo Feixiong** (郭飞雄), and **Sun Desheng** (孙德胜).⁴⁰ In November 2015, authorities convicted the two of "gathering a crowd to disrupt order of a public place" as "ringleaders" of the demonstrations in front of the *Southern Weekly* headquarters in Guangzhou in January 2013, at which activists demanded the government stop interfering with the press. In Guo's case, on the day of his sentencing, authorities suddenly added a second charge—"picking quarrels and

provoking troubles"—in order to add years to his sentence. Guo is serving six years in prison and Sun two-and-a-half years. Activist **Liu Yuandong** (刘远东)⁴¹ was sentenced in November 2015 to three years for "gathering a crowd to disrupt order of a public place"—22 months after he was tried, and 31 months after he was detained in connection to the Guangzhou press freedom demonstration.

17
HRDs in prison from 2013 crackdown for supporting, organizing, or taking part in demonstrations

In total, CHRD has documented the cases of 17 HRDs who in 2015 were serving prison sentences after they had been detained in the spring and summer of 2013 for participating in peaceful demonstrations. The longest sentence authorities handed down in 2014 for such activities was to activist **Zhao Haitong** (赵海通).⁴¹ Court officials sentenced him to 14 years' imprisonment for "inciting subversion" after he joined protests against Internet censorship and official corruption in Guangzhou, as well as a demonstration supporting efforts to allow the dissident **Zhang Lin** (张林)'s⁴³ daughter to attend school in Hefei.

Article 290
Amendment to the Criminal Law further criminalizes organizing or funding assemblies

One activist, **Yang Lin** (杨林),⁴⁴ was also convicted, in November 2015, after being detained since June 2013, for holding up a sign in a public place with demands for government transparency. He was convicted of "inciting subversion" and given three years in prison. Many cases that CHRD documented from the 2013 crackdown on the New Citizens' Movement⁴⁵ and the 2014 crackdown on mainland supporters of the Hong Kong Occupy Central protests⁴⁶

involved activists being punished for simply holding up signs during demonstrations or otherwise expressing their views on public streets, online, or in private residences.

Persecuting HRDs with the overtly political criminal charge of “inciting subversion of state power” for exercising their right to peaceful assembly clearly demonstrates the government’s fear that non-violent protests constitute some sort of a political threat. In July 2015, the lawyer **Tang Jingling** (唐荆陵)⁴⁷ and activists **Wang Qingying** (王清营) and **Yuan Xinting** (袁新亭)⁴⁸ were tried in Guangdong for this crime and later sentenced (in January 2016) to five, two-and-half, and three-and-a-half years, respectively.⁴⁹ Tang had actively promoted a “Non-violent Citizens’ Disobedience Movement” for democratic change. Authorities detained him along with two other activists in May 2014, when they planned to hold a “June Fourth Meditation” activity that was meant to commemorate the Tiananmen Massacre.

When demonstrations or public rallies regarding rights and democracy issues became too risky, some HRDs gathered peacefully in places like restaurants or homes to hold seminars or other educational activities. However, authorities targeted participants and organizers of such gatherings. For example, officials imprisoned for five years a Hubei-based activist, **Liu Jiakai** (刘家财),⁵⁰ after convicting him in May 2015 of “inciting subversion of the state power.” Police had detained him for attending and organizing private meetings of HRDs, as well as for other activities. Another example was the case involving the human rights lawyer **Pu Zhiqiang** (浦志强),⁵¹ who, together with four other activists, was detained in May 2014 after attending a gathering at a Beijing home to observe the 25th anniversary of the Tiananmen Massacre.

“This sentence is unjust and illegal. It is an act of political persecution against Sun Desheng and myself by China’s dark anti-democracy forces. We are completely innocent.”

Activist Guo Feixiong, in a statement he read in court after being sentenced

2015 marked the second full year that officials had held three HRDs — **Huang Wenxun** (黄文勋), **Yuan Fengchu** (袁奉初), and **Yuan Xiaohua** (袁小华)⁵² — in detention without a trial, a serious violation of their due process rights. Authorities have provided no explanation for the HRDs’ excessively prolonged pre-trial detention.⁵³ Police in Hubei Province detained them in June 2013 after they had held rallies and made public speeches during a “human rights tour” across the country to promote transparency and rule of law. (In April 2016, **Yuan Fengchu** and **Yuan Xiaohua** finally faced trial, after 35 months of pre-trial detention. The next month, they were sentenced to four years and three-and-a-half years in prison, respectively, having been convicted of “gathering a crowd to disrupt order of a public place” and “picking quarrels and provoking troubles.”⁵⁴)



Deprived of assembly rights: Activist Huang Wenxun (黄文勋), who took part in a “human rights tour” across China, has been detained in Hubei Province since June 2013 without a trial. Activist Guo Feixiong (郭飞雄), right, was sentenced to 6 years in prison in November 2015 after being convicted as a “ringleader” of demonstrations that took place in January 2013.

IV

In Practice & Law, Government Further Stifles Free Speech

In 2015, the Chinese government further diminished the space for free expression. At the World Internet Summit, hosted by China in December, Xi emphasized “cyber-sovereignty,” and Internet czar Lu Wei stressed the importance of “managing” online content, showcasing the state’s draconian censorship apparatus and cyber-policing. The Xi leadership appears to have adopted a zero-tolerance strategy to rein in political expression, speech critical of government policies, and information-sharing on human rights. One manifestation of this approach in 2015 was the intensified criminalization of speech, in law and practice, of human rights defenders who promote and advocate for human rights through disseminating information exposing abuses and engaging in public discussions.

Criminalizing Speech Under the Pretext of “National Security”

During 2015, Chinese legislators passed or drafted laws that will likely lead to greater restrictions on the right to freedom of expression in the name of “national security.” China’s National Security Law, passed in July, targets “dissemination of unlawful and

harmful information on the Internet” (Article 25) without defining “unlawful information,”⁵⁵ opening the door for the arbitrary punishment of political speech. The Ninth Amendment to the Criminal Law for the first time specifically criminalizes the dissemination online of “false” information, in particular about “danger, epidemic, disasters or security alerts.”⁵⁶ The draft National Cyber Security Law, which was introduced in July, stipulates that individuals and groups should “observe public order and respect social morality...and must not use the network to engage in activities upsetting social order, harming the public interest...” (Article 9). However, the draft does not define “social order” or the “public interest,” again opening up the possibility of arbitrary enforcement. The same draft law stipulates that “network operators” must strengthen “management” of information posted by users, and take steps to “stop transmission of that information” if it is prohibited by law or administrative regulations (Article 40). In addition, the draft specifies that China’s State Council may also approve restricting network communications (or cutting off the Internet) in certain regions in the name of protecting “social public order” (Article 50).⁵⁷

HRDs are among those most likely to face persecution for posting comments and sharing



Supporters of the rights lawyer Pu Zhiqiang (浦志强) rally outside the Beijing courthouse where he was tried in December 2015. Pu's case epitomizes the Chinese government's strong intention to suppress free speech in civil society.

information in cyberspace—nowadays the main platform for rights advocacy, but one already heavily patrolled by cyber-police and government informants. Several human rights and free speech advocates were punished in the name of national security in 2015. In one case in April, the 71-year-old veteran journalist **Gao Yu** (高瑜) was convicted of “illegal dissemination of state secret overseas” and sentenced to seven years in jail.⁵⁸ She was accused of leaking secrets to an overseas website, a CCP directive against “universal values” referred to as Document No. 9 that had already been widely disseminated. She was forced to confess wrongdoing in video footage shown on state television. She lost her appeal in November 2015, but the court reduced her sentence to five years and granted her medical parole due to serious illnesses.

2015 will be remembered for another case, the trial of prominent human rights lawyer

Pu Zhiqiang. Pu's case is emblematic of the government's zealous criminal persecution of free speech online. In December, court authorities convicted Pu and gave him a suspended three-year sentence for “inciting ethnic hatred” and “picking quarrels and provoking troubles” on the basis of seven *weibo* (Twitter-like) posts attributed to him. The posts contained language critical of state policies, including those towards the Uyghur minority population in Xinjiang. The verdict cites concerns about “endangering state security,” and the case is meant to send a warning to other HRDs not to speak so freely online. Known for his role in defending clients involved in landmark free speech cases, Pu, a former student leader in the 1989 pro-democracy movement, had enjoyed growing popularity as a “guardian of free expression” in China. He has, however, paid a heavy price for exercising and defending freedom of speech. He spent 19 months in pre-trial detention, during which

his health degenerated due to poor medical treatment, and, with the conviction, his career as a lawyer is over.

Since a 2013 Supreme People's Court interpretation expanded the definition of a "public place" to include cyberspace⁵⁹ authorities have more aggressively punished online speech using the crime "picking quarrels and provoking trouble" (Criminal Law, Article 293 (4)), as in **Pu Zhiqiang's** case. Authorities put on trial Liaoning-based activist **Jiang Lijun** (姜力钧) in July for "picking quarrels and provoking troubles" for articles he posted online that authorities deemed "provoking" and "subversive." (He was found guilty and sentenced to three years' imprisonment in January 2016.⁶⁰) The law was apparently used as justification for detaining dozens of HRDs in the fall of 2014 after they posted messages online to express support for the Hong Kong pro-democracy protests. (As of April 2016, 10 of these HRDs are still in detention, nine of whom have been tried; of these, six have been convicted and sentenced to prison, either for "picking quarrels and provoking troubles" or "inciting subversion of state power."⁶¹)

"Inciting subversion of state power" remains a common charge used by authorities when persecuting free speech. In Guangdong, Internet writer **Liang Qinhui** (梁勤辉), who uses the screen name "Sharp Knife" (尖刀), and activist **Zhang Shengyu** (张圣雨) were tried for the offense in November. Liang and Zhang had

expressed support online for the Hong Kong protests, and Liang also made comments on QQ (a Facebook-like social media platform) that allegedly "discredited" Xi Jinping and China's one-party rule. (In April 2016, Liang was given an 18-month prison sentence, and Zhang was handed a far more severe punishment of four years.)⁶²

10

HRDs still detained from 2014 crackdown for expressing support for pro-democracy protests in Hong Kong

Article
309

Amendment to the Criminal Law codifies criminalization of lawyers' speech in court deemed "insulting," "threatening," or disruptive

In other cases, authorities invoke commercial crimes to justify restricting free expression. In February, the 82-year-old writer **Tie Liu** (铁流), whose real name is **Huang Zerong** (黄泽荣), was convicted of "illegal business activity" but given a suspended sentence. The charge against him was in retaliation for two manuscripts that he self-published, including a journal called "Small Traces of the Past," a collection of memoirs by Chinese intellectuals who had been persecuted after criticizing the Chinese Communist Party during the 1950s' "anti-rightist" purges.⁶³

Criminalizing Defense Lawyers' Speech in Court Trials

One especially disturbing development during the year was authorities' use of the newly amended Criminal Law to stifle defense lawyers' speech during court trials. Amendments to the CL that went into effect on November 1, 2015, codify the criminalization of lawyers' speech during trials; specifically, it can be considered illegal for defense lawyers to speak up in court to challenge unlawful trial procedures or mistreatment of their clients (Article 309). The provision, which penalizes "disrupting courtroom order," gives

authorities broad powers to interpret lawyers' speech in court as "insulting," "threatening," or "disruptive"—an offense punishable by up to three years in prison. Under the law, judges can also order lawyers expelled from the court.⁶⁴ In 2015, several human rights lawyers were thrown out of court trials and manhandled by guards after they tried to lodge complaints about mistreatment of their clients and violations of their legal rights. These lawyers included **Dong Qianrong** and **Wang Yu** during a trial in Beijing in April, and lawyer **Wang Quanzhang** at a trial in Shandong Province in June. **Wang Yu** and **Wang Quanzhang** were eventually arrested in the "709" crackdown, in which dozens of lawyers and HRDs were detained or disappeared. Authorities tried to discredit the lawyers on state media—as part of an official smear campaign—by broadcasting court episodes in which lawyers tried to stand up for their clients as "evidence" of the lawyers' "disruptive" and "unlawful" behavior. Meanwhile, authorities have censored online information about the police operations targeting these human right lawyers.

In the past few years, lawyers have been increasingly speaking out publicly about torture, illegal detention, and other abuses in China's judicial system—during court trials, to the media, and online—which has drawn the ire of the Xi government. Fifteen of the lawyers and legal aides detained in July 2015 were formally arrested in January 2016 for either "inciting subversion," a charge commonly used in persecuting speech, or for "subversion of state power," which is often used to persecute political dissidents.

V

HRDs Commonly Subjected to Torture & Ill-Treatment

In 2015, the UN Committee against Torture (CAT) reviewed China's implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁶⁵ Torture and ill-treatment or cruel punishment in China remain rampant and worrisome. CHRD has documented the continued use of many forms of torture against human rights defenders by law-enforcement officers or guards at detention centers and prisons, including violent assault, deprivation of proper medical treatment, solitary confinement, deprivation of food or outdoor time, and extended shackling of hands and legs for suspects of non-violent crimes, among many others. Involuntary commitment to psychiatric institutions still persists, in clear violation of China's Mental Health Law, which was implemented in May 2013.⁶⁶ In 2015, information gathered by activists inside China suggests a significant increase in cases of detaining activists in such institutions from 2014.⁶⁷

A report sent to CAT by CHRD and a coalition of Chinese NGOs argued that police have largely ignored newly amended laws and ministerial regulations that prohibit using torture to force confessions, forbid at trial the admittance

of evidence extracted through torture, and recommend the use of surveillance cameras in interrogation chambers. The report noted that the persistent use of torture is, in part, a consequence of the impunity enjoyed by torturers, including police and other state agents. Accused torturers rarely face investigation, and those who have been investigated are rarely prosecuted. Victims of torture who file complaints or seek state compensation have encountered insurmountable hurdles and retaliation.⁶⁸

Forced Confessions & Retaliation for Seeking Justice

In January 2015, Su Zelin, China's deputy director with the Commission for Legislative Affairs of the National People's Congress Standing Committee, reportedly said that 90 percent of cases of "miscarriages of justice" that result in long prison sentences or executions are due to the extraction of evidence via torture, an observation echoed by other officials.⁶⁹ Based on coerced confessions, a Hunan court in February 2015 sentenced brothers **Long Xianyuan** (龙贤员) and **Long Xianjiang** (龙贤江) to prison terms of 15 and 25 years, respectively. In their case, illegal evidence was initially thrown out but then re-admitted at trial. The two men

“We won’t let you die, but you’ll wish you were dead. Don’t blame us, since you forced me to do this. You really haven’t done anything, but leaders have it out for you.”

Police officer to defense lawyer Yu Wensheng

were retaliated against for supporting an ethnic minority leader who died in detention after exposing government corruption.⁷⁰

Another reason for the prevalence of forced confessions through torture is that China’s criminal justice system rewards high conviction rates and speedy prosecution of criminal suspects, which increases the pressure to give significant weight to suspects’ own confessions. These policies and practices reportedly create incentives for police to use torture to coerce confessions.³³ In a case from November 2015, police used mistreatment and violence to pressure detained HRD **Huang Yan** (黄燕). Ms. Huang was denied food and water and was beaten by police, who tried to force her to sign a confession.⁷²

Government authorities retaliate against family members of victims if they insist on an investigation of alleged torture or refuse to

give up seeking accountability. In July 2015, authorities in Sichuan Province reportedly locked up the sister and niece of Tibetan monk **Tenzin Delek Rinpoche** after they took part in a sit-in protest outside the building where the monk was believed to have died of torture while serving a life sentence on concocted charges of “terrorism” and “inciting separatism” (see more below).⁷³

Draconian Legal Provisions Pave Way for Secret Detention & Enforced Disappearance

“Enforced disappearances” of HRDs were prevalent in 2015. Police extensively used a legal provision in the Criminal Procedure Law (Article 73) to justify putting HRDs under “residential surveillance in a designated location,” a form of secret detention that makes detainees more vulnerable to torture and other kinds of ill-treatment. Most of the lawyers and their associates seized in the “709” crackdown were

In November 2015, police mistreated detained HRD Huang Yan (黄燕), denying her food and water and beating her to try to force a confession.



subjected to this form of “legalized” involuntary disappearance. In many cases CHRD documented in 2015, police denied lawyers’ visits to detained HRDs and refused to inform their families of the locations of detention.

Moreover, police frequently cited Article 37 (3) of the Criminal Procedure Law to deny lawyer visits in other instances, claiming detainees’ cases involved “endangering national security,” or that such visits would “obstruct an investigation” or lead to “leaking of state secrets.” In some of these cases, however, the detainees were held only for crimes such as disrupting “social” or “political order,” “picking quarrels” or “illegal business,” none of which involve “national security” or “state secret” concerns. A 2012 regulation on criminal procedures issued by the Ministry of Public Security expanded the number of offenses deemed to “endanger national security” (Article 374).⁷⁴ By using this provision, police can now arbitrarily deny lawyers’ visits to detainees on suspicion of practically any crime.

Deprivation of Proper Medical Treatment of Ailing HRDs in Detention

Depriving HRDs in custody of proper medical treatment or access to adequate health care—a life-threatening form of torture—persisted in 2015. From cases documented by CHRD, deprivation of adequate medical care to further persecute detainees and prisoners of conscience appears to reflect a tacit central government policy. Now a systematic practice, this form of abuse has led to deaths that have still not been properly investigated. Such is the case with activist Cao Shunli (曹顺利), who died in 2014 after being deprived of proper treatment during over five months in detention. The Chinese government has not allowed any independent investigation into her death, while Cao’s family and some of her supporters live under close police monitoring, face constant intimidation, and are unable to seek accountability.⁷⁵



Dissident journalist Gao Yu (高瑜) experienced a form of torture against detained HRDs—deprivation of medical treatment—that has become common practice and tacit government policy.

In addition, it is suspected the Tibetan monk **Tenzin Delek Rinpoche** died in July 2015 due to neglect and lack of proper medical treatment while serving his sentence in Sichuan. Prison officials ordered his body cremated, depriving his family of the chance to perform traditional Tibetan funeral rites. Other HRDs who died in recent years after not being provided adequate medical care in custody include **Chen Xiaoming** (陈晓明), **Duan Huimin** (段惠民),⁷⁶ and Goshul Lobsang.⁷⁷

As CHRD's Medical Watch List illustrates, other HRDs are experiencing a similar pattern of abuse that led to the death of Cao Shunli—a lack of access to adequate medical treatment, a gradual decline of health and development of new illnesses or injuries from torture, and repeated rejection of (or no response to) requests by lawyers or family members for medical release.⁷⁸

VI

Recommendations

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

- End criminal prosecution of and release all human rights defenders (HRDs), including rights lawyers, deprived of their liberty for advocating for human rights protection or for exercising their rights to freedom of association, assembly, and expression;
- Fulfill its commitment to protect human rights, especially the rights to freedom of association, assembly, and expression as bound by the Universal Declaration of Human Rights, by all international human rights treaties that China has signed or ratified, and by the Chinese Constitution;
- Cease politicizing challenges to unlawful state practices as well as efforts to promote human rights, and eliminate barriers to access to justice for HRDs;
- End the prevalent practice of unreasonably prolonged pre-trial detention;
- Repeal Article 73 of the Criminal Procedure Law allowing for “residential surveillance” in locations designated by police, and put an end to “enforced disappearances”;
- Guarantee detainees’ access to legal counsel of their own choice, and allow lawyers to meet with clients and notify families of their whereabouts in a timely fashion, and in compliance with relevant provisions in Chinese law;
- End violence against lawyers, including human rights lawyers; and
- Allow civil society participation in UN human rights activities, and end harassment of and reprisals against citizens who seek to engage in such activities.

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