



Chinese Human Rights Defenders (CHRD) 维权网

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Annual Report on the Situation of Human Rights Defenders in China (2009)

Executive Summary

During 2009, the environment in China grew increasingly hostile towards human rights defenders. Highlighted by the harassment of a number of well-known, relatively independent nongovernmental organizations (NGOs) focusing on human rights, and the closure of one—the Open Constitution Initiative (Gongmeng)—the already limited space for civil society was restricted even further in 2009. Human rights lawyers, an important force in the rights defense (*weiquan*) movement, were put under unprecedented pressure by the authorities, and CHRD documented eight lawyers who were unable to renew their licenses to practice law. While the government paid lip service to human rights abroad and at home, by taking part in the UN Human Rights Council's Universal Periodic Review and issuing its first National Human Rights Action Plan, it continued to detain, harass, and intimidate human rights defenders across the country. This report uses the UN Declaration on Human Rights Defenders as a framework for assessing the Chinese government's actions during the past year, and finds that the government has fallen woefully short of its obligations as outlined by that document.

The government was particularly active in its efforts to disrupt the work of human rights defenders in the past year. Activists affiliated with CHRD believe that more human rights defenders were summoned by police for questioning in 2009 than in any year since 1989. Likewise, the number of human rights defenders subjected to “soft detention” and “forced travel” during 2009 was higher than in any single year in recent history. This was largely due to the number of “sensitive” events that took place during the year, including the 20th anniversary of the Tiananmen Square Massacre, the 60th anniversary of the founding of the People's Republic of China, visits from President Obama and Secretary of State Clinton, and other similar events.

Key rights essential to the ability of citizens to defend human rights were not adequately protected by the government in 2009, and in some cases were abused more seriously than in years past. For example, the right to freedom of assembly was routinely violated as human rights defenders continued to be beaten, detained, and imprisoned for organizing and taking part in demonstrations. Human rights defenders and other citizens were harassed or punished for exercising their right to participate in public affairs: though

officials took some visible steps to appear open to public input, such as seeking commentary on draft legislation, they largely ignored or reacted harshly to any criticisms or proposals deemed unacceptable to the Communist Party.

The right to freedom of association was a focal point throughout the year as the government moved to stifle relatively independent organizations. Though forced to register as commercial firms due to restrictive regulations, groups like Gongmeng (which focuses on the rule of law and constitutional reform), Aizhixing (which focuses on HIV/AIDS issues), and Yirenping (which focuses on public health) had been able to work openly on issues of justice and human rights in recent years. However, officials began to restrict their ability to operate in 2009, forcing Gongmeng to close and harassing Aizhixing, Yirenping, and other similar organizations. New regulations introduced at the end of the year to limit access to foreign funding for NGOs underscored the government's continuing efforts to target these and other rights-focused organizations.

The government's hostility towards dissent and free expression throughout the year was epitomized by its far-reaching response to *Charter 08*, a manifesto issued at the end of 2008 outlining a vision of a free, democratic China. Over the course of 2009, the government censored discussion of the document online and harassed, threatened, and questioned individuals associated with it, including all 303 of the original signatories. While the continued spread of *Charter 08*—which had been signed by over 10,000 supporters by the end of 2009—demonstrated the ability of some Chinese netizens to outmaneuver the authorities and evade oppressive online censorship, the 11-year prison sentence handed down to prominent dissident Liu Xiaobo (刘晓波), one of *Charter 08*'s organizers, left no doubt that the government continued to regard nonviolent expression as a serious crime. Liu's sentence was one of the harshest for “inciting subversion of state power” (a charge frequently used to criminalize political speech) of this decade.

China's “rule of law” reforms took a step backwards in 2009. As the government continued to block citizens' attempts to use the law to address their grievances, CHRD documented citizens' growing disillusionment with the law and a legal system that is becoming increasingly marginalized by both the government and the people. This sentiment played a role in the increase in “mass incidents” and protests observed in 2009. At the same time, however, the law remained a powerful tool in the Chinese government's fight to silence human rights defenders.

Looking back on 2009 as a whole, there were few bright spots for human rights defenders. However, the internet remained a platform for vibrant discussions about social and political issues as well as a powerful organizing tool. While the government's crackdowns on petitioning, demonstrations, and organized dissent, which have increased since the buildup to the Beijing Olympics, may have driven human rights' defenders actions largely online, human rights defenders have found ways to successfully disseminate information on human rights via the internet despite the government's sophisticated cyber-censorship and surveillance. In the past year, online campaigns have mobilized significant support for political and legal reforms and inspired crowds to gather for protests against abuses or in solidarity outside of the trials of activists. What hope

there is for the continued development of the rights defense movement in coming years, therefore, is intimately linked to human rights defenders' ability to continue to stay ahead of government censors and find new and innovative ways to bridge the gap between their work online and on the ground.

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About this Report

Scope and structure

This report examines the extent to which the Chinese government has or has not fulfilled its obligations to protect the rights of human rights defenders, which are guaranteed in the Declaration on Human Rights Defenders¹ (hereafter referred to as “the Declaration”), adopted by the United Nations in 1998. According to the Declaration, human rights defenders are defined as “individuals, groups and associations... contributing to...the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals.” The same definition will be used for the purposes of this report.

The Declaration provides for the protection of a number of rights key to individuals defending human rights, which can be grouped into five broad categories:

- The rights to promote and seek the protection of human rights and to be protected for exercising this right (Articles 1, 11 and 12);
- The rights to freedom of assembly and association, which include the rights to carry out human rights work together with others; to form, join and participate in NGOs; and to solicit and receive resources for human rights activities (Articles 5 and 13);
- The rights to freedom of expression and access to information, which include the rights to seek and disseminate information about human rights, discuss the extent to which the government has promoted these rights, and draw public attention to human rights issues (Articles 6 and 7);
- The right to participate in the government and in the conduct of public affairs, which includes the right to submit criticisms and proposals for improvement to government agencies (Article 8); and
- The right to complain to the government regarding human rights violations, to provide legal assistance in defense of human rights, to attend public hearings, to be provided with an effective remedy, and to have free access to NGOs and intergovernmental organizations (Article 9).

Although these rights are already enshrined in international human rights treaties and core documents, the Declaration articulates them in ways that make them more tailored to the work of defending human rights. In addition to protecting these rights, the state has the responsibility to promote and educate the public about human rights, which includes the establishment of national human rights institutions, and to promote human rights education in formal education (Articles 14 and 15).

Part I addresses the status of these five rights in detail. It concludes that 2009 was yet another year in which the Chinese government failed to make any concrete improvements to promote or protect these rights, and that the situation was worse in 2009 than it was in 2008. Part II discusses the myriad ways in which the government retaliated against individuals seeking to promote human rights.

This report covers the period between January and December 2009 and all dates and events mentioned in the report occurred in 2009 unless otherwise stated.

Methodology

This report is based on information collected by activists who are affiliated with CHRD and based in various parts of China. Their information appears in CHRD's publications, including China Human Rights Briefings (CHRB), press releases and research reports. Given the large number of relevant cases, this report is not exhaustive; rather, CHRD has selected a sampling of cases to illustrate the difficult conditions human rights defenders face due to the Chinese government's hostility towards citizens who act to defend human rights.

Part I: An Assessment of Rights Essential for Defending Human Rights

Throughout 2009, the Chinese government continued to rely on existing methods of control to restrict the rights accorded to human rights defenders. For several key areas in which citizens have demonstrated the most activism in recent years, however, the government stepped up its efforts to rein in any further growth:

- **Freedom of association:** The government shut down Gongmeng, a successful civil society organization known for its innovative work promoting human rights and equality. Beijing police also briefly detained its director and one of its staff members. The move sent a chill through China's civil society and served as a warning to other similar organizations in Beijing.
- **Freedom of expression on the internet:** The government initiated several policies and campaigns to strengthen its grip over the internet, which has continued to provide fertile ground for citizen activism.
- **The right to complain:** The government adopted a harsher attitude towards petitioners, and institutionalized more severe punishment for those who continue to petition.
- **The right to provide legal assistance:** Twenty human rights lawyers were denied renewal of their licenses by the Beijing Bureau of Justice in May, and as of the time of writing, eight had still been unable to obtain renewals. Furthermore, a number of lawyers were assaulted, detained, imprisoned and harassed for defending human rights in the past year.

A. The rights to freedom of assembly and association

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;*
- (b) To form, join and participate in non-governmental organizations, associations or groups;*
- (c) To communicate with non-governmental or intergovernmental organizations.*

- Declaration on Human Rights Defenders, Article 5

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with Article 3 of the present Declaration.

- Declaration on Human Rights Defenders, Article 13

The past year saw no tangible relaxation of the government's tight control over freedom of association and assembly. Laws and regulations limiting the formation of associations or the holding of demonstrations remained in place. Furthermore, the Chinese government took steps to limit the already-constricted space for independent associations.

A series of high-profile actions against established NGOs in Beijing indicated that the government might be moving to further repress the growth of civil society.

It must be noted as well that the absolute prohibition on political associations continued in 2009, and Chinese citizens who tried to organize or form a political party suffered predictably serious consequences. In 2009, two organizers of the banned China Democracy Party,² Wang Rongqing (王荣清) in Zhejiang Province and Xie Changfa (谢长发) in Hunan Province, were convicted of “subversion of state power” and sentenced to six and thirteen years of imprisonment, respectively.³ Also in 2009, Guo Quan (郭泉), former associate professor at Nanjing Normal University, was sentenced to ten years in prison for “subversion of state power” for establishing China New People’s Party⁴ (see also p.45).⁵

1. Freedom of assembly

The Chinese government took no concrete actions to protect citizens’ right to freedom of assembly in 2009. The “Law on Assemblies, Processions and Demonstrations”⁶ (hereafter referred to as “the Assembly Law”) and a host of administrative regulations continued to restrict citizens from exercising their right to assembly. In the twenty years since the Assembly Law came into effect, CHRD is not aware of any applications submitted by Chinese citizens to hold demonstrations against government policies, regulations or officials approved by Public Security Bureaus (PSB). Individuals who applied or attempted to apply to demonstrate were denied approval, and in many cases suffered detention and even imprisonment. For example, Zhou Duo (周舵), a participant in the 1989 pro-democracy protests, was subjected to “soft detention”⁷ on May 25 by the police in order to prevent him from submitting an application to the Public Order Unit⁸ of the Beijing PSB to hold a protest to commemorate the Tiananmen Square Massacre on June 4.⁹ Zhou was later released.

Because the prospects of the PSB actually granting approval for a demonstration are so slim, individuals with grievances often resort to spontaneous gatherings and protests to voice their discontent. Crowds gather in groups ranging from dozens to tens of thousands to protest against grievances such as forced land expropriation, eviction and demolition, pollution, and the privatization of state enterprises. At times, crowds gather rapidly in response to the unfolding of events symptomatic of deeper social injustices that strike a particular chord with the citizens. For example, in the June 17 “Shishou Incident” in Shishou City, Hubei Province, tens of thousands turned out to protest following the suspicious death of a 23-year old cook.¹⁰

While police may at first allow peaceful gatherings of citizens to take place under tight supervision, once they decide on a course of action or receive instructions from above as to how to proceed, they usually move to disperse these gatherings. Participants are frequently harassed, threatened, detained and assaulted by the police. In large-scale protests, the People’s Armed Police are sometimes mobilized as well. “Illegal” protests

and strikes by workers are also common, as workers lack formal channels (such as independent unions) to negotiate and resolve conflicts with their employers.¹¹

- On February 23 and 24, dozens of citizens chained themselves together outside of the Chengdu Intermediate Court in Sichuan Province to protest corruption within the judicial system and unfair or improper decisions made by the courts. Clad in white hats and carrying handmade signs with the character “injustice,” the protestors chanted “down with corrupt officials,” “give us back our human rights” and other slogans. Around 3 p.m. on February 24, the police, who had long been observing the protest, asked the organizers of the protest to meet them inside the courthouse for talks. After the organizers of the protest entered the courthouse, the police seized them, and a few hours later, the protestors outside were surrounded by more than 100 police, who took at least 22 of the protestors into custody. A total of ten of these protestors and activists have been arrested and charged with “gathering crowds to disturb social order.” They are now pending trial.¹²



Protestors outside of the Chengdu Intermediate Court on February 23 and 24

- On February 15, five workers at a silk factory in Tongliang County, Chongqing Municipality, were taken into custody for organizing a year-long occupation of the factory. The five were representatives of about 800 dismissed workers who have been seeking unpaid pensions and medical insurance following the factory’s closure. Tongliang authorities released three of the representatives after they spent between 10 and 15 days in administrative detention, but formally arrested two other representatives, Hu Weimin (胡卫民) and Tang Aimin (唐爱民), on March 20 on suspicion of “gathering crowds to disturb social order.”¹³

Given the restrictions barring ordinary citizens from assembling, it is not surprising that human rights defenders face even greater difficulties. Human rights defenders are often prevented from convening or participating in peaceful gatherings such as forums, seminars, commemorative events, or simply luncheons or dinners.

In 2009, police assaulted, detained, and summoned potential participants in gatherings organized by human rights defenders. They also took other steps, such as pressuring the individuals who own the sites where such events are scheduled to take place, to prevent the gatherings from taking place. For example, on February 16, a working conference organized by Aizhixing Research Institute, a Beijing-based NGO working on AIDS issues, was interrupted when the Beijing police arrived at the conference and demanded

to examine and note down the details of identification cards of the more than 50 participants. The organizers eventually had to call off the conference as a result of the interruption.¹⁴

2. Freedom of association

The Declaration stresses the right to freedom of association—all the rights set forth in the Declaration are accorded to human rights defenders acting “individually and in association with others.” As 2009 progressed, the outlook for freedom of association in China grew increasingly grim. The government continued to place great emphasis on exerting complete control over any efforts by citizens to organize, no matter how localized or how far removed they were from politically-sensitive subjects. Beginning in the latter half of the year, the government moved to target well-established and highly-regarded groups focusing on issues including AIDS, women’s rights, and environmental protection.

The Chinese government continued to rely on two main methods to hinder potential NGO founders, as detailed in a 2009 CHRD report.¹⁵ First, stringent administrative regulations made it difficult for aspiring non-profit organizations to legally register with the Ministry of Civil Affairs (MCA), the government organ responsible for registering social organizations. The regulations act as filters, granting registration and a proper legal identity only to those organizations that are supportive of or have close ties to the government. Not only are applicant organizations often denied approval, their organizers are often harassed and intimidated to pressure them into abandoning the effort:

- On June 22, a group of 52 farmers from 22 provinces, cities, and autonomous regions mailed an application to establish a “National Chinese Farmers' Association”¹⁶ (NCFA) to the MCA in Beijing. Police in various localities summoned over a dozen members of the group after the application was made, asked them questions about the NCFA, and warned them that the association was “illegal” because it had not registered with the MCA. Police then threatened the farmers against continuing any activities associated with the group. The farmers have not received any response to their application as of March 8, 2010.¹⁷
- On April 23, Shenzhen City activist Guo Yongfeng (郭永丰) was detained and interrogated for “illegally engaging in social organization activities.” Guo was released after 15 days of administrative detention; however, Guo disappeared on September 18, 2009, and was reportedly sent to Re-education through Labor (RTL) for a year and a half.¹⁸ The “illegal activities” Guo took part in were preparing materials to establish the Citizens' Association for Government Oversight,¹⁹ a national organization. On April 29, one of the organizers of the Shanghai preparatory committee of the organization, Liu Yiliang (刘义良), was taken away without a warrant by officers from the Shanghai PSB, interrogated about matters related to the association, and warned against proceeding with plans to convene the first meeting of the planning committee in Shanghai. Police searched Liu’s home and confiscated his computer, printer, copying machine and other personal items.²⁰

Many organizers choose to circumvent these restrictive regulations and operate without registration with the MCA, opting instead to registering as a for-profit organization with the State Administration for Industry and Commerce (SAIC). However, such organizations (as well as organizations which simply do not register at all) are under constant risk of being labeled “illegal,” at which point a number of law enforcement measures may be employed to close them down. SAIC-registered organizations that have ventured into the fields of promoting human rights and researching sensitive topics are particularly vulnerable to being shut down. One high-profile example was that of Gongmeng, an NGO registered with SAIC which had been actively involved in investigating sensitive cases, such as the tainted milk scandal, and in assisting petitioners, particularly those detained in black jails.

- On July 14, Gongmeng received notifications from both the State Administration of Taxation and the local Bureau of Taxation in Beijing that they had been fined 1.42 million RMB for “tax evasion.” Three days later, the Beijing Municipal Bureau of Civil Affairs declared the organization “illegal,” raided its office and formally shut it down. On July 21, Xu Zhiyong (许志永), Gongmeng’s director, received separate calls from the landlord of Gongmeng’s office space and the landlord of his home, both of whom urged him to move out as soon as possible. On July 29, Beijing police took Xu and Zhuang Lu (庄璐), a staff member, into custody. While the two were detained, Gongmeng’s remaining organizers called supporters for donations to help pay the banned organization’s enormous fine. Complicating the process, however, was the refusal of tax authorities to issue the necessary paperwork, and the fact that bank accounts belonging to the organization and director were frozen. On August 18, Xu was formally arrested for “tax evasion.”²¹ Fortunately, Xu Zhiyong was released on bail on August 23, and Zhuang was also subsequently released.

Gongmeng’s treatment was not an exception: many more civil society organizations exist in this legal grey zone and are constantly negotiating the shifting and invisible line of official tolerance. However, Gongmeng’s case was particularly significant because the organization managed to operate openly for six years while being one of the few to take on “sensitive” cases. The actions taken against Gongmeng, a trailblazer in China’s civil society, thus raised fears among observers that space for activist organizations was rapidly shrinking. The fear grew when, in August, law enforcement officials harassed other prominent civil society organizations, such as Yirenping,²² an organization that focuses on the rights of hepatitis patients and other health-related discrimination issues, Aizhixing,²³ an HIV/AIDS organization, and Mr. Democracy Research Center,²⁴ a Beijing legal aid organization.²⁵

The closure of Gongmeng, and the harassment of Yirenping, Aizhixing, and the Mr. Democracy Research Center is also a violation of the right to solicit and receive resources for the purpose of defending human rights. Central to the government’s case against Gongmeng was its alleged failure to pay taxes on grant money received from Yale University, and the “tax investigations” of Yirenping and Aizhixing which followed

demonstrated the government's renewed interest in restricting funding opportunities for human rights NGOs. Forced into a vulnerable position by registration requirements, whatever financial support these organizations are able to secure can be arbitrarily targeted whenever the government feels that the organization has crossed the line of official acceptability.

Looking forward, it seems that the government intends to place further obstacles in the way of organizations seeking to solicit funding for human rights-related activities. On December 25, the State Administration of Foreign Exchange (SAFE) issued a new set of regulations which placed more stringent requirements on NGOs receiving foreign funding.²⁶ These regulations went into effect on March 1, 2010. Article 5 of the Regulations singles out NGOs registered with the SAIC, requiring that these organizations submit a list of documents when receiving funds from overseas and requiring banks to report to SAFE if they discover "suspicious or unusual" transfers. Aizhixing responded to the new regulations with a series of public letters in which it warned that sections of the regulations were "vague," and added that the regulations would undoubtedly make it more difficult for NGOs to operate in China.²⁷

Though the immediate threat to civil society organizations seemed to ease somewhat following Xu's release, the concerted actions to punish and intimidate these organizations by various government departments, including the MCA, the PSB, the SAIC, SAFE, and the State Administration of Taxation, have sent a stern message to members of the human rights movement as well as the wider civil society in China. With the new restrictions on fundraising now in place adding to previous barriers to organizing, the immediate future of the Chinese human rights movement remains tenuous and uncertain.

B. The rights to freedom of expression and access to information

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- Declaration on Human Rights Defenders, Article 6

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

- Declaration on Human Rights Defenders, Article 7

Although the Chinese Constitution guarantees freedom of the press and the National

Human Rights Action Plan reiterates the promise to protect citizens' "right to information, participation, expression and supervision," the Chinese government remained vigilant in censoring the media and the internet during the past year. It continued to be extremely difficult and risky for HRDs to collect, disseminate, discuss, and release human rights-related information.

While the situation regarding traditional media remained relatively unchanged from 2008, the internet was a much more dynamic medium in the past year. Increased usage of new tools, such as Twitter, coupled with ongoing efforts to circumvent censorship by netizens, meant that the internet remained a viable tool for documenting rights abuses, disseminating information and mobilizing activists. Wary of developments taking place online, the government instituted a number of policies and efforts to increase its control over the flow of information and its surveillance over millions of internet users. Though netizens were sporadically successful in using the internet to combat official malfeasance, their victories were balanced out by several high-profile arrests and convictions of human rights defenders primarily for their online activism and reporting.

1. Print media and publications

Print media and publications continued to be subjected to two longstanding mechanisms of control in 2009. First, laws and administrative regulations issued by the central and local governments placed various restrictions on the functioning of the media. In addition, the Chinese Communist Party (CCP) Propaganda Department and its counterparts at various levels issued concrete "Party policies" and "instructions" directly to the media in response to specific news items, banning sensitive information and manipulating the interpretation of news items to promote the image of the Party. For example, the Propaganda Department of the CCP Central Committee²⁸ issued an order prohibiting *Southern Weekend*, a Guangzhou-based newspaper, from publishing its exclusive interview with US President Barack Obama on the paper's website. The interview was printed in the November 19 hard-copy edition of the paper as scheduled, but it was believed to be heavily redacted.²⁹ The top editor of the newspaper was subsequently demoted in December.³⁰

When newsworthy stories break and are quickly circulated on the internet, the press might arrive at the scene before the Propaganda Department has time to decide on whether or not to ban their reporting. In these cases, embarrassed local officials sometimes resort to violence to stop journalists from reporting. For example, in late May, two journalists, Kong Pu (孔璞)³¹ from the *Beijing News*³¹ and Wei Yi (卫毅) from *Southern People's Weekly*³² traveled to Yesanguan Town in Badong County, Hubei Province to interview relatives of Deng Yujiao (邓玉娇), a young woman who became an internet hero after killing a local official and stabbing another as they were trying to rape her. In the midst of the interview, a group of men who identified themselves as local officials appeared, accused the journalists of "damaging" the town's image, beat the two journalists and confiscated their belongings.³³

Though State Council regulations granted them greater freedom than they enjoyed prior to the buildup to the Olympics, media from Hong Kong and Macau, as well as foreign journalists, often had their work obstructed by local officials in 2009. In August and September 2009, Hong Kong journalists were shaken as a number of their colleagues were beaten, detained and harassed for reporting on the Urumqi riots and the trial of Sichuan activist Tan Zuoren.³⁴ Foreign journalists appeared to fare better, though CHRD still documented cases in which local governments placed obstacles in their work by threatening or retaliating against their interviewees or those who supplied them with information.

- On February 18, an interview scheduled between a journalist from Spain's Catalonia TV station and Guangdong labor rights activist Xiao Qingshan (肖青山) at a job fair in Dongguan City, Guangdong Province was forcibly broken up by a group of unidentified workers. The same day, Xiao received a call from the National Security Unit of the Dongguan PSB informing him that he would be questioned about the incident the following day.³⁵
- On July 6, lawyer Yang Zaixin (杨在新), from Beihai City, Guangxi Province, was forced to “travel” to Dongxing City in Guangxi by National Security officers from the Beihai PSB to prevent him from giving an interview to a reporter from Finland. The reporter sought to interview Yang about a land dispute between local farmers, whom Yang was representing, and a company with Finnish investors which was clearing farmland in order to grow trees for paper production. Yang was released in the evening of July 8 but then taken into custody again on July 9 and released on the afternoon of July 10.³⁶

While the government maintained control on print media throughout 2009, the situation was not appreciably better or worse than the previous year. As all the formal and informal regulations restricting the work of journalists remain in place moving forward, indications seem to be that China’s journalists are no more or less likely to use the print media as a platform to expose rights abuses and express critical views in the year ahead.

2. The internet

The main battleground for freedom of expression, in 2009 as in the years before, resides in the realm of the World Wide Web. In an article published in the December 1 edition of *Qiushi*, a magazine run by the CCP Party School, the Minister of Public Security Meng Jianzhu (孟建柱) called the internet “a significant means of amplifying the destructive capabilities of anti-China forces.”³⁷ His remarks indicated growing concern among top officials circles that the government has had difficulties successfully controlling internet activism. These difficulties were also expressed by the diverse approaches the authorities took to internet censorship in the past year, the mixed results these methods achieved, and the large number of attempts to resist internet censorship by activists and ordinary citizens.

a. Censorship of websites and blogs

The Chinese government continued to control the internet through deleting postings on sensitive topics, blocking citizens' access to websites based abroad, and closing down those based in China. Websites that report on human rights news, such as those of CHRD, Tianwang Human Rights Center, Civil Rights and Livelihood Watch (CRLW), Canyu, and Boxun were blocked and could only be accessed in China using proxy servers.

- Beijing-based activist Wang Lihong (王荔蕪), who had been investigating the suspicious death of Shandong petitioner Li Shulian (李淑莲) on October 3, had more than 20 articles deleted from her personal blog hosted on Sina.net by October 9. Wang reported that fellow Beijing activist Zhang Shihe (张世和) and poet Ma Fei (马非) also had blog posts about Li's case deleted from their personal blogs.³⁸
- In November, the website of Beijing's Shouwang Church, www.shwchurch.com, was blocked by internet authorities. Not only was the house church's official website inaccessible, but search results for "Shouwang Church" (守望教会) on Baidu and Google.cn returned only a handful of results, none of which were relevant to the church. When a similar search was performed on Google.com, over 500,000 results were returned, demonstrating the degree to which information about the Shouwang Church was being restricted domestically. Shouwang Church's website was shut down once before, in April 2009.³⁹

b. National campaigns to tighten censorship

The authorities sometimes shut down websites in large numbers during "sensitive" political periods or during nationwide campaigns to eradicate "pornographic" or "vulgar" online content. Many of the websites targeted for closure report on or provide a platform for netizens to discuss socio-political and human rights issues. In 2009, the Chinese government carried out these campaigns before and during the Two Meetings⁴⁰ in March, the 20th Anniversary of the Tiananmen Square Massacre in June, and the 60th anniversary of the founding of the PRC in October. Officials also launched an "anti-pornography" drive near the end of the year.

An activist working in the internet industry told CHRD that an estimated 100,000 or more websites were closed down during 2009. Some of these websites managed to open again after meeting conditions set by the authorities, such as agreeing to delete certain posts or comments from the websites. However, a few websites decided to move their websites to a hosting company based abroad, at which point they were blocked and became inaccessible in China. Furthermore, during "sensitive" periods, websites based abroad were especially susceptible to hacker attacks suspected of being associated with the Chinese government.

- A number of websites focused on social and political issues were closed from late May through the anniversary of the Tiananmen Square Massacre on June 4. Tianyiwang,⁴¹ a website favored by academics and public intellectuals, closed down part of its operation between May 25 and June 5 reportedly due to official

- pressure. Network of Chinese Thoughts,⁴² a website that hosts commentaries as well as books on social and political issues, was closed for a week starting on May 25. Additionally, approximately 160 sites were closed for “system maintenance” around the same time.⁴³
- Beginning on September 19, prior to National Day on October 1, hackers attacked the Rights Defense China⁴⁴ website, shutting it down for an extended period of time. The site has since returned to service.⁴⁵
 - On December 22, the server hosting the website China Voice of the People Net⁴⁶ was shut down as part of the “anti-pornography” campaign run by the Ministry of Industry and Information Technology (MIIT). The website has since re-opened.⁴⁷

c. Censoring online tools

Besides targeting specific blogs and websites, the government also targeted a number of tools and programs that have aided internet activism. In July, the Chinese government shut down the Chinese micro-blogging site Fanfou⁴⁸ after some Fanfou users reported on the violence in Urumqi in early July. It is also possible that the authorities became wary of micro-blogging after Fanfou’s international counterpart, Twitter, gained widespread attention for its role in the protests following the Iranian presidential elections in June.⁴⁹ Prior to October 1, activists and netizens across China reported that they were unable to access Freagate,⁵⁰ Wu Jie,⁵¹ Garden Networks,⁵² or TOR, popular proxy servers used by many to circumvent internet censorship and reach websites based outside of China.⁵³

However, these measures were largely ineffective in stopping more determined internet users, who were able to get across the Great Firewall by using updated versions of these and other services. Moreover, some tech-savvy netizens found replacements for certain services that are unavailable in China, and encouraged their use among other netizens. For example, following the closure of Fanfou, an increasing number of Chinese citizens are now using Twitter. However, the net result of these government actions is that the majority of netizens in China, who are less driven and technologically-adept, are kept within the confines of the Great Firewall.

d. Making the domain name registration process more stringent

After its failed bid to have the filtering software Green Dam⁵⁴ installed on every new computer sold in China, the government resorted to one of its most effective means of censorship—introducing new administrative measures. On December 11, the China Internet Network Information Center, a Government-Organized NGO (GONGO) responsible for registering domain names in China, issued a notice demanding that those registering for a domain name supply an application form stamped with a company seal and a business or organizational license. This requirement effectively barred individuals from registering for a domain name and sparked strong opposition from netizens and internet companies alike.⁵⁵ Approximately two months later, on February 23, 2010, the Ministry of Industry and Information Technology (MIIT) released a notice that essentially lifted this requirement. In its place, MIIT introduced less drastic measures to

tighten the registration process, requiring domain name applicants to provide more comprehensive personal information.

This was not the first time the authorities used online registration processes as a means to control access to and expression on the internet. In May 2009, the Hangzhou Municipal Government issued a new set of regulations requiring netizens to register with their real name and identification numbers with Hangzhou-based internet service providers (ISPs) when setting up blogs, posting on online forums, or using other internet services. However, there were strong doubts about the effectiveness of the measures as netizens could easily avoid registering with companies based in Hangzhou. The Hangzhou government eventually abandoned the effort due to widespread non-compliance by ISPs based in the city.⁵⁶

The Hangzhou regulations were one of three similar experiments by local governments seeking to limit dissent through registering netizens. However, all measures were ultimately unsuccessful as they met strong opposition from both netizens and ISPs, who argued that the measures were unrealistic, difficult to implement and harmful to businesses.⁵⁷ It remains to be seen what will happen with the latest notice from MIIT.

e. Cyber informants

The Chinese government continues to employ and recruit cyber informants and “fifty cent gang”⁵⁸ members, individuals who are paid or who volunteer to monitor, interfere with, or censor the content of internet forums. CHRD does not currently have an estimate regarding the number of cyber censors, but a June 18 article in the *Beijing Youth Daily* reported that the Beijing municipal government was seeking 10,000 people “from all walks of life” to help in deleting “harmful” content and monitoring the activity on the internet.⁵⁹

f. Online dissent

As mentioned above, popular resistance by internet users has forced the government to back down on a number of key censorship initiatives. Affirming the importance of freedom of expression and access to information, a group of fifteen Chinese bloggers, writers, scholars, and lawyers published a “Declaration of Netizens’ Rights,” on October 8, and they further called upon the government to establish a “China Internet Human Rights Day.”⁶⁰ Lawsuits and internet campaigns were also popular methods of pushing back against censorship in the past year.

A number of netizens took the government or their ISPs to court when their blogs or websites were shut down by the authorities. Though few cases were accepted by the courts, and even fewer received favorable rulings, CHRD did document a couple of surprise success stories from 2009. On March 30, Beijing academic Hu Xingdou (胡星斗) sued Beijing's Xinwang Company after it closed his website for a day because it contained allegedly “illegal content.” The court ruled that Xinwang failed to prove that

the content on Hu's website was indeed "illegal," to properly notify Hu, or to allow him to make corrections to the website.⁶¹

Another successful lawsuit was filed by Shandong blogger Duan Lei (段磊). Duan was taken into custody on February 25 after he wrote a blog post accusing a local Party Secretary of corruption, sexual transgression, and other vices. After spending five months in detention on suspicion of having committed "libel," Duan was released by the authorities, the charges against him were dropped, and the local PSB and judicial officials gave him a formal apology. Duan then filed an administrative litigation lawsuit seeking compensation for the 150 days he wrongfully spent in detention; he emerged victorious and was awarded 16,798 RMB (approximately 2,460 USD).⁶²

Freedom of expression advocates also uses creativity and humor to highlight the absurdity of official censorship. The "Song of the Grass-mud Horse,"⁶³ which pairs an innocent and popular melody with lyrics full of made-up words that closely resemble Chinese obscenities, became an instant hit among netizens in late January. The song poked fun at the government's latest drive to eliminate "vulgar" online content.⁶⁴

On July 22, two bloggers, "Anti" (安替) and "Beifeng" (北风), posted messages on Twitter addressing detained netizen Guo Baofeng (郭宝锋, aka Amoiist). The messages, which read, "Guo Baofeng, Your Mother Is Calling You Home for Dinner," borrowed an internet meme then popular with Chinese netizens.⁶⁵ The two bloggers then asked others on Twitter to follow suit and show their support for Guo. Some took the action one step further, sending anonymous postcards with the same phrase to the detention center where Guo was being held. Guo was released on July 31, nine days after the start of the online campaign. While there is no evidence that the campaign led directly to Guo's release, it was undoubtedly successful in drawing attention to his case. The initiative inspired many others, who launched similar postcard campaigns demanding the release of prominent detained activists such as Xu Zhiyong and Liu Xiaobo.

3. Other forms of expression

In addition to using the internet, Chinese activists experimented with a variety of platforms to express dissent and to protest in 2009. Following the detention of Gongmeng director Xu Zhiyong on July 29, Zhang Yang (张扬), a Shenzhen businessman, designed and sold badges on the online shopping site Taobao featuring an image of Xu. In August, Zhang's taobao.com account was closed by the website for selling "illegal products."⁶⁶

Wearing t-shirts in support of a cause was another method favored by activists, and one which frequently attracted the attention of police. In June, Beijing police confiscated a batch of t-shirts in support of Deng Yujiao (see her story on p.12) designed by artist-activist Ai Weiwei (艾未未), and threatened to arrest those involved with making the shirts.⁶⁷ On July 19, nine Guangzhou dissidents and activists wore t-shirts on a hike up Baiyun Mountain with statements such "one-party dictatorship is a disaster" and "when the officials are not chosen by the people, they do not serve the people."⁶⁸ They were

interrogated, briefly detained and made to take off their shirts. A number of other activists were interrogated and detained for making and wearing t-shirts to raise awareness about *Charter 08* and the 20th anniversary of the Tiananmen Square Massacre.⁶⁹

4. The danger of accessing and disseminating human rights information

Regardless of the form of expression, exposing human rights abuses always carries serious risks to activists, and many suffered the consequences in 2009. Sichuan activist and environmentalist Tan Zuoren (谭作人) was sentenced to five years of imprisonment



Tan Zuoren

for investigating student deaths in the 2008 Sichuan earthquake, while another Sichuan activist, Huang Qi (黄琦), was sentenced to three years' imprisonment for reporting and giving interviews to foreign journalists about protests staged by families of schoolchildren killed in the quake. The deaths of schoolchildren during the 2008 Sichuan earthquake continued to be a very sensitive topic in 2009, as the government sought to ensure that their official version—that the deaths were largely the result of the magnitude of the earthquake and had nothing to do with corruption—remained the only narrative told of the national tragedy. The government seemed intent on punishing anyone who might challenge this account.

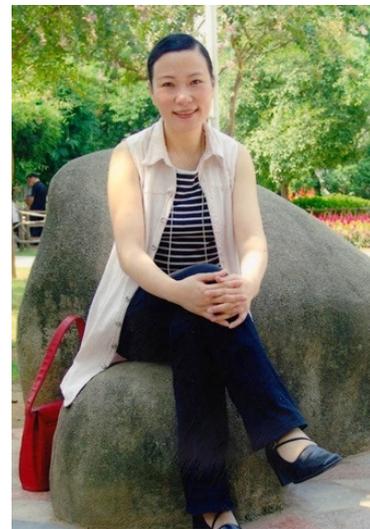
CHRD was also struck by the particularly harsh treatment meted out to individuals who attempted to call attention to the 20th anniversary of the Tiananmen Square Massacre. The following relatively low-profile writers and activists were all sent to Re-education through Labor (RTL) for activities relating to the commemoration of the anniversary, possibly indicating that there had been some order from higher authorities on how to handle such cases.

- Ning Wenzhong (宁文忠, aka “Woodcutter” [砍樵人]), an internet writer from Zhengzhou City, Henan Province, was sent to one year of RTL for posting an online appeal calling for netizens to lay flowers on Tiananmen Square to commemorate the Massacre;⁷⁰
- Chen Yang (陈杨), a 23-year-old activist from Chongqing Municipality, was given a one year RTL term for “inciting subversion of state power” for an online post asking if fellow netizens would join him in commemorating the anniversary;⁷¹
- Sun Fuquan (孙福全), a journalist and activist from Shenyang City, Liaoning Province, was sent to 21 months of RTL for “inciting subversion of state power” and “splitting the country” for posting information online about the Massacre;⁷²
- Zhang Huaiyang (张怀阳), a cyber-activist also from Shenyang City, was sent to 18 months of RTL for enquiring online if others were planning to gather on Tiananmen Square to mark the anniversary. The RTL Committee in Shenyang

- ruled that these enquiries “incited the creation of troubles and endangered national security.”⁷³
- Huang Wei (黄伟), a Zhejiang Province folk singer who has traveled around the country in recent years singing about human rights as well as the Massacre, was sent to 18 months of RTL for planning a commemorative performance on Tiananmen Square;⁷⁴

While some activists were punished for writing on topics deemed “sensitive” by the central government, others were punished for exposing rights abuses, corruption, or other misconduct by local officials. Below are a few examples in which human rights defenders were detained for airing the alleged misdeeds of local officials and threatening their careers:

- In July, Sun Xiaodi (孙小弟), a Gansu Province environmental activist and recipient of the 2006 international Nuclear-Free Future Award, and his daughter, Sun Haiyan (孙海燕, also known as Sun Dunbai [孙敦白]), were sent to 24 months and 18 months of RTL, respectively, for “illegally providing state secrets overseas.” The two were punished for alerting human rights organizations and the central government that a local government in Gansu Province, which borders Sichuan Province, had exaggerated the impact of the May 2008 Sichuan earthquake to receive more relief funding. They also reported on radioactive pollution in the area.⁷⁵



Fan Yanqiong

- Three Fujian human rights defenders, Fan Yanqiong (范燕琼), Wu Huaying (吴华英), and You Jingyou (游精佑), were taken into custody between June 26 and July 5 after they posted articles and video online accusing local officials of misconduct in handling the suspicious death of Yan Xiaoling (严晓玲), a young woman from Mingqing County, Fujian Province. The case, which touched on corruption, ties between local officials and organized crime, and the abuse and death of a young woman, was widely discussed by Chinese netizens. The three were tried for “making false accusations” on November 11 and eventually convicted of “slander” in April 2010.⁷⁶

Human rights defenders maintained a strong foothold online in 2009 despite various government attempts to silence them. Their online activism also played a critical role in mobilizing for positive change in real space. While their persistence and their ability to continuously adapt to a changing online environment in the past year is a cause for optimism for the future, recent actions by the government leave little hope that officials may soon soften their stance towards digital activism.

C. The rights to participate in the government and in the conduct of public affairs

“1. Everyone has the right, individually and in association with others, to have effective access, on a nondiscriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, inter alia, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.”

- Declaration on Human Rights Defenders, Article 8

Despite promising to “expand citizens’ participation in political affairs in an orderly way at all levels and in all sectors”⁷⁷ and “guarantee the people’s right of democratic supervision”⁷⁸ in its National Human Rights Action Plan 2009-2010 (hereafter referred to as “the Action Plan”) published in April, the Chinese government remained intolerant of political organizing outside of its control. In 2009, it cracked down harshly on individuals who attempted to organize political parties or made calls for political reform. Human rights defenders had no effective means to participate in the government and in the conduct of public affairs in 2009.

Political participation was limited to monitoring, voting, and running for office in village committee elections. Apart from that, the primary methods through which ordinary citizens could participate in government affairs in 2009 were the submission of open letters or legislative proposals to the government. The government continued to solicit opinions on draft legislation, and received thousands of comments on some drafts, but it was unclear to what extent these comments were taken into consideration during the legislative process. The government proved unwelcoming to any unsolicited proposals, and in some cases responded to calls for reform, such as *Charter 08*, with well-coordinated and wide-reaching retaliation. Likewise, if human rights defenders voiced their opinions on how local officials conducted village elections—by protesting about the outcome, or publicizing voting irregularities, for example—they risked punishment.

1. Open letters and legislative proposals

Most open letters were addressed to the government and its leaders at the central level, such as members of the National People’s Congress (NPC), but some were directed to officials at the provincial or local level.⁷⁹ The letter drafters, as well as their topics and demands, were diverse. For example:

- A number of lawyers and activists released a public letter on December 17 to official media outlets, demanding abolition of Article 306 of the Criminal Law⁸⁰ and criticizing the press for what they believed to be biased or incorrect reporting regarding the case of Li Zhuang (李庄), a Beijing lawyer who was tried for

- “forging evidence.” The letter also included steps the government could take to protect the rights of both Li and other lawyers in similar situations.⁸¹
- Huang Yuqin (黄玉琴), a Shanghai petitioner and victim of forced eviction, released a public letter on September 28 calling on President Hu Jintao to address the problem of forced eviction, the collusion between the Shanghai government and property developers, and the persecution of petitioners and rights activists in the municipality.⁸²

In addition to issuing public letters criticizing the government for its policies or the handling of a particular issue, human rights defenders also submitted detailed legislative proposals to the central government to draw attention to current government practices and policies that are violations of human rights. For example, five scholars at Beijing University Law School submitted a memo on December 10 to the Standing Committee of the NPC arguing that the current regulations governing forced demolition of homes and eviction of residents in urban areas violate the Chinese Constitution. They proposed a number of revisions to the regulations that would better protect the rights of citizens. The memo was widely circulated through the media and online, and the Legal Affairs Office of the State Council invited the scholars for a meeting to discuss the proposal.⁸³

However, the government usually did not respond positively to these letters. Most often, it simply ignored them. At times in the past year, however, officials acted to retaliate against the drafters and signatories. *Charter 08*, a citizen manifesto calling for bold reforms promoting democracy and human rights in China, is a case in point. The charter was published on December 9, 2008, and by January 9, 2009, CHRD had documented 101 cases of individuals who were harassed, interrogated and summoned by police across 17 provinces and three municipalities.⁸⁴ More signatories have been subjected to similar treatment since then.

Officials believed that the prominent intellectual and activist Liu Xiaobo (刘晓波) was one of the main drafters of the Charter, and he was targeted for the harshest punishment. After being held for more than a year before his trial, on December 25 Liu was sentenced to 11 years of imprisonment for “inciting subversion of state power,” amidst strong criticisms from the international community and Chinese activists.⁸⁵ During Liu’s detention, activists across the country issued public letters in his support and called for his release.⁸⁶ The Chinese government also interrogated and threatened the signatories of these letters.⁸⁷

2. Village elections

According to official 2009 figures, 2.3 million currently serving village committee members were “democratically elected.”⁸⁸ However, the extent to which these elections were genuinely free and fair is unclear. The government reiterated its commitment to “advancing the level of rural self-governance and democratic management by villagers” in Article 6 of its Action Plan, and the State Council and the CCP issued a joint notice on May 30 calling on local governments to increase oversight of the elections, punish those who violate the relevant laws, and investigate allegations of election irregularities and

corruption raised by villagers. Despite these pronouncements, however, CHRD received a number of reports accusing local governments of manipulating election procedures and bribing and intimidating villagers with impunity, effectively depriving eligible voters of their right to vote in village elections. For example:

- On May 26, the authorities in Penglu Village, Qianjiang City, Hubei Province, reportedly failed to follow proper procedures during village elections. Instead of voting at a designated location at a designated time, voters were asked to vote at their homes, and some were given bribes and others were intimidated into voting for a certain candidate. More than ten villagers were unable to vote because the authorities “ran out of ballots.” This election was a redo of a previous election held on November 20, 2008, the result of which was nullified due to serious violations of election procedures.⁸⁹
- On May 29, in an election in Xiaochen Village, Ruzhou City, Henan Province, a local tyrant named Chen Shouxu (陈守续) was chosen as the village head. Chen’s brother, a high-ranking police officer in Ruzhou City, reportedly threatened villagers that they would face “serious consequences” if they did not vote for Chen. Following Chen Shouxu’s election, he sought out Yang Qi (杨奇), a 46-year-old villager whom Chen believed had not voted for him. When Yang said he would report his vote-rigging to higher authorities, Chen Shouxu called his brother, who tied Yang up and beat him repeatedly with three other policemen from the Ruzhou City PSB. Yang suffered multiple internal injuries and after having to pay for medical treatment, he incurred a large debt and is now destitute. Yang and his family have complained to the Ruzhou City PSB, but reportedly no action has been taken against the alleged torturers.⁹⁰

CHRD also received reports of villagers and activists threatened for monitoring elections. For example, on March 11, a group of villagers from Yuekou Town, Tianmen City, Hubei Province submitted a letter to various local government agencies alleging that the current local People’s Congress representative was not elected according to legal procedures. On March 14, a group of policemen from Yuekou Town National Security Unit threatened the villagers regarding the letter. Having still not received a response, villagers went to several different government offices in Tianmen City on April 27. They were sent back and forth between officials in different departments, who warned them that they would be punished for publishing their complaints on websites based overseas.⁹¹

For those individuals who may have been elected as village heads according to proper procedures, it is unclear to what extent they enjoy any independent power over village affairs. The seizure and forcible demolition of buildings belonging to Baihutou Village in Guangxi Province was a striking example of how, despite the promise of “democratic management by villagers,” villagers’ wishes were overridden by those of unelected officials higher up in the hierarchy. Baihutou Village is a part of Yintan Town, which is in turn a part of Beihai City, Guangxi Province. In April 2009, the village committee seal was seized from the elected village chief, Xu Kun (许坤), by officials from Yintan Town. Without Xu’s or the villagers’ knowledge, the seal was then used to authorize a contract that permitted the forcible demolition of several buildings belonging to the village and

the seizure of the village land for Beihai City Land Reserve. When the villagers learned about the contract on October 30, hundreds of them gathered to prevent the demolition from being carried out. Between 200 and 300 police officers and local officials went to the scene, and in the ensuing conflict ten villagers were seized and two elderly residents had to be hospitalized. Police also put village leaders under surveillance, and village chief Xu, who had been leading the villagers' struggle to resist the seizure, fled the village and went into hiding.⁹²

Through soliciting input on pending legislation and allowing tightly-controlled village elections, the Chinese government might be able to assert and even produce statistics to support its claim that it "guarantees the people's right of democratic supervision."⁹³ However, when this assertion is juxtaposed with the abuses documented at the grassroots level, such as those included here, an entirely different picture becomes clear.

D. The right to a benefit from an effective remedy when a right is violated

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the [Declaration on Human Rights Defenders], everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, inter alia:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms."

- Declaration on Human Rights Defenders, Article 9

As rights violations continued apace in 2009, CHRD documented a number of troubling trends related to citizens' efforts to seek redress for these violations. Perhaps most notably, this year saw an unprecedented number of lawyers threatened with professional consequences for handling these cases, as well as rare, but serious, cases of lawyers who were attacked, imprisoned, or forcibly disappeared in retaliation for their work. As these actions came in tandem with officials' continued violation of detainees' right to legal counsel, the ability of lawyers to effectively provide a defense for human rights defenders and other citizens detained for exercising their rights took a tangible step backwards in the past year.

Furthermore, citizens who turned to the petitioning system in hopes of obtaining justice in 2009 found themselves faced with ever harsher treatment. Police, government officials, and interceptors continued to harass, kidnap, and detain petitioners in Beijing and across the country in 2009, and as this past year saw a higher-than-average number of "sensitive" dates, the nationwide roundups of petitioners which have become common before these events took place with greater frequency.

Finally, other less direct, though no less serious, violations of the right to benefit from an effective remedy in cases of rights abuses continued in the past year. For example, the government used a variety of methods to prevent the public from attending open trials in cases against human rights defenders. The overall result of government actions in 2009 was to contribute to a decline in citizens' trust in the legal system, a trend which could have serious implications for the way in which human rights defenders and others seek to respond to rights abuses in the future.

1. The right to offer and provide professionally qualified legal assistance

Lawyers who take on cases deemed "sensitive" by the Chinese government, and those who provide criminal defense to political prisoners, human rights defenders, ethnic minorities and other "sensitive" groups, faced increased persecution in 2009. A significant number of these human rights lawyers suffered varying degrees of harassment, intimidation, and suppression. Some were beaten, detained or incarcerated. Others were fired from their law firms or stripped of their licenses to practice law. Prominent human rights attorney Gao Zhisheng (高智晟) disappeared on February 4 and resurfaced only recently, in April 2010, following allegations of torture and cruel treatment by security police (see Gao's case on p.39).

In May, authorities threatened to revoke the lawyers' licenses of a group of about 20 human rights lawyers. This action was widely believed to be in response to their work on "sensitive" human rights cases. Officials from local Bureaus of Justice and various lawyers associations pressured law firms at which these lawyers worked to "coordinate" with the authorities by either terminating their contracts or "failing" them in the annual evaluation of their performances. Without having their licenses renewed by the Bureau of Justice, these lawyers could still provide legal advice, but could no longer offer the range of services provided by registered lawyers, such as representing their clients in court. By

April 2010, it appeared that one lawyer had been stripped of his license while seven still had not had their licenses renewed.⁹⁴ In 2008, several of these lawyers were given similar threats, but in the end only one lawyer, Teng Biao (滕彪), actually had his license revoked.⁹⁵

During 2009, several human rights lawyers also had their licenses to practice temporarily suspended. In August, Guangzhou human rights lawyer Liu Shihui (刘士辉) was asked to resign by the law firm he worked for, which was under pressure from the Guangzhou Bureau of Justice to fire him. In September, Liu was notified by the Guangzhou Bureau of Justice that his license had been suspended for nine months for allegedly failing to comply with some minor procedural requirements in his handling of several cases. Liu filed an administrative litigation lawsuit against the Bureau on the grounds that the punishment “had no factual nor legal basis” and the case was heard by a court on January 25, 2010.⁹⁶ The court has yet to issue a decision. It is believed that Liu was punished for taking on “sensitive cases,” especially for representing imprisoned rights activist Guo Feixiong (郭飞雄).

Law firms that employ human rights lawyers can also be targeted for retaliation by the government. For example, on February 17, Beijing's Yitong Law Firm,⁹⁷ known for taking on cutting-edge rights cases, was informed by the Haidian District branch of the Beijing Bureau of Justice that the firm would be forced to close for six months for “re-organization.” Lawyers at the firm believed that the closure was in retaliation for the advocacy of some of the firm’s lawyers for direct elections of the leadership of the government-controlled Beijing Lawyers Association in 2008. Even though this six-month period has long since passed, at the time of writing the firm still had not been permitted to re-open.⁹⁸

Finally, 2009 was also marked by a series of assaults directed at lawyers. Between February and May, Beijing lawyers Li Baiguang (李柏光), Cheng Hai (程海), Zhang Kai (张凯), and Li Chunfu (李春富), as well as Guangxi lawyer Yang Zaixin (杨再新), were assaulted in separate incidents by government officials or unidentified individuals believed to be closely related to local authorities. In the case of Zhang Kai and Li Chunfu, they were taken in for interrogation by policemen from the PSB in Chongqing while visiting their clients, the family of an elderly Falun Gong practitioner who had died in an RTL camp. Zhang and Li were beaten, kicked, locked in an iron cage and had their hands cuffed in painful positions during the questioning.⁹⁹

2. The provision of legal assistance to detained human rights defenders

While the government retaliated against lawyers who defended sensitive clients in 2009, CHRD also documented cases in which officials sought to deny those clients their rights to representation in the first place. Article 33 of the revised Lawyers Law, which came into effect on June 1, 2008, provides that a lawyer has the right to meet with his or her client under criminal investigation upon showing the “three certificates:” a lawyer’s license, a certificate from their law firm, and a document granting them power of attorney,

signed by their client. The Lawyers Law also prohibits the monitoring of attorney-client meetings. Nonetheless, lawyers were routinely and arbitrarily barred from meeting their detained clients, or were subjected to police harassment and monitoring during these meetings.

Police often claimed, without basis, that a case involved “state secrets,” thereby enabling them to refuse a lawyer’s request to meet with his or her detained client under Article 96 of the Criminal Procedural Law (CPL).¹⁰⁰ Other tactics were also used: some lawyers told CHRD that they had come across internal documents issued by the PSB, the procuratorate and courts at the provincial level stating that the revised Lawyers Law had been “suspended” temporarily due to conflicts with the CPL. This situation was especially common in “sensitive” cases where the detainees were human rights defenders.

- On April 8, Beijing lawyer Li Heping (李和平) traveled to Xuanwu District Detention Center in Nanjing City, Jiangsu Province, to meet with his client Guo Quan (郭泉), a political activist and a former Associate Professor at Nanjing Normal University who was being detained on suspicion of “subverting state power.” Li was first stopped by officials at the detention center who demanded he return accompanied by another lawyer before visiting Guo; when Li and a Nanjing lawyer returned that afternoon, officials then informed them they would have to travel more than 260 km to Suqian City in Jiangsu in order to obtain the formal indictment regarding Guo and a written approval letter from the court in Suqian City. When the two lawyers arrived at the Suqian City Procuratorate on the morning of April 9, they were told that the prosecutor was away on business and they could not retrieve the required documents. This was the second time Li was prevented from meeting with Guo.¹⁰¹
- When lawyers Jin Guanghong (金光鸿), Liu Xiaoyuan (刘晓原), Lin Zhong (林忠) and Lin Hongnan (林洪楠) traveled to Fuzhou City's Mawei District PSB on July 15 to meet with activists Fan Yanqiong (范燕琼), Wu Huaying (吴华英) and You Jingyou (游精佑), who were detained on suspicion of “libel,” police at the station told them that the case involved “state secrets”, and they were therefore not allowed to visit the detained activists.¹⁰²

Perhaps no case from 2009 better illustrates the difficulty of representing human rights defenders than that of Wang Yonghang (王永航), himself a former lawyer. On July 4, police from Dalian City, Liaoning Province, abducted Wang in retaliation for his work providing legal assistance to Falun Gong practitioners. Wang was violently beaten on three occasions while in police custody before being tried in secret. Wang was not allowed legal representation at his trial, and was sentenced to seven years in prison on November 27 for “using a cult to sabotage the implementation of the law.” It is believed that his conviction stemmed from accepting interviews with foreign media and for posting articles, such as his defense statements in Falun Gong cases, on overseas websites.¹⁰³

Though Wang's case is an extreme example, it demonstrates the lengths to which the Chinese government was willing to go in the past year both to deny human rights defenders their day in court and to punish those who seek to force officials to act according to the law.

3. The right to complain: petitioning and administrative litigation

In the past year, citizens who sought to complain through two available channels—petitioning and administrative litigation—faced great difficulties in having their grievances resolved.

a. Petitioning

There are an estimated 10 million petitioners in China, bringing grievances about abuses by lower-level government officials to higher authorities for redress. These complaints commonly involve issues such as corruption, torture, wrongful convictions, and forced land expropriation. Petitioners may demand that certain officials be sacked, that laws and regulations be followed, or that the courts alter their decisions to be more just.

However, petitioners' persistence in monitoring the government is rarely rewarded. Officially, the Chinese government runs an extensive bureaucracy, called Letters and Visits Offices, at various levels to handle these petitions. In practice, petitioners are treated as nuisances by both central and local governments, who coordinate in ignoring their requests,



Four petitioners from Hunan Province

intercepting them, detaining them in black jails, forcibly sending them back to their hometowns and retaliating against them for speaking out.

In 2009, as in previous years, prior to important national or political events, such as the annual sessions of the National People's Congress (NPC) and the Chinese People's Political Consultative Conference (CPPCC) in March and the 60th

anniversary of the founding of the PRC in October, the government cleared Beijing of petitioners by using a mix of carrots and sticks. On one hand, the central and local governments tried to encourage petitioners to return to their hometowns, promising that their problems would be solved at the local level.¹⁰⁴ On the other hand, some local

governments issued edicts detailing harsher measures, including RTL and criminal detention, for those who “persist in petitioning improperly.”¹⁰⁵ “Improper petitioning” includes “gathering in public spaces outside of city government offices, shouting slogans, and unfurling banners during petitions.”¹⁰⁶ For example, petitioner Wang Zhanhe (王占河), a village representative from Lanqi Village, Yushu City, Jilin Province was sent to one year of RTL for petitioning higher authorities in Beijing regarding corrupt activities by his village’s CCP Secretary. He is currently being held at the Yinmahe RTL Camp in Changchun City, Jilin.

Veteran petitioners, for the most part, have become used to repeated stints in black jails, RTL camps, or even prisons, and are undeterred by these punishments. During 2009, seasoned petitioners were very creative in generating opportunities for protests and in drawing attention to their plight. Petitioners turned the official “National Legal Publicity Day”¹⁰⁷ on December 4 into “Seeking Redress for Injustice Day,” gathering en masse outside the State Council Letters and Visits Office and the CCTV headquarters.¹⁰⁸ On November 16, during US President Obama’s visit to Beijing, about 90 Shanghai petitioners traveled to his hotel to “welcome” him, and protest.¹⁰⁹

The tenacity and persistence of petitioners sometimes resulted in small victories. In late April and early May, petitioners arrived in waves at the Beijing University campus to protest against the claim by one of its professors, Sun Dongdong (孙东东), that “99% of petitioners suffer from mental illness.” Although these petitioners were all taken to black jails and then forcibly sent home by interceptors and Beijing police, in the end Sun publicly apologized for his statement.¹¹⁰

b. Administrative litigation

In recent years, Chinese citizens appeared to be filing more and more lawsuits against the government under the Administrative Litigation Law (ALL), as they became increasingly aware of their rights and the channels they could use to seek redress for rights violations.¹¹¹ However, the latest statistics from 2009 suggest that ordinary people might be losing interest in the ALL system. According to statistics from the Supreme People’s Court (SPC), the number of ALL cases went down by 11 percent in the first five months of 2009 compared with the same period the previous year. Interestingly, the SPC speculated that such decline was the result of a lack of trust in the legal system among ordinary people.¹¹²

It remains very difficult for citizens to win these cases. An official estimate from 2007 indicated that only 30% of plaintiffs in administrative litigation lawsuits prevail.¹¹³ The actual success rate is probably much lower, because in many instances courts simply refuse to accept ALL cases. In fact, CHRd documented a number of cases where lawyers or the plaintiffs were told explicitly that their cases could not be accepted because “higher authorities” had ordered the courts not to accept particular types of ALL cases. Other times, the plaintiffs are threatened and persecuted for filing these cases against the government.

- In August, the family of Liu Fengqin (刘凤芹), a 66-year-old petitioner from Tangshan City, Hebei Province, who was serving an RTL sentence for petitioning, attempted to challenge her detention through administrative litigation. When the family went to the district court to file the suit, the presiding judge told them that “higher authorities” had issued guidelines forbidding courts from hearing cases filed by petitioners challenging their RTL decisions. Liu, whose health was very poor, died in the RTL camp on September 23.¹¹⁴
- On July 29, a group of human rights defenders from Guiyang City, Guizhou Province filed an administrative litigation lawsuit against the Guiyang City PSB at the Guiyang City Intermediate People’s Court. The activists alleged that they had suffered beatings, illegal detention and other illegal treatment at the hands of the police. The court told the group that the application could not be accepted because it was not in the correct format. Eventually, the court took the application and told the group to come back a week later. The group returned in a week, only to be told that the court could not accept the case because they could not file an administrative lawsuit with diverse complaints and that they lacked the legal documents supporting the case, such as summons and detention warrants. The activists pointed out that they were suing the police partly because the police failed to produce these documents when detaining them.¹¹⁵

With experiences like these, it comes as little surprise that citizens have begun to abandon the ALL system. However, should this trend continue into the future, it would be damaging not only for citizens seeking resolution of administrative complaints, but for all citizens who attempt to hold government officials accountable for rights abuses.

c. The right to attend public hearings, proceedings and trials

Except for cases which involve state secrets, privacy, or juvenile defendants, hearings of criminal cases are open to the public.¹¹⁶ Any Chinese citizen except those who are “mentally ill, drunk, or a minor without the approval of the People’s Court” can attend public court hearings, according to provisions issued by the Supreme People’s Court.¹¹⁷ However, CHRD has documented numerous cases in which policemen and court officials prevented supporters from entering the courthouse to attend “public” hearings of dissidents and human rights activists.

Several standard explanations are given to the frustrated supporters: that they have not applied to attend the trial beforehand, that they have been listed as “witnesses” so they cannot observe the trial unless summoned, and that the court is already full. Policemen are mobilized by local governments and, depending on the sensitivity of the case, one or more of the following tactics are used by the police to physically prevent supporters from attending the trial: some of the known supporters are subjected to “soft detention” at home before the trial starts; other supporters are prevented from reaching the court by checkpoints setup on the roads leading to the court; others are taken into custody outside of the courthouse, or threatened and assaulted if they try to enter the courthouse.

- During the November 11 trial of three Fujian human rights activists—Fan Yanqiong (范燕琼), Wu Huaying (吴华英), and You Jingyou (游精佑)—for “making false accusations,” officials allowed only the lawyers and two family members of each defendant to attend the trial, which was held at the Mawei District People’s Court in Fuzhou City. The courtroom was otherwise filled with plainclothes police or government officials. Meanwhile, outside of the courthouse, uniformed officers blocked the entrances and patrolled the surrounding area to prevent others from attempting to enter. Journalists were also reportedly taken away by officials to prevent them from reporting on the trial.¹¹⁸
- The trial of Liu Xiaobo (刘晓波) was also essentially closed to the public, even though it was supposed to be a public hearing. With the exception of two family members—Liu’s younger brother and his brother-in-law—all other spectators in the small courtroom were young males in plain clothes, who were believed to be officials. Dozens of supporters, as well as reporters and diplomats, were barred from observing the trial by security guards who blocked the entrance to the court. The guards told the group that all permits to observe the trial had been given out. Liu’s wife, Liu Xia (刘霞), was also denied a permit to attend as well after the authorities listed her as a witness for the prosecution. Police stood outside her apartment to block her from leaving or receiving visitors during her husband’s trial. Several dozen prominent Beijing-based activists and dissidents were prevented from leaving their homes, and a dozen or so other supporters were detained on their way to the trial.¹¹⁹

Even when they stop short of physically restraining attendees, the government relies on other underhanded tactics to hold “open” trials without actually allowing the public to observe. In pursuing these means of limiting access to trials, the government not only denies defendants their right to a public hearing, it also undermines its stated goal of increasing legal education. If members of the public and the media are barred from observing and reporting on trials of human rights defenders, society as a whole is deprived of critical knowledge of the workings of their legal system.

Part II. The Chinese Government's Failure to Promote Human Rights Education and Protect Human Rights Defenders

A. Failure to promote human rights education

"1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution."

-- Declaration on Human Rights Defenders, Article 14

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

-- Declaration on Human Rights Defenders, Article 15

When it released its Action Plan in April, the State Council devoted an entire section to "human rights education." Included were statements regarding the addition of human rights components to primary and secondary school curricula, human rights training for civil servants, and vague promises to hold "activities among the general public" to disseminate knowledge of citizens' human rights.¹²⁰ While the broad scope of these proposals encompassed wide swaths of Chinese society, the Action Plan itself did not contain specific information about how the educational programs would be carried out. CHRD has not been able to independently assess to what extent these programs have been implemented, though CHRD has not learned of either central or local government agencies sponsoring any new "activities among the general public" related to human rights education since the Action Plan was issued.

The Action Plan was silent about the role of civil society in promoting and protecting human rights, to which the government has long been hostile. During 2009, the government continued to prohibit independent members of civil society from

participating in human rights education. Throughout the year, CHRD documented cases of human rights defenders denied the right to participate in rights-defense training and information sessions, police harassment of groups attempting to disseminate human rights documents to fellow citizens, and pressure from academic institutions on teachers and professors who spoke out in defense of human rights.

Pressure continued to be put on human rights defenders seeking to attend international workshops run by NGOs or human rights organizations. This is not a new phenomenon by any means, but it is worth highlighting as the situation has not changed following the release of the Action Plan. For the fourth consecutive year, Chinese officials prevented Chinese human rights activists from leaving the country to attend a training program on UN human rights mechanisms organized by the International Service for Human Rights (ISHR), a Geneva-based organization.

In the fall of 2009, journalist Wang Keqin (王克勤) and rights activists Chen Wei (陈卫) and Xie Qiang (谢强) all separately encountered official interference as they prepared to leave the country for the ISHR program. Mr. Wang, a renowned investigative reporter and scholar, was pressured to abandon his plan to apply for a visa by officials at his newspaper, the *China Economic Times*. Mr. Chen, a rights activist from Suining City, Sichuan Province, was called in for “chats” by local National Security police and told that, as his personal information had already been transmitted to border patrol officials, he would be unable to leave the country at any border crossing. He was then placed under surveillance by local police to ensure he did not attempt to leave Suining. Finally, Mr. Xie, a digital activist from Hunan Province living in Beijing, was seized at his home by police the night before he was due to depart for Geneva, detained overnight in Beijing, then forcibly returned to his hometown in Hunan the next day and placed under “soft detention.”

Not only did the government maintain restrictions on human rights defenders leaving the country to participate in human rights-related training in the past year, it also continued to harass and disrupt domestic human rights trainings organized by civil society members.

The Guizhou Human Rights Forum, a loose circle of local activists who meet to discuss human rights and distribute educational materials in and around Guiyang City, have for years been the target of police harassment. A particular focal point of their activities comes every December, as members of the group gather to distribute copies of the Universal Declaration of Human Rights (UDHR) on Universal Human Rights Day. In 2008, for the 60th anniversary of the UDHR, the group organized a citizen forum on human rights. Police told the group this gathering was “illegal;” in the days before the scheduled gathering, police detained organizers Chen Xi (陈西), Shen Younian (申有年) and Du Heping (杜和平) and prevented the event from taking place.¹²¹

One year later, following the government’s proclamations about its dedication to human rights education, members of the Guizhou Human Rights Forum once again planned activities to mark Universal Human Rights Day. Chen Xi was summoned and briefly detained by police three times in the week leading up to the anniversary, and on the

afternoon of December 6, as other Forum members gathered in a Guiyang City park for preliminary activities, police quickly dispersed the meeting and forcibly removed at least three activists.¹²² The almost identical treatment year after year demonstrates the determination of local officials to prevent HRDs from carrying out independent educational activities.

While refusing to allow independent civil society actors to participate, the government has relied exclusively on institutions that are entirely under control of the party-state, including its universities, to conduct human rights education.¹²³ However, there is reason to be concerned that these institutions will not be able to effectively carry out this task, as cases from 2009 demonstrate that university officials remain under intense political pressure.

CHRD documented a number of cases in which university administrators not only failed to promote human rights education in 2009, but actively impaired students' ability to gain useful knowledge about issues relating to human rights. For example:

- On January 16, 2009, administrators at Beijing University Law School sent out an email to students, demanding that they “firmly resist and stay far away from” *Charter 08*, and that they “don’t follow others blindly or... spread harmful information.” This email came despite the fact that Beijing University law professor He Weifang (贺卫方) and Zhu Suren (朱苏人), the elder brother of Beijing University law school dean Zhu Suli (朱苏力), had already signed the Charter.¹²⁴
- Hong Kong scholar and TV personality Liang Wendao (梁文道), a signatory of *Charter 08*, was prevented from giving a series of lectures at Jinan University, Sun Yat-sen University, and other institutes of higher learning in Guangdong Province on June 8 by local PSB officials. According to a university administrator, police issued a notice stating that Liang should be barred from speaking on campus because of his involvement with *Charter 08* and activities related to commemorating the 20th anniversary of the Tiananmen Square Massacre.¹²⁵
- On November 27, Guangzhou City police seized Tang Jingling (唐荆陵), a Guangzhou human rights lawyer, and Ji Yuan (吉原), a friend of Tang's, while Ji was giving a lecture on the use of Twitter as a tool for disseminating human rights information and breaking news at Guangdong Nationalities University. Police took Tang and Ji to the Tangxia Police Station, in Guangzhou's Tianhe District, and questioned them for more than 12 hours before releasing them shortly after midnight. According to friends of Tang's who inquired at the police station, the president of the university had called the police after learning of the content of Ji's lecture.¹²⁶

The potential professional repercussions for academics who speak out in defense of human rights, combined with the sorts of interference by school administrators described above, points to the difficulty educators faced in transmitting information about human rights to students during the first year of the two-year Action Plan.

That the Chinese government insists on controlling the medium and message of human rights education comes as no surprise, given its continued efforts to restrict freedom of expression and association. However, by prohibiting the involvement of civil society, the Chinese government is actively preventing its citizens from acquiring the most up-to-date and useful information regarding their rights, as it is the abuses of these rights by the government that civil society is best suited to help citizens defend. A government-controlled plan of “human rights education,” like a government-controlled media, serves only to further the interests of the authorities.

B. Failure to protect human rights defenders

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.”

- Declaration on Human Rights Defenders, Article 12

In the past year, government officials not only failed to protect citizens’ right to participate in peaceful activities protesting violations of human rights, they themselves were the prime persecutors of human rights defenders. Human rights defenders continued to be subjected to surveillance, threats, physical violence, Re-education through Labor, arbitrary detention, and imprisonment in 2009. Furthermore, because of the large number of “sensitive” events that occurred in 2009, the government relied particularly heavily on “soft detention” and “forced travel” to prevent human rights defenders from taking any public actions to draw attention to rights abuses during these periods.

In Part I of this report, we provided a look at the government’s efforts to prevent human rights defenders from exercising specific rights in 2009. In this section, we will examine the different ways in which the government retaliated against human rights defenders, and the effects of these actions.

1. Harassment and threats from police and officials

In addition to detention and arrest, police and government officials continued to use an array of alternative methods to exert pressure on human rights defenders in 2009. For many human rights defenders, harassment and threats have become commonplace. For example, since his release from three years in prison on June 2, 2006, debarred human rights lawyer Zheng Enchong (郑恩宠) has been summoned for questioning by Shanghai police 76 times as of January 3.¹²⁷ While calling activists in for a “chat,” to “tea,” or summoning them for interrogation were among the most common forms of police harassment, restricting activists’ movements, particularly around events of national significance, continued to be widely practiced by police as well.

a. “Chats,” “teas,” summons, and searches

For many human rights defenders, their first interaction with the police, be they from the Public Security Bureau (*gongan*), the National Security Unit (*guobao*) under the PSB, the Ministry of State Security (*guoan*), or any other uniformed or plainclothes official, comes in the form of a “chat” or an invitation to “drink tea.” These actions have a number of intended effects: to let individuals know that the police are aware of their activities, to gather information about that person’s relationships and contacts, to clearly warn them against certain pursuits, and so on. Because human rights defenders are often warned not to discuss their “chats,” or are so frequently harassed by police that they have gotten used to these acts of intimidation, the use of this tactic is often not reported or documented. However, CHRD believes that it is very likely that police had more “chats” with human rights defenders in 2009 than in previous years.

While an invitation for “tea” or a “chat,” is made informally by a police officer, a summons (*chuanhuan*) is a different story altogether. The procedure for summoning a citizen for questioning is outlined in the Criminal Procedure Law, and interrogations are limited to no more than 12 hours. Though police are legally required to issue a formal summons notice,¹²⁸ CHRD has documented numerous cases in which officers have arrived at the home of a human rights defender and orally informed them that they were being summoned for questioning without producing any legal documents.¹²⁹ In the past year, summonses were used particularly heavily: according to one estimate, more human rights defenders were summoned for questioning in 2009 than in any year since 1989.¹³⁰ This was largely due to the government’s anxiety regarding *Charter 08*.

The Chinese government began summoning and interrogating signatories of *Charter 08* even before it was released: Zhang Zuhua (张祖桦) and Liu Xiaobo (刘晓波) were summoned for questioning on the night of December 8, 2008.¹³¹ While Zhang was released after 12 hours, Liu was placed under residential surveillance and held in a secret location until his formal arrest more than 6 months later. Within a week, nearly 40 signatories were summoned.¹³² By December 2009, the one-year anniversary of the release of *Charter 08*, the government had summoned over 100 *Charter 08* signatories, some on multiple occasions.¹³³ With the exception of Liu, none of the signatories have been arrested for their support for *Charter 08*.

The purpose of these summonses remained the same throughout the year: police sought to track the spread of the *Charter* by asking signatories how they came to learn about the document, and often sought to intimidate citizens who had signed, threatening dire consequences if they did not remove their signatures. However, as a group of *Charter 08* signatories noted in November, “there has not been a single signatory to *Charter 08* withdrawing his or her signature.”¹³⁴ With reports of signatories being summoned even as this report goes to press, there is no indication that the government plans to cease using this tactic to harass supporters of *Charter 08*.¹³⁵

Police continued to periodically conduct raids on homes of human rights defenders in conjunction with these summonses. While usually cautious to provide proper documentation authorizing their actions, police conduct these searches primarily as a means of intimidating human rights defenders, attempting to cripple them financially, and as a method of obtaining information about rights-defense activities through confiscation of computers, notebooks, and other items which might contain lists of contacts, e-mail correspondence, or other evidence of a human rights defenders’ connections and activities. Notable raids in the past year included:

- A January 10 search of Beijing human rights defender Wang Debang’s (王德邦) home. More than twenty policemen, led by the head of the National Security Unit of the Beijing Municipal PSB arrived late that night to search his home and confiscate computers and personal belongings. Wang was taken to a PSB office and interrogated for six hours about *Charter 08* and his alleged involvement in drafting *A Report on the Situation of Human Rights Defenders in China (2008)*.¹³⁶
- A March 31 search of the Beijing home of Dr. Jiang Qisheng (江棋生), a former 1989 prisoner, dissident writer, and vice-chairman of the Independent Chinese PEN. Dr. Jiang was taken away from his home in Beijing and interrogated by police for six hours. During the interrogation, police produced a print-out copy of an article about the crackdown on the protests of 1989 that Dr. Jiang was working on from his computer. Police threatened Dr. Jiang and warned him against playing any role in organizing commemorative activities to observe the 20th anniversary of the Tiananmen Square Massacre. Officers confiscated three computers, bank cards, many books, notebooks, and manuscripts from his home.¹³⁷

While searches, summonses, and “chats” may not ultimately lead to a human rights defender being detained for an extended period of time, they are nonetheless intrusive and powerful reminders of the tenuous nature of a human rights defender’s personal security and liberty. Furthermore, these police activities are frequently unlawful: invitations to “tea” which cannot be refused are essentially disguised summonses, without legal basis, and many of the summonses carried out “legally” are used primarily to harass and intimidate human rights defenders.

b. Threats to HRDs’ employment

The Chinese government has long threatened the jobs of human right defenders whom they seek to keep in line. Because many professionals—including journalists, professors, and lawyers—still require official licenses or permits to hold their positions, government officials are able to exert significant pressure on employers to threaten human rights defenders whose livelihood depends on this official approval. For example,

- Wang Qingying (王清莹), a professor of economics at Guangdong University of Technology's Huali College, was forced to resign from his teaching post on December 8 under pressure from school authorities. Wang, a *Charter 08* signatory, had joined fellow dissidents in an outing to Guangzhou's Baiyun Mountain during which they wore t-shirts bearing the slogan "One Party Dictatorship is a Disaster."¹³⁸

What was unique in 2009, however, was the government's use of this tactic on a larger scale to punish lawyers in Beijing who were defending human rights and advocating for a more democratic and autonomous Beijing Lawyers Association. In May, Beijing officials pressured law firms to "fail" at least twenty human rights lawyers in their annual performance evaluations and in February, Beijing's Yitong Law Firm was ordered to close for six months for "re-organization" after some of its lawyers became involved in advocating for direct elections of the leadership of the Beijing Lawyers Association. (See p. 24)

2. Restriction of movement: "soft detention" and "forced travel"

Although police subject human rights defenders to unlawful "soft detention" and "forced travel" throughout the year, these restrictions on personal liberty are most frequently imposed on human rights defenders during "sensitive" periods or events, such as the annual Two Meetings in March, visits by foreign officials, and the anniversary of the Tiananmen Square Massacre on June 4, during which the government has a particular interest in preventing people from speaking out about rights abuses. CHRD believes the number of human rights defenders subjected to "soft detention" and "forced travel" during 2009 was higher than in years past, thanks largely to the number of sensitive events which took place during the year. "Forced travel" and "soft detention" are equally unlawful, having absolutely no basis in Chinese law.

The two types of restrictions are similar in objective, but differ slightly in execution. Individuals subjected to "soft detention" are guarded by police stationed outside their homes. Though some individuals may be allowed to leave their homes during "soft detention," they are closely followed and monitored by police or required to travel in police vehicles, and often they are barred from meeting other "sensitive" individuals. Others are not allowed to leave their homes at any point during the "soft detention." "Forced travel" refers to a mandatory trip ordered by the police or government officials taken outside of one's city of residence with a police escort. Sometimes these trips span as long as one month and cover wide swaths of the country; other times they may only involve spending a few days in a nearby town.

The visits to China by U.S. Secretary of State Hillary Rodham Clinton and President Barack Obama, in March and November respectively, were two “sensitive” events during which the government clamped down on human right defenders.¹³⁹ During Secretary of State Clinton’s trip in February, CHRD documented 12 human rights defenders who were taken on forced trips or placed under “soft detention.” In November, when President Obama visited China, CHRD documented ten cases of individuals subjected to “soft detention” or “forced travel.”¹⁴⁰ These numbers only represent a small piece of a larger picture, because CHRD’s ability to report is greatly reduced during these periods as few human rights defenders have the ability to collect information and get the word out.

Much more far-reaching, however, were efforts to control dissent and activism during the two most “sensitive” dates in 2009, the 20th anniversary of the Tiananmen Square Massacre and the 60th anniversary of the founding of the PRC. At least 38 activists and dissidents were placed under “soft detention” in the days leading up to June 4, while ahead of National Day, CHRD documented 33 cases of activists and dissidents around the country who were placed under “soft detention.”¹⁴¹ With more domestic and international attention focused on Beijing during these dates, police had greater incentive to cast a wider net in restricting citizens’ freedom of movement.

Over the course of these events, politically sensitive individuals may have had their movements restricted in different ways by police. Take, for example, Wang Debang (王德邦), a human rights activist from Guilin City, Guangxi Province, now living in Beijing. During Secretary of State Clinton’s visit to China, Wang was placed under surveillance by police. During the period around June 4, he was placed under “soft detention.” Prior to National Day, however, Wang was forced to leave his home in Beijing and return to Guilin. Once he reached his hometown, Wang was then placed under “soft detention.”¹⁴² Allowed to return to Beijing on October 4 following the National Day celebration, Wang was then forced to leave the city again during President Obama’s visit the following month. Police from Beijing and Guilin’s National Security Unit took Wang to Qingdao City, Shandong Province.¹⁴³

As discussed earlier, Chinese authorities continued to deny human rights defenders their right to travel abroad to attend human rights conferences, take part in academic exchanges, or attend training sessions on rights defense. But this form of harassment was also practiced on human rights defenders who attempted to leave the country simply for vacation or to visit relatives. While border guards turned back human rights defenders at airports and border crossings, local officials confiscated travel documents or otherwise prevented human rights defenders from leaving their homes to embark on their travel. For example, on June 5, police in Taiyuan City, Shanxi Province summoned rights defender Deng Taiqing (邓太清) ahead of a scheduled trip to Hong Kong.¹⁴⁴ The police confiscated his passport and Hong Kong and Macau travel permit and warned him not to leave the country before October 1.¹⁴⁵

Relatives of human rights defenders were at times similarly harassed. In mid-August, the daughter of Wang Sen (王森), an imprisoned member of the Sichuan branch of the banned China Democracy Party, was denied a passport to study abroad. Officials in

Tongjiang City, Sichuan Province labeled her a “possible danger to state security” in rejecting her application, her second attempt to obtain a passport.¹⁴⁶

However, no case of restricting an activists’ right to travel drew as much attention as the saga of Shanghai human rights defender Feng Zhenghu (冯正虎). Feng, a Chinese citizen with a valid passport, traveled to Japan on April 1, and first attempted to fly back to Shanghai after June 4. In early November, after Feng was prevented from returning to China for the eighth time, he refused to re-enter Japan in protest, and decamped in a large lobby area outside the immigration hall in Tokyo’s Narita Airport. In the 92 days Feng spent at the airport, he provided frequent updates on his situation via Twitter, blogs, and interviews with international media, rallying a large group of supporters to his cause. In December, some petitioners and activists in Shanghai even began a hunger strike in support of Feng’s right to re-enter China. Shortly before Chinese New Year in February 2010, Feng was finally allowed to return home.¹⁴⁷

3. Violence against human rights defenders: disappearances, attacks, and torture

a. Kidnappings and disappearances

Police continued the practice of kidnapping, holding human rights defenders in secret locations, and “disappearing” them in 2009. While victims were not always able to identify the individuals who unlawfully took them away, in most cases the police were either known or believed to be involved. Common locations where human rights defenders were taken included police stations, detention facilities, and hotels. Often human rights defenders were driven to the outskirts of town or to nearby villages to be held; occasionally, the police hooded their victims so that they would not know where they were being taken.¹⁴⁸ Most disappearances were reported when friends or family members discovered they could not contact an individual because their cell phones or other means of communication were disrupted.

As with “soft detentions” and other forms of harassment, the periods of time around sensitive events in 2009 marked the height of kidnappings and disappearances of human rights defenders. According to one estimate, in the lead-up to the 60th anniversary of the founding of the PRC, more than 100 human rights defenders went missing across the country.¹⁴⁹ All were held for at least 4 or 5 days, though some were held for upwards of three weeks.

Undoubtedly the most shocking case from 2009 is that of Gao Zhisheng (高智晟), human rights lawyer and former director of the Beijing Shengzhi Law Firm. Mr. Gao disappeared on February 4, when relatives saw at least seven policemen take him from his hometown in Shaanxi Province. The government refused to disclose his whereabouts but occasionally released cryptic remarks when asked about Gao by his family or foreign media. After Beijing National Security officials told his brother in early 2010 that Gao had “gone missing” and they did not know where he was, a Chinese Foreign Ministry spokesperson said Gao was “where he should be” on January 21, 2010. Embassy officials in Washington later reported Gao was working in Urumqi, Xinjiang.¹⁵⁰ On March 28,

2010, Gao finally re-appeared, giving phone interviews to several reporters, and then on April 7, Gao appeared for an in-person interview with the Associated Press, dispelling earlier fears that he was dead.¹⁵¹ Gao refused to divulge details of his treatment during his year-long disappearance, but based on past experiences, there is good reason to believe Gao was mistreated and possibly tortured. Gao has previously been kidnapped, arbitrarily detained, and tortured on at least three previous occasions.¹⁵²

As the experience of Gao Zhisheng demonstrates, Chinese police remain willing to brazenly violate both the law and common standards of decency to intimidate or silence human rights defenders.

b. Attacks in retribution for rights-defense activities

While it was fairly common for human rights defenders to be roughly handled during apprehensions by police, and officials frequently used force in order to disperse demonstrations and group protests, it was less common for the authorities to violently attack human rights defenders in the open, relying instead on other forms of harassment and intimidation.

However, cases of open violence against human rights defenders were documented by CHRD this past year. Human rights lawyers defending politically sensitive cases were targeted in some of the most egregious attacks against human rights defenders in 2009 (also see p.23).

Lawyers were not the only targets of violence in 2009. One particularly serious incident involved dissident Professor Sun Wenguang (孙文广), who was attacked and beaten for the peaceful act of memorializing Zhao Ziyang. Sun was severely beaten on April 5 by a group of unidentified men on his way to the local cemetery to commemorate the life of Zhao Ziyang, the late reformist CCP Secretary General known for his sympathy with demonstrators during the Tiananmen Square Protests of 1989. April 5 was Qingming Festival, a traditional Chinese holiday to remember and honor the dead. A passerby who witnessed the beating called an ambulance and Sun was taken to Qilu Hospital in Jinan City, where he was diagnosed with three broken ribs and injuries to his spine, head, back, arms and legs. Sun believes that police following him witnessed the beating and yet did nothing to stop his attackers.¹⁵³

In the cases above, as in numerous instances of forced evictions or other cases in which officials (and others working under their direction or with their knowledge) physically assaulted citizens, the government failed to hold the attackers legally accountable. The threat of violence, therefore, remains real for all human rights defenders as they go about their daily business. For those taken into police custody, however, the threat is far more serious.

c. Torture and violence in detention

Calls for reforms of detention centers in China increased in 2009 following the highly-publicized case of Li Qiaoming (李荞明), a prisoner in a Yunnan Province detention center whose death police originally attributed to a game of hide-and-seek known as “eluding the cat.”¹⁵⁴ While the death of Sun Zhigang (孫志剛) in 2003 helped lead to the abolition of the Custody and Repatriation system, it is unclear to what degree Li’s death, and other widely-discussed cases from this past year, will serve as catalysts for change within China’s deeply-troubled detention facilities.

Human rights defenders detained in the past year were frequently affected by the culture of violence prevalent in Chinese detention facilities. CHRD documented cases of human rights defenders tortured by police to extract confessions, beaten by other inmates and “prison bullies” with the consent of guards, and otherwise mistreated in retaliation for their work defending others’ rights. Recounting the abuses he witnessed in two and a half years of detention between 2007 and 2009, imprisoned journalist Qi Chonghuai wrote “the kinds of maltreatment of prisoners I experienced first-hand and witnessed made my heart shiver.”¹⁵⁵

Qi’s letters, written between August 2008 and December 2009 inside Shandong Province’s Tengzhou Prison, describe in harrowing detail the torture and abuse he faced. Qi wrote that he was first tortured while in pre-trial detention in 2007. Police beat him on “nearly every” one of the 408 days he spent at the Tengzhou City Detention Center, and during one interrogation session, they bound Qi to a chair and beat him until he lost consciousness. On the day he arrived at Tengzhou Prison in August 2008, he was beaten by fellow inmates and suffered a broken rib. After learning that Qi had been documenting the conditions inside of Tengzhou Prison, a prison guard named Liu Huanyong (劉煥永) instructed an inmate, Zhai Fengqiang (翟鳳強), to “do away” with Qi. Qi writes,

I was ruthlessly beaten at the bottom of a 130-meter deep mine. My entire face was mangled and bloody, and I lost consciousness. I don’t know how long I was down there. Two fellow inmates found me and dragged me out of the mine, narrowly saving my life. If not for them, I would still be at the bottom of that mine.”¹⁵⁶

As of May 2010, Qi remains incarcerated in Tengzhou Prison. Those responsible for torturing him have not been held accountable.

One year has passed since the Committee against Torture issued its most recent report on China’s compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China ratified over twenty years ago.¹⁵⁷ Tragically, cases like Qi’s illustrate the failure of the government to act on the Committee against Torture’s recommendations and to take its responsibility to end torture in detention facilities seriously. While the government issued legislative proposals and strongly-worded statements regarding the abolition of torture in 2009, the practice remains as prevalent as in previous years. The health and safety of human rights defenders and all others taken into custody in China are frequently and seriously threatened.

4. Arbitrary detention

Chinese authorities continued to rely on various forms of arbitrary detention to retaliate against human rights defenders for their work in 2009. Human rights defenders were detained illegally in “black jails,” psychiatric institutions, and “legal education classes;” they were subjected to brief periods of administrative detention or up to three years of Re-education through Labor; or they were criminally detained, prosecuted, and sentenced to lengthy prison terms for exercising rights guaranteed by the Universal Declaration on Human Rights.

The UN Working Group on Arbitrary Detention (WGAD) defines “arbitrary detention” as a deprivation of liberty which falls into one of the following categories:

A) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him)

B) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights;

C) When the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.¹⁵⁸

As all cases of detained human rights defenders reported by CHRD in 2009 fall under at least one of the WGAD’s categories, we believe that all human rights defenders who were documented by CHRD as having been detained in 2009 were detained arbitrarily. For selected cases of human rights defenders detained for longer than 12 hours or sentenced to prison in 2009, please see Appendix I.¹⁵⁹

a. Detention in illegal facilities -- black jails, psychiatric institutions, “legal education classes,” and others

Local government liaison offices in Beijing are the country’s largest operators of black jails, which they use to detain petitioners who have traveled to the capital. However, these facilities can also be found across the country, and are frequently used to hold human rights defenders.¹⁶⁰ The majority of human rights defenders detained in black jails were held for a period of between 5 and 21 days, though CHRD documented the cases of two activists were held for longer than one month in 2009. For selected cases of human rights defenders detained in black jails during 2009, please see Appendix I.

Police appeared to detain human rights defenders in black jails for two main purposes in 2009: either to prevent them from speaking out during “sensitive” events, or to threaten and intimidate them. Police used detention in black jails most frequently as a preventative measure against human rights defenders with a long history of activism, rather than as punishment for a specific action: for example, Xiao Changhai (肖昌海), a Wuhan City representative of citizens whose property was expropriated by the state in earlier periods and are now disputing ownership with the government, was detained in a “law education class” between December 16, 2008, and January 18, 2009 by the Wuhan PSB. Police told his family that Xiao was “plotting to travel to Beijing to apply to demonstrate along with Wuhan petitioners Zhang Jianmin (张建民) and Zhou Xinbao (周新宝).”¹⁶¹ Qi Zhiyong (齐志勇), a Beijing activist, was detained by Beijing police on the morning of November 9 after he and a fellow activist applied for permission to hold a demonstration protesting police harassment during President Obama’s visit to China. Qi was taken to the outskirts of Beijing by officers from the National Security Unit of the Beijing PSB and held until November 18, the conclusion of the President’s trip.

However, there were cases of human rights defenders being illegally detained in black jails for specific attempts to exercise their rights, such as Liu Shasha (刘沙沙) and Miaoju Cizhi (妙觉慈智). Liu and Miaoju were taken into police custody on August 3 for unfurling a banner in Tiananmen Square and shouting slogans demanding the release of Xu Zhiyong (许志永), the detained director of the banned Beijing NGO Gongmeng. Liu was detained in Juyuan Hostel, a “black jail” run by the Beijing Liaison Office of the Henan Provincial Government. Miaoju was held at the Beijing Liaison Office of Heyuan City, Guangdong Province. Both women escaped from detention the following day.¹⁶²

The existence of black jails poses a serious threat to human rights defenders. All detainees in black jails are at high risk of abuse, as violence and mistreatment remain commonplace due to the lack of oversight of the facilities. There was limited cause for optimism towards the end of the year, however, as an article appeared in November in *Outlook Weekly*, a publication associated with state-run Xinhua, detailing the use of black jails in Beijing. Though the story used a different name (“a chain of gray enterprises”) to refer to black jails, some observers hoped the article, which was the first time a high-level government publication acknowledged the existence of black jails, was a sign that more exposure would be given to their existence and operation and that the central government might begin to take the problem seriously.¹⁶³

b. Administrative detention, including Re-education through Labor (RTL)

During 2009, Chinese officials continued to use the extrajudicial administrative detention system to detain human rights defenders. For selected cases, please see Appendix I.

For those human rights defenders who were administratively detained, but not sent to RTL, periods of detention commonly lasted between five and fifteen days.¹⁶⁴ Among the reasons given for detention were “disturbing social order,” “disturbing the order of a

public place,” or “obstructing official business.” Administrative detention was used frequently for activists involved in demonstrations or protests. For example,

- Mao Hengfeng (毛恒凤), a Shanghai reproductive rights activist, was detained by Shanghai police in January for shouting slogans advocating freedom outside of Shanghai Exhibition Center. Mao was given seven days of administrative detention for “disrupting public order.”¹⁶⁵

However, demonstrations did not have to occur for the police to turn to this tactic:

- Chen Zengfu (陈增夫) and Wang Diangang (王殿冈), two representatives of community-run (*minban*) school teachers from Shandong Province traveled to Beijing on December 29, 2008 to submit an application to stage a demonstration on January 12, 2009, in Jinan City, Shandong. Their request was verbally rejected and Chen and Wang were administratively detained on January 14 by Shandong authorities on the charges of “disrupting social order.”¹⁶⁶

Police primarily subjected grassroots activists involved in small-scale activism to the forms of administrative detention described above. However, police turned to the RTL system—which permits detention without trial for up to four years – for veteran human rights defenders with a longer history of activism or those whose activities officials found particularly threatening.

According to a statement made by the Chinese delegation before the UN Human Rights Council’s Working Group on the Universal Periodic Review, there were 320 RTL camps operating in China, with 190,000 detainees, in February 2009.¹⁶⁷ In addition to being used to persecute human rights defenders and petitioners, RTL is also used to punish individuals for “minor offenses” including drug addiction, prostitution, and being a member of an “illegal” religious group such as a Christian house church or Falun Gong. As documented in CHRD’s February 2009 report on the RTL system, conditions in these camps remain grim, as detainees are subjected to violence, heavy labor, poor living conditions, and limited medical care.¹⁶⁸

CHRD documented cases of human rights defenders sent to RTL across 11 different provinces and municipalities in 2009. Some, like Chen Yang (陈杨), 23-year-old Chongqing activist and *Charter 08* signatory, were detained for organizing activities to commemorate the 20th anniversary of the Tiananmen Square Massacre.¹⁶⁹ Others, such as longtime environmentalist and recipient of the 2006 Nuclear-Free Future Award Sun Xiaodi (孙小弟) and his daughter Sun Haiyan (孙海燕), were detained for exposing local corruption and pollution.¹⁷⁰ Still others, such as Yang Huanqing (杨焕青), a representative of laid-off community-run school teachers from Gong'an County, Hubei Province, were detained for organizing.¹⁷¹ The majority of human rights defenders sent to RTL in 2009 were given between one and two years of detention.

Whether weeks of detention in a police facility or years of RTL, the administrative detention system continues to allow police to detain human rights defenders quickly and quietly without legal representation or a trial.

c. Criminal detention

To send a stern warning to society as a whole and to punish human rights defenders whose actions more directly challenge the status quo, the government continued to rely on the criminal justice system to prosecute human rights defenders in 2009. The charges of “inciting subversion of state power,” “subversion of state power,” and “illegal possession of state secrets” were used to criminalize constitutionally-protected free speech. In addition, the crime of “gathering a crowd to disrupt social order” was used to prosecute citizens exercising their right to freedom of assembly, while the crime of “making false accusations” was used to imprison activists who exposed corruption and government malfeasance in the media. In many cases during the past year, the government not only convicted human rights defenders of others of these and other non-violent crimes, but handed down heavy sentences.

Dissidents and political activists received the harshest sentences among human rights defenders in 2009, signaling that the government’s overriding concern remained stifling any perceived challenges to the CCP’s one-party rule. Two political organizers—Guo Quan (郭泉) and Xie Changfa (谢长发)—were sentenced to 10 and 13 years, respectively, for “subversion of state power” (see also p.5). And, as discussed previously in this report, dissident intellectual Liu Xiaobo was sentenced to 11 years in prison for “inciting subversion of state power” largely for his role in drafting *Charter 08*, which also calls for the end of one-party rule in China.

Two other human rights defenders convicted of “inciting subversion of state power,” Tan Zuoren (谭作人) and Yuan Xianchen (袁显臣), were sentenced to five and four years in prison, respectively. Tan, who was sentenced in early 2010, was punished for posting articles commemorating the 20th anniversary of the Tiananmen Square Massacre.¹⁷² However, it is believed that his work to investigate the deaths of schoolchildren in the 2008 Sichuan earthquake was the main cause of the government’s retaliation. Yuan, who was tried in January and sentenced in March, was convicted of “inciting subversion” for accepting interviews with foreign news outlets, accepting foreign funding for his work, and distributing articles on constitutional democracy. His conviction came in retaliation for his legal aid work in Jixi City, Shandong Province, and for assisting the collection of signatures for a public petition entitled “We Want Human Rights, not the Olympics.”¹⁷³

In addition to human rights defenders sentenced to prison in 2009 (see Appendix I for selected cases) CHRD has also documented a number of human rights defenders currently involved in pending prosecutions. CHRD also documented cases of human rights defenders, including Xu Zhiyong (许志永), who were arrested in 2009 but released on bail pending trial (*qubao houshen*).

In 2009, the Chinese government utilized administrative, judicial, and extralegal means to continue their repression of human rights defenders. While the sentences handed down to high-profile activists such as Liu Xiaobo, Tan Zuoren and Huang Qi made headlines around the world, the lesser-known activists who were sent to black jails, RTL, and imprisoned round out the larger and more complex story of an environment which was more hostile towards human rights defenders than in previous years. Because of the government's ever-shifting, invisible line demarcating acceptable and unacceptable rights defense activities, no human rights defender in China is immune from harassment or retaliation, and those who were singled out and targeted by the government in 2009 often found themselves facing more serious consequences than they might have in the recent past.

Despite Chinese officials' relentless efforts to stifle human rights activism, they have been unable to stop human rights defenders from spreading awareness of the multitude of rights abuses taking place in contemporary China. As more and more ordinary citizens become aware of the negative aspects of the current system—the lack of the rule of law, freedom of expression, and freedom of association, to name just a few—they begin to take actions to promote and defend human rights themselves. This is especially true for those citizens who personally experienced injustice, and in the process of seeking accountability and redress discover that they are not alone—that their plight is the result of government policies and practices, and is one shared by countless others. The desire for better protection of human rights has long since gone beyond a limited circle of veteran dissidents and activists, and is now held by many ordinary Chinese citizens who will be the agents of change for the future.

Recommendations

We call on the Chinese government to honor its international obligation to protect human rights defenders, set forth in the United Nations' Declaration on Human Rights Defenders, and recognize the contribution human rights defenders make to the promotion of human rights in China. Specifically, we recommend that the Chinese government:

1. Immediately cease all forms of harassment and persecution currently directed at human rights defenders, their families, and their organizations. Government officials suspected of committing these violations should be promptly investigated and held accountable according to the law;
2. Immediately release all incarcerated or otherwise detained human rights defenders. These individuals should receive state compensation for the time they were arbitrarily detained and/or for the torture to which they were subjected;
3. Immediately abolish the system of Re-education through Labor and close down all illegal and secret black jails around the country. The detention of human rights defenders, and all Chinese citizens, in these facilities is both arbitrary and a violation of their basic rights;
4. Respect human rights defenders' freedom of expression, and cease censoring or blocking blogs, emails, and websites belonging to human rights defenders. The government must refrain from introducing additional administrative or legal regulations designed to further limit legitimate use of the internet by human rights defenders and all Chinese citizens;
5. Issue an invitation to the Special Rapporteur on the Situation of Human Rights Defenders to visit China. The Special Rapporteur requested the opportunity to make such a visit in November 2008;
6. Immediately ratify the International Covenant on Civil and Political Rights, which China signed over a decade ago and which guarantees fundamental rights essential to human rights defenders, including freedom of expression, association, and assembly.

Appendix I: Human Rights Defenders Arbitrarily Detained in 2009

The following list is not a comprehensive record of all human rights defenders arbitrarily detained in 2009, but rather a selection of cases documented by CHRD from our reporting over the course of the year. More information about all of these human rights defenders is available on our website, www.chrdnet.org.

Human Rights Defenders Sentenced to Prison in 2009 and Early 2010 (14)

1. **Dong Dekui (董得揆)**, a grassroots activist from Tengzhou City, Shandong Province, was sentenced to eleven years in prison for “extortion”, “making false charges” and “defamation” on July 30. Dong, who is known for exposing official misconduct and helping fellow citizens write petitioning materials and complaint letters to be submitted to higher authorities, was criminally detained on February 9.
2. **Duan Chunfang (段春芳)**, a 49 year-old human rights activist from Shanghai, was seized by police at a local government office on July 3 while she was negotiating the payment of a hospital bill incurred after she was beaten and injured by security guards keeping her under residential surveillance on June 22. Duan was later charged with “obstructing official business” (police claimed she attacked a police officer) and was sentenced to a year and a half in prison on October 23 by the Pujiang Court in Shanghai. According to Duan's lawyer, the presiding judge refused to review a video recording of the interrogation room during the time the alleged attack occurred on the grounds that testimony from nine police officers was “enough” to convict Duan. Her sentence was upheld by the Shanghai No. 1 Intermediate Court on December 15 following an appeal.
3. **Guo Quan (郭泉)** was sentenced to ten years in prison for “subversion of state power” on October 16 by the Nanjing Intermediate Court. Guo, a democracy activist and former associate professor at Nanjing Normal University, was tried on August 7, after eight months of detention, for organizing the China New People’s Party. For more information on his case, please see: http://crd-net.org/article/Class9/Class10/200811/20081114084024_11753.html
4. **Hou Ying (侯映)**, a petitioner-turned-activist from Changsha, Hunan, was sentenced to 3 years in prison on January 27 for allegedly “disturbing public order” while petitioning. On January 21, Chaoyang PSB officials placed Hou under administrative detention for 5 days after she submitted a protest application with 98 petitioners’ signatures in Beijing.
5. **Huang Qi (黄琦)**, human rights activist and director of Tianwang Human Rights Center (www.64tianwang.com), was sentenced to three years in prison for “illegal

possession of state secrets” on November 23. It is believed that Huang was imprisoned for reporting and giving interviews to foreign journalists about protests staged by families of schoolchildren killed in the Sichuan earthquake in May 2008. Huang was kidnapped off the street by a number of unidentified men on June 10, 2008, and later discovered to have been detained by the police. During Huang’s detention, he was barred from accessing his lawyers for over three months after he was first taken into custody. Huang was tried on August 5 in a closed trial. For more information, see: http://www.crd-net.org/Article/Class9/Class15/200911/20091123130625_18479.html

6. **Liang Yonghong (梁勇宏)**, a villager and former soldier who has been active in fighting corruption among village officials since May 2006, was convicted of “illegally assembling a crowd to demonstrate” and sentenced to three years of imprisonment in Tanhe Village, Liuwang Town, Rong County, Yulin City, Guangxi Province on July 15. Liang’s family was not informed of his sentence until August 13. It is believed that Liang was retaliated against for leading a group of villagers to protest against corruption among Tanhe village cadres on November 12, 2008. Prior to the protest, Liang had repeatedly submitted applications to hold demonstrations, but they were either denied or ignored. His trial was held on June 17.
7. **Liu Xiaobo (刘晓波)**, China’s best-known dissident intellectual, was convicted of “inciting subversion of state power” on December 25 by the Beijing No. 1 Municipal Court. Liu was sentenced to eleven years in prison, with two years’ deprivation of political rights. Liu’s conviction was based entirely on his writings, nonviolent expressions of his own opinions. Along with *Charter 08*, which he played an instrumental role in drafting, six articles written by Liu between October 2005 and July 2007 were cited as evidence and used to convict him. Liu was detained on December 8, 2008, and until June 23, 2009, he was held under “residential surveillance” at an undisclosed location in Beijing. Except for two visits from his wife, Liu had no contact with the outside world for six months. During this entire period, Liu was being held without being formally detained or arrested. See: http://www.crd-net.org/Article/Class9/Class10/200912/20091225123444_19092.html
8. **Tan Zuoren (谭作人)**, human rights activist and environmentalist, was sentenced to five years in prison with an additional three years’ deprivation of political rights for “inciting subversion of state power” in Chengdu, Sichuan on February 9, 2010. According to his lawyer Pu Zhiqiang (浦志强), the court convicted Tan for attempting to organize commemorative activities for the 20th anniversary of the June 4th, 1989 crackdown on the pro-democracy movement, though many believe that Tan was punished for conducting investigations into student deaths in the 2008 Sichuan earthquake. After the Sichuan earthquake, Tan published a number of commentaries

online which were critical of the government. In February, Tan released a proposal calling on netizens to travel to Sichuan Province to compile a list of students who died in the earthquake and to investigate the quality of collapsed school buildings, as well as to assist parents of these children in their fight for justice. Tan had hoped to finish his investigation by the first anniversary of the earthquake. However, he was taken into police custody on March 28. Tan was tried in Chengdu on August 12. See: http://www.crd-net.org/Article/Class9/Class10/201002/20100210232045_19884.html

9. **Wang Rongqing (王荣清)**, a member of China Democracy Party, Zhejiang Chapter, was sentenced to six years of imprisonment for “subversion of state power” by Hangzhou City Intermediate People’s Court in Zhejiang Province on January 7. Wang, 65, is a veteran democracy activist whose activism can be traced back to the Democracy Wall movement in the late 1970s. In 2004, Wang was detained for two weeks after he drafted and submitted to the Chinese government a Draft Law on Chinese Political Parties. In 2005, he was detained for six months for organizing the China Democracy Party’s Zhejiang Chapter. In August 2006, Wang was again detained for a month for writing articles criticizing the repression of religious freedom in Zhejiang Province. See: http://www.crd-net.org/Article/Class9/Class10/200901/20090108004443_12937.html
10. **Wang Yonghang (王永航)**, a former lawyer from Dalian City, Liaoning Province, was seized on July 4, formally arrested on August 10, held incommunicado, and tried in secret on October 16 in a closed court without a lawyer present before being sentenced to seven years in prison for “using a cult to damage the implementation of the law” on November 27. Wang is an outspoken advocate for the rights of Falun Gong practitioners; he was convicted for accepting interviews and publishing articles on foreign websites in addition to defending Falun Gong practitioners in court. When Wang was taken into police custody on July 4, he was severely beaten, causing fractures in his right ankle. He was finally able to meet with his lawyers on January 14, 2010, at the Dalian City Detention Center. http://www.crd-net.org/Article/Class9/Class10/200908/20090827172912_17039.html
11. **Xie Changfa (谢长发)**, a human rights and democracy activist from Changsha City, Hunan Province, was convicted of "subversion of state power" and sentenced to 13 years in prison by Changsha's Intermediate Court on September 1. The trial was attended by fellow activists and Xie's brother, who protested the decision and vowed to appeal. Xie, who was seized in late June 2008, is a veteran democracy activist and has been repeatedly detained and incarcerated in the past for nonviolent political activities associated with the banned China Democracy Party.

12. **Xie Fulin (谢福林)**, a democracy activist from Changsha City, Hunan Province, and his brother **Xie Shulin (谢树林)**, were sentenced to six years in prison by Changsha's Furong District Court for "stealing electricity" on March 26, 2010. After the verdict, a police source told the Xie family that the case was related to Xie Fulin's rights activism. The brothers were formally arrested for "theft" on August 24, 2009 after a dispute between their neighborhood and the local power company. Besides being a member of the banned online group Pan-Blue Alliance of Chinese Nationalists, Xie has been petitioning for years and has also advocated for the rights of fellow petitioners.
14. **Yuan Xianchen (袁显臣)**, a human rights activist and "barefoot lawyer" from Jixi City, Heilongjiang Province, was found guilty on March 4 of "inciting subversion of state power" and sentenced to four years in prison and five years' deprivation of political rights. This verdict comes nearly two months after Yuan was tried by the Jixi City Intermediate People's Court on January 12. See: http://www.crd-net.org/Article/Class9/Class10/200903/20090306133405_14109.html

Human Rights Defenders Arrested in 2009 and Awaiting the Outcome of Prosecution (19)

1. **Fan Yanqiong (范燕琼)**, a human rights defender from Fuzhou City, Fujian Province, was taken into police custody on June 26 after she posted articles online alleging official misconduct and cover-ups in the case of a young woman's death in Minqing County, Fujian Province. She was formally arrested on July 31 and charged with "making false accusations," and tried on November 11. As of the time of writing, Fan and co-defendants Wu Huaying and You Jingyou (see below) were still awaiting a verdict in their trial. On December 30, she was visited by lawyers Liu Xiaoyuan (刘晓原) and Jiang Yunfu (姜运福), who reported that her health remains extremely poor (she is having difficulty walking and suffers from serious kidney and heart diseases) despite improved care in the detention center. Officials at the Mawei District Detention Center have applied for permission to release her on bail for medical treatment, but higher authorities have not approved the request. For more information, see: http://www.crd-net.org/Article/Class9/Class10/200911/20091111152933_18239.html
2. **Hu Yulan (胡玉兰)**, Sichuan activist and wife of Liu Zhengyou (刘正有), was formally arrested on December 7 for "fraud" after being criminally detained on November 27. She is currently being held in the Zigong City Detention Center. As with her husband's case, it is believed that the charge of "fraud" is groundless and is being used as a pretext by police seeking to retaliate against the couple for their rights-defense activities. In the past few years, Liu and Hu have helped local

petitioners file complaints, turning their home into a non-governmental “letters and visits office.” As of the time of writing, they had yet to be tried. For more information on the detention of Hu Yulan and Liu Zhengyou, please see http://www.crd-net.org/Article/Class9/Class10/200912/20091209035939_18763.html.

3. **Bao Junsheng (鲍俊生), Huang Xiaomin (黄晓敏), Xing Qingxian (幸清贤), Lu Daqun (陆大椿), Yan Wenhan (严文汉), Zeng Rongkang (曾荣康), Yang Jiurong (杨久荣, female), Liu Jiwei (刘继伟), Zeng Li (曾理) and Xu Chongli (徐崇丽, female)** were seized in Chengdu, Sichuan, following a protest outside of Chengdu Intermediate People’s Court on February 23 and 24. The ten have been arrested and charged with "assembling a crowd to disrupt social order." The activists were all present at the demonstration, some taking part and others reporting. Huang, Lu, and Yan all volunteer for the human rights group Tianwang Human Rights Center, while Xin volunteers for the nascent Chengdu-based human rights group Rights Defense in Action. The activists were tried in April 2010, but the court has yet to issue a verdict. For more information, see: http://www.crd-net.org/Article/Class9/Class10/200903/20090324112919_14466.html
13. **Liu Zhengyou (刘正有)**, a land rights activist from Zigong, Sichuan, was seized from his home on November 11 and criminally detained on suspicion of "fraud." He was formally arrested on December 7 along with his wife, Hu Yulan, and his case was transferred to the Ziliujing District Procuratorate in Zigong City, Sichuan, on January 19, 2010. It is believed that the charges against the two are groundless, and are being used as a pretext by police seeking to retaliate against Liu and Hu for their rights-defense activities. See: http://www.crd-net.org/Article/Class9/Class10/200911/20091113040718_18261.html
14. **Tang Aimin (唐爱民), Hu Weimin (胡卫民)**, workers’ representatives at a silk factory in Tongliang County, Chongqing, were detained on February 15 for organizing a sit-in for workers seeking pensions and medical insurance following the factory’s closure. Tang and Hu were criminally detained on suspicion of “gathering crowds to disturb social order” and then formally arrested on March 20.
16. **Wang Diangang (王殿刚)**, a Shandong teachers’ representative, was detained on suspicion of illegal possession of state secrets on March 6 after authorities in Qufu City, Shandong searched his home. Earlier, in January, Qufu authorities had detained Wang for seven days for disrupting social order. The state secrets reportedly found in Wang’s home were documents regarding the teachers. He is being held at the Qufu Public Security Bureau Detention Center.

17. **Wu Huaying (吴华英)**, a resident of Fuqing City, Fujian Province, is a petitioner-turned-activist. She was formally arrested for “making false accusations” on July 31 and tried on November 11 along with Fan Yanqiong and You Jingyou for posting articles online which allege official misconduct and attempts to cover up criminal acts surrounding the rape and suspicious death of Yan Xiaoling (严晓玲), a young woman from Minqing County, Fujian Province. For the last four years, she has been active in providing legal aid and other forms of assistance to those who have suffered injustices at the hands of officials in Fuqing City. See: http://www.crd-net.org/Article/Class9/Class10/200911/20091111152933_18239.html
18. **You Jingyou (游精佑)** was seized along with Fan Yanqiong and Wu Huaying after they posted articles online accusing local officials of misconduct in handling the suspicious death of Yan Xiaoling (严晓玲), a young woman from Minqing County, Fujian (see above). You, a man in his 50s, was an accomplished engineer with the Xiangpu Railway Engineering and Construction Company. Recently, You has been involved in a number of rights-defense activities, and has provided material and financial support to an array of local rights activists. See: http://www.crd-net.org/Article/Class9/Class10/200911/20091111152933_18239.html
19. **Zhao Lianhai (赵连海)**, Beijing activist, was formally arrested on December 17 for “creating a disturbance.” He was tried on March 30, 2010, but the court has yet to issue a verdict. Zhao is the founder of the website “Kidney Stone Babies” (Jieshi Baobao, 结石宝宝), which is dedicated to defending the rights of children who became ill after drinking tainted milk as well as their families. Zhao was criminally detained on November 14.

Human Rights Defenders Released Following Criminal Detention or Arrest (6)

1. **Huang Yunmin (黄云敏)**, a retired judge in Xinjiang who has advocated for the health-related rights of veterans, was detained from February 10 to March 11 on suspicion of “possession of guns.” He was released on bail to await trial. Huang had been leading a group of fellow veterans in complaining to the Ministry of Civil Affairs in Kashgar about the local government’s failure to provide medical tests and applicable benefits to soldiers who were involved in nuclear testing. See http://www.crd-net.org/Article/Class9/Class10/200902/20090224014142_13868.html
2. **Xu Zhiyong (许志永)**, director of the now-banned legal aid center Open Constitution Initiative (Gongmeng), was detained and later formally arrested for “tax evasion.” Xu was held in Beijing No.1 Detention Center from July 29 to August 23 before being released on bail to await trial. Police told Xu that **Zhuang Lu (庄璐)**, a staff member

at Gongmeng who was seized approximately the same time as Xu, was also released on bail on August 22.

4. **Yang Qiuyu (杨秋雨)**, a Beijing activist, was criminally detained for 30 days beginning November 11 for “disrupting social order”. Yang was seized while photographing large groups of petitioners outside of a government office in Beijing on November 11. After an interrogation, police took Yang to the Dewai Police Station under the Xicheng PSB, where he was held. Yang was released on bail awaiting trial.
5. **Zhu Chengzhi (朱承志)**, a Yunnan-based anti-corruption activist, was seized by police for taking photographs outside of the State Council Information Office on May 27. He was charged with "disrupting public order" and sent to 10 days of administrative detention. However, on June 7, the day he was set to be released, fellow activists who travelled to the Dongcheng Detention Center to greet him found he was still being detained; Zhu sent two text messages from inside the center, one of which read "still detained" and the other "criminal detention". According to reports, Zhu was released on July 7.
6. **Zhu Jindi (朱金娣)**, a petitioner-turned-activist from Shanghai, was criminally detained by local police from September 9 to October 9 for "assembling others to create a disturbance." It is believed this detention was designed to prevent her from petitioning during the National Day period. After she was released, Zhu reported that, while she was detained, police threatened to send her to RTL if she continued to assist fellow petitioners, and added that her children would be "unable to find work" if she did not abandon her activism.

Human Rights Defenders Sent to Re-education through Labor (13)

1. **Chen Yang (陈杨)**, 23-year-old Chongqing activist and *Charter 08* signatory, was detained, beaten and had his home searched by police on June 3. He was then charged with "obstructing official business" on June 15 and detained in Chongqing's Jiulongpo District Detention Center for three days before being sent to one year of RTL on June 18. On December 10, Number Three Intermediate Court in Chongqing announced that it would not accept an administrative litigation lawsuit brought by Chen challenging the court's previous decision to reject his appeal for administrative reconsideration. His lawyers also filed another administrative litigation lawsuit on his behalf, which was heard on October 28 without Chen present. That hearing concluded without the court issuing a verdict or declaring the case closed.

2. **Guo Yongfeng (郭永丰)**, Shenzhen democracy activist and organizer of the Citizens' Association for Government Oversight (公民监政会), was administratively detained from April 25 to May 9 for "holding illegal activities with an unregistered social organization." The "illegal activities" Guo took part in were preparing materials and meeting with business and political leaders to discuss with them plans for the Citizens' Association for Government Oversight. He was also detained for four days, from June 2 to June 6, to prevent him from "causing trouble" during the twentieth anniversary of the Tiananmen Massacre. On September 18, days before an administrative litigation lawsuit challenging his detention in April was set to be heard, Guo disappeared. At the time of writing, his whereabouts are still unconfirmed, though friends and fellow activists believe he has been sent to 18 months of detention in a RTL camp. According to the friends, the information comes from a contact within the local Public Security Bureau.
3. **Han Lifa (韩立法)**, Shanghai democracy activist, was detained by Shanghai police on March 15, and his current whereabouts are unknown. Han, a veteran activist, has been detained, beaten, and imprisoned numerous times since he began his activism in the wake of the Tiananmen Square Massacre. It was later reported that he was sent to RTL on March 17, on what friends believe to be trumped-up charges, though the length of his detention is not currently known.
4. **Huang Wei (黄伟)**, Zhejiang Province folk singer and *Charter 08* signatory, was detained by Wenzhou City PSB officers on June 1 to prevent him from travelling to the capital on June 4 to commemorate the 20th anniversary of the Tiananmen Massacre. He was detained at the Ou Hai Detention Center in Wenzhou before Wenzhou PSB officials sent him to 18 months of RTL on July 26. In recent years, Huang has travelled around the country, giving performances in which he sings about human rights as well as victims of the Tiananmen Massacre. He was planning to give a performance on Tiananmen Square before he was detained.
5. **Jin Youfa (金有发)**, a representative of voluntary soldiers (志愿兵) who have retired from active service, was sent to one year of RTL on August 27 by the Tongliao City, Inner Mongolia RTL Management Committee for "gathering crowds to disturb social order." Jin, 46, had been a voluntary soldier for fifteen years. After he retired from active service, as part of the government's scheme to settle retired soldiers, he was given a job at a company in Tongliao City. When the company went bankrupt a few years ago, Jin was not given another job or compensated while other types of retired soldiers were given government assistance. Since 2007, Jin has led fellow former voluntary soldiers in petitioning about their unequal treatment.

6. **Luo Qian (罗茜)**, a Hunan activist, was seized by police in Hunan Province on December 2 after reporting on the death of Yang Kuansheng (杨宽生), vice-mayor of Wugang City, Hunan. Luo originally reported that Yang's death was a homicide; the Wugang PSB later declared it a suicide. Luo also accepted media interviews about the case. His wife is reported to be under close surveillance as well. Though later released, Luo was detained again on January 7, 2010, and sent to two years of RTL. According to the RTL documents, Luo was punished for organizing and participating in a teachers' strike in Xinning County, Hunan, in 2008.
7. **Luo Yongquan (罗勇泉)**, a poet and a member of the China Democratic Party from Shaoguan City, Guangdong Province, was sent to two years of RTL on May 20 for publishing poems that “attack the Party and the government”. Luo originally disappeared in Chengdu, Sichuan, while traveling to various parts of the country to plan commemorative activities for the 20th anniversary of the Tiananmen Massacre. He is being held in the Sanshui RTL Camp in Foshan, Guangdong. Luo, a *Charter 08* signatory, previously served in an RTL camp between 2001 and 2004 for “opposing the Party and socialism”. He has been summoned six times and was briefly detained in April by National Security officers under the Hangzhou City, Zhejiang Province PSB.
8. **Sun Fuquan (孙福全)**, a 38 year-old Shenyang City, Liaoning Province dissident and activist, was sent to one year and nine months of RTL in April by the Shenyang RTL Management Committee for "posting articles on foreign websites and supporting the Taiwan independence movement". Sun's career as an activist began in 2007, when he started assisting veterans in their quest to obtain better treatment from the government. He was detained by police after posting an article online calling for a rectification of the government's position on the June 4 massacre ahead of the 20th anniversary of the tragedy this year.
9. **Sun Xiaodi (孙小弟)**, a Gansu environmental activist and recipient of the 2006 Nuclear-Free Future Award, was sent to RTL along with his daughter **Sun Haiyan (孙海燕, also known as Sun Dunbai [孙敦白])** on July 9. The father and daughter were sent two years and 18 months of RTL, respectively, for “illegally providing state secrets overseas” and “rumor mongering.” It is believed that Sun and his daughter were retaliated against for exposing official corruption and nuclear waste pollution in Gansu Province. See: http://www.crd-net.org/Article/Class9/Class10/200907/20090717105322_16316.html
11. **Wang Zhanhe (王占河)**, a village representative from Lanqi Village, Huaijia Township, Yushu City, Jilin Province was sent to one year of RTL for petitioning higher authorities regarding corrupt activities by the village's Chinese Communist

Party (CCP) Secretary. Wang was caught while petitioning in Beijing in March, at which point he was forcibly returned to Yushu City, where he was sent to RTL. He is currently held in Yinmahe RTL Camp in Jiutai District, Changchun City, Jilin.

12. **Yang Huanqing (杨焕青)**, a representative of laid-off community-run (*minban*) school teachers from Gong'an County, Hubei Province was seized by the Gong'an PSB on November 20 and sent to one year of RTL. Yang is currently held in the Gong'an County Detention Center. The RTL notice received by Yang's family, dated October 12, listed three specific occasions in the past four months on which Yang organized teachers to petition, met with other teachers' representatives, and petitioned with other representatives.
13. **Zhang Jinfeng (张金凤)**, a Shandong rights activists detained on March 5 for taking part in an assembly along with other veteran petitioners and victims of injustices in Jinan City, was sent to one year and nine months of RTL by the Jinan City PSB for participating in an "illegal assembly" and "disturbing social order" on March 14. Zhang has not been able to meet with her family, friends, or lawyers since being sent to RTL on March 14.

Human Rights Defenders Administratively Detained but Not Sent to RTL (16)

1. **Chen Baogen (陈宝根)**, a Hangzhou activist, traveled to the Hangzhou Intermediate Court on November 30, where a judge gave Chen a copy of the trial records for a closed trial involving the Hangzhou Municipal Development and Reform Committee, which Chen and six others had accused of violating the law. However, when Chen tried to leave, a group of court police seized him, accusing him of stealing the trial records. Police roughly handled Chen and then detained him in an iron cage at a courthouse holding cell overnight without food or water. The next day, Chen was sent to administrative detention for seven days for "obstructing business."
2. **Chen Zengfu (陈增夫, also known as Chen Ming [陈明]) and Wang Diangang (王殿冈)**, two representatives of community-run (*minban*) school teachers from Shandong, traveled to Beijing on December 29, 2008 to submit an application to stage a demonstration on January 12 in Jinan City, Shandong Province. The request was verbally rejected and Chen and Wang were later detained on January 14 by Shandong authorities on the charges of "disrupting social order". Wang was released on January 22 and Chen was released on January 24.
4. **Huang Limin (黄利民) and Huang Liying (黄利英)**, Hangzhou activists, were sent to seven days of administrative detention after being seized by Hangzhou authorities

during an October 29 protest against black jails at the Zhejiang Provincial Procuratorate. They were released on November 5.

6. **Li Tie (李铁)**, a Shenzhen-based democracy activist, was released on January 15 following 15 days of administrative detention. Li was detained in Shenzhen after returning from Shanghai, where he, along with internet writer Pan Gang (潘刚) and others organized a public opinion poll on government reform and distributed copies of a book entitled *Suggestions for National Reform*.
7. **Mao Hengfeng (毛恒凤)**, a Shanghai reproductive rights activist recently released from jail, was detained by Shanghai police in January for shouting slogans advocating freedom outside of Shanghai Exhibition Center, the venue of the Shanghai Municipal People's Congress and the Chinese People's Political Consultative Congress (Shanghai Committee). Mao was given seven days of administrative detention for "disrupting public order."
8. **Pang Wei (庞伟)**, one of a group of representatives of villagers facing forced eviction in Sanhekou Village, Beihai City, Guangxi Province, met with a group of local officials led by the vice chief of the Beihai Letters and Visits Office in Beijing on May 19. Pang and the other representatives were persuaded to return home by the officials, who promised to resolve the issue. Upon their return, the representatives were questioned for three hours at the Beihai PSB, and Pang was detained for "disturbing the order of a public place." His current status is unknown.
9. **Qiu Yumei (裘玉梅)**, a Hangzhou rights activist, was taken into custody on October 29 while she and more than 40 other citizens were protesting against black jails at the Zhejiang Provincial Procuratorate. Qiu was administratively detained for five days for "disrupting the work of the Procuratorate," and released on November 3. Since Qiu's home was forcibly demolished several years ago, Qiu has been petitioning at all levels of government. During the period surrounding the PRC's 60th anniversary, Qiu was detained without explanation for 21 days.
10. **Shen Peilan (沈佩兰)** and Jin Tingqian (金婷乾), two petitioners and activists from Shanghai, travelled to the home of former lawyer Zheng Enchong (郑恩宠) to pay him a visit on the morning of October 28. When Shen and Jin arrived at Zheng's home, they were prevented from meeting with him, and an officer struck Shen's chest with his fists, injuring her. The next day, October 29, Shen was summoned by police from the Maqiao Town, Minhang District PSB, and administratively detained for ten days for "disrupting public order." She was released on November 8. Later, Shen was seized on December 16 and detained for five days in a "black jail" in Shanghai's Songjiang District. According to Shen, she learned from guards that she was detained

because officials were concerned she may attempt to travel to Macau during a visit by President Hu Jintao (胡锦涛).

11. **Ye Chuntao (叶春桃), Li Taiyuan (李太元), Ou Hongyong (欧红勇) and Wang Yu (汪宇)**, workers' representatives at a silk factory in Tongliang County, Chongqing, were detained on February 15 for organizing a sit-in for workers seeking pensions and medical insurance following the factory's closure. Ye was administratively detained for ten days for "disturbing social order." Li, Ou and Wang were administratively detained for "gathering crowds to disturb social order" at the Tongliang PSB Detention Center. They were released after being detained between 10 and 15 days. See http://www.crd-net.org/Article/Class9/Class10/200902/20090225202636_13905.html

15. **Wang Shuai (王帅)** was detained in early March by the Shanghai PSB and the Lingbao PSB in Henan Province on suspicion of "libel" after Wang posted an article on the internet exposing Lingbao officials' violation of farmers' rights during the process of confiscating farmland in 2008. Shanghai PSB detained Wang on March 6 and sent him back to his hometown, Lingbao, by train on March 9. Upon arrival at the Lingbao PSB on March 10, police wanted Wang to sign a statement confessing his "libel," but he refused. Police released Wang on March 13 for "insufficient evidence." It was later reported that Wang was compensated by the local government and received an apology for his "wrongful detention."

16. **Zhang Lin (张林)**, a Bangbu City, Anhui Province democracy activist, was administratively detained for 10 days at the Bangbu Detention Center from December 3-12. Police searched his home, confiscating a computer belonging to Zhang's wife, Fang Cao (芳草), as well as a cell phone before taking Zhang away. Zhang, a longtime democracy activist, was released from prison on August 12, 2009, after serving more than four years for "inciting subversion of state power."

Other Human Rights Defenders Illegally Detained in 2009 (28)

1. **Cao Shunli (曹顺利)**, a Beijing activist, was apprehended by Beijing police on January 14 for contacting the State Council Information Office regarding a proposal he submitted in regard to the government's "National Human Rights Action Plan." After Cao presented the proposal to the Foreign Ministry on December 10, 2008, he was told by the Foreign Ministry to contact the State Council Information Office. However, Cao was warned by the Beijing police against visiting the office. Cao ignored the warning and was apprehended in the lobby of the office. Cao was released the next day.

2. **Chen Xi (陈西)**, activist and organizer of the Guizhou Human Rights Forum, was taken from his home in Guiyang City, Guizhou Province on April 22 by local police and detained at the "Postal Service Resort" on the outskirts of town. Chen was held there for five days while officials questioned him about activities planned by Guizhou Human Rights Forum to commemorate "sensitive" anniversaries such as the 10th Anniversary of the crackdown on Falun Gong on April 25 and the May Fourth Movement. Chen was briefly detained again on December 4 by National Security Officers under the Guiyang Public Security Bureau. The officers hoped to prevent the Guizhou Human Rights Forum from carrying out planned activities to mark the anniversary of the Universal Declaration of Human Rights on December 10.
3. **Chen Yunfei (陈云飞)**, a democracy activist from Chengdu, Sichuan, was blindfolded and led away from his home a group of more than 10 policemen and National Security officers on May 28. The officers searched his home, though they did not confiscate any property. Chen was taken to an unidentified location, where he was held until midnight on June 8. For five of the eleven days he was detained, Chen went on a hunger strike, which he ended on the evening of June 4. On June 8, the officers, once again blindfolding Chen so he could not discover where he had been held, returned him to his home. Later, Chen was taken from his home by police from the Qingliu Town police station in Xindu District, Chengdu on December 9 and held in the Qingliu Town police station until December 15. Chen stated that he was never provided with legal documentation authorizing his detention, and added that he was denied medical attention and beaten while he was detained.
4. **Feng Zhenghu (冯正虎)**, Shanghai-based activist and legal advisor, was seized on February 15 while in Beijing and forcibly returned to Shanghai. He was then illegally detained in a room at the Donghu Guesthouse for 41 days before being released on the afternoon of March 25. Feng would make international headlines later in the year for camping out in protest at Tokyo's Narita Airport after Chinese officials denied him entry into the country on eight consecutive occasions between June and November. He was finally able to return to his home just before Chinese New Year in 2010.
5. **Guo Baofeng (郭宝峰, aka "amoiist")**, a blogger from Fujian Province, was taken away from his home by police from the Mawei District Public Security Bureau (PSB) in Fuzhou City in the early morning hours of July 16. Guo was detained for posting online messages in support of You Jingyou (see above). He was released on July 31.
6. **Hu Jun (胡军)**, a rights activist from Xinjiang, was kidnapped in Beijing on August 25 by interceptors from Changji Prison in Xinjiang Uyghur Autonomous Region. It is believed that Hu has been forcibly sent back to Xinjiang, where he is at risk of

detention at Changji Prison. In 1992, Hu was sentenced to two years' imprisonment for "fraud". Near the end of his sentence, he was sent to Xiaba Lake Prison Mine where he was left permanently disabled by an accident. Reportedly, in order to avoid responsibility for the accident, Changji Prison continued to imprison Hu beyond his sentence for thirteen years. Hu was eventually freed on December 31, 2008, after his case was exposed on the internet. Since then he has been petitioning in Beijing and has become a rights activist advocating for the rights of fellow petitioners.

7. **Huang Weizhong (黄维忠)**, representative of 3,000 farmers from Putian County, Fujian, and his brother **Huang Weide (黄维德)** were forcibly taken from their homes and detained at a villa on the outskirts of Putian County by members of the local police and government on February 21. Huang Weide was released on March 3 and Huang was released on March 15. The brothers were detained to prevent Huang Weizhong from travelling to Beijing to petition and to apply to protest to expose rights violations by local authorities, which Huang had vowed to do. Huang has been repeatedly harassed and detained for defending the rights of farmers who have lost their land.
9. **Li Chaoxun (李朝勋)**, a Yuzhou City, Henan Province activist, was detained for 11 days between June 4 and June 15. According to Li, he had been seized by plainclothes policemen on the morning of June 4 and taken to the Yuzhou City Public Security Bureau. While he was detained, officers from the National Security Unit of the Yuzhou PSB questioned him about the Citizens' Association for Government Oversight (公民监政会), telling him that it was an "illegal organization" and that he could be detained for 15 days for his participation. Officers refused to display their identification despite repeated requests by Li, who refused to sign a detention notice as police were unable to prove that the Citizens' Association had in fact been officially declared "illegal".
10. **Liao Shuangyuan (廖双元) and Wu Yuqin (吴玉琴)**, two activists in their 50s, were detained and interrogated for more than 20 hours by the Guiyang PSB on November 13. The two had attended a meeting in a public park in Guiyang of the Guizhou Human Rights Forum, a loose circle of local activists who meet often to discuss human rights and give out educational materials, particularly around the anniversary of the Universal Declaration of Human Rights on December 10. Wu Yuqin was not given any food or water for the duration of the interrogation, and neither Wu nor Liao was allowed to sleep during their detention. They were questioned about the activities of the Guizhou Human Rights Forum.
12. **Li Hai (李海)**, a Beijing activist, returned home on the evening of October 9, following 25 days of detention in Beijing and Northeastern China. Li, who was

detained following his arrival at a police station for a "chat" on September 16, was held for one week in a basement room in eastern Beijing before being taken to a small rural town, where he was held in a black jail until October 9. It is believed Li was detained to keep him quiet during the National Day holiday period. Li was again detained on November 12 to keep him from speaking out during Obama's visit. Officers from the Xinyuan police station in Beijing held Li for one night in a building near his home before taking him outside of Beijing to Mianyun County, where he was held in a resort area used as a detention facility by police. Li was not allowed to contact the outside world during his detention.

13. **Li Zhouxi (李卓熹)**, a rights activist from Changsha City, Hunan Province, lost contact with his friends in early May. After repeated inquiries, they were able to ascertain on May 22 that he had been detained by police in Changsha, and was being held at Changsha's Number One Detention Center. He was released on July 13. Li was most recently active as a Hunan organizer of the proposed group Citizens' Association for Government Oversight (公民监政会), and friends believe that his detention is likely related to this work as well as the upcoming anniversary of the June 4th massacre. Li was previously detained by police for printing T-shirts decrying the shoddy construction of collapsed schools in the Sichuan earthquake zones, which he observed when he traveled to the area to provide aid in the aftermath of the quake.
14. **Liu Ruiping (刘如平)**, a lawyer from Jinan City, Shandong, who has represented many Falun Gong practitioners, was kidnapped on July 2 outside of his apartment block by officers from the Jinan PSB as well as officials from the Jinan City Party Committee. Liu's home was also searched. On July 6, Liu's relatives went to the office of the Changqing District Party Committee demanding to know Liu's whereabouts. However, officials declined to divulge any details. Liu's family has not received any official documents regarding his detention or the search of his home. It is believed that he was taken to a black jail specialized in detaining Falun Gong practitioners and petitioners in Liuchangshan, Jinan City, though his current whereabouts are not known. See: http://www.crd-net.org/Article/Class9/Class10/200907/20090717105130_16315.html
15. **Liu Shasha (刘沙沙) and Miaoju Cizhi (妙觉慈智)**, two female activists, were taken into police custody on August 3 for unfurling a banner in Tiananmen Square and shouting slogans demanding the release of Xu Zhiyong (许志永), the detained director of the banned Beijing NGO Open Constitution Initiative (Gongmeng). The two were taken to the Beijing PSB station in Tiananmen. Liu and Miaoju were then separated. Liu was detained in Juyuan Hostel, a "black jail" run by the Beijing Liaison Office of the Henan Provincial Government. Miaoju was held at the Beijing

Liaison Office the Heyuan City, Guangdong Province Government. Both of them escaped by the next day; however, Liu was again caught by policemen from Henan Province on August 7. She was forcibly returned to her hometown, Nanyang City in Henan Province, where she was placed under strict surveillance by her work unit. Liu was earlier detained for four days by local police on April 4 for taking to the streets to distribute copies of *Charter 08*.

17. **Qi Zhiyong (齐志勇)**, a Beijing activist, was detained by Beijing police on the morning of November 9 after he and a fellow activist applied for permission to hold a demonstration protesting police harassment during Obama's visit. Qi was taken to the outskirts of Beijing by officers from the National Security Unit of the Beijing PSB and held until November 18. As a result, Qi missed a scheduled thyroid surgery at Beijing's Youyi hospital. Qi was able to undergo the procedure, which was completed successfully, after he was released.
18. **Sun Lijing (孙礼静)**, a 63 year-old workers' representative from a factory in Xi'an, Shaanxi Province, was detained for at least 56 days for petitioning on behalf of her fellow workers in Beijing. Ms. Sun, who is blind, was seized by unidentified individuals in the capital on August 24 and held at the Chongwen District PSB Detention Center under the order of the Law and Order Corps of the Beijing PSB; however, officials at the detention center were unable to say why she was held. As of October 17, she had not been released.
19. **Wang Chengming (枉成明)**, a rights defender from Luzhou City, Sichuan Province, was seized by local police on September 30. Wang, a signatory of *Charter 08*, has advocated for Liu Xiaobo's release, as well as for marginalized groups in China. In 2009, he established the "Chinese Vulnerable Groups Rights Defense Alliance" on the Internet. In addition, Wang has written a number of essays critical of the Chinese government's human rights violations. Wang was held in a black jail, the Jianqiao Guest House, for about a week.
20. **Wang Ping (王平)**, a lawyer from Pingdu City, Shandong, was reportedly kidnapped by local police on July 8. Details about Wang's apprehension are currently unclear. Reportedly, Wang was seized as retaliation for representing Falun Gong practitioners in Shandong Province. See: http://www.crd-net.org/Article/Class9/Class10/200907/20090717105130_16315.html
21. **Xiao Changhai (肖昌海)**, a Wuhan representative of activists whose property was expropriated by the state in earlier periods and are now disputing ownership with the government, was seized on December 16, 2008 in Yichang City, Hubei Province, by members of the National Security Unit of the Wuhan City PSB and forcibly taken to a

“law education class” in the Wuchang District, Wuhan City, where he was detained for more than one month. On January 18, 2009, Xiao was moved to the Wuchang Detention Center, where he was administratively detained for five days. His family, who never received any formal written notice of his detention, was told by police that he was detained for “plotting to travel to Beijing to apply to demonstrate along with Wuhan petitioners Zhang Jianmin (张建民) and Zhou Xinbao (周新宝).”

22. **Xiao Qingshan (肖青山)**, activist and CRLW volunteer, was asked to "have a meal" with officers from the National Security Unit of the Dongguan City, Guangdong Province PSB on February 26. At the lunch, officers threatened him that if he insisted on traveling to Beijing to protest as planned, his nephew would lose his job as a traffic policeman and his son and wife would both "be finished." Unbowed, Xiao attempted to travel to Beijing by train on February 27, but was stopped at the train station in Nanchang City, Jiangxi Province by National Security Officers and forcibly returned to his hometown, Jian City, Jiangxi Province. On March 1, Xiao tried again, this time attempting to leave from the Jiujiang City train station, but was intercepted by PSB officers and detained in Jian for 14 days. After his release, Xiao travelled to Beijing to sightsee, where he was seized by police at Tiananmen Square on the morning of March 16 and detained along with one hundred petitioners in the Tiananmen PSB station. He was later released, and returned to Dongguan on March 21. Upon arriving home, however, Xiao was forced to vacate his apartment by his landlord, who reported she had been pressured by the local PSB.
23. **Yao Lifa (姚立法)**, an activist promoting local democratic elections from Qianjiang City, Hubei Province, disappeared on January 18. Yao had been scheduled to return to Hubei on January 19 to attend the celebration of the inauguration of the US president at the US Consulate in Wuhan City, Hubei Province. After three days without contact, Yao was released on January 21, at which point he confirmed that he had been abducted by the Qianjiang police. Yao has suffered illegal kidnappings and detention at the hands of Qianjiang authorities on a number of previous occasions.
24. **Zheng Dajing (郑大靖)**, a Yunxi County, Hubei petitioner-turned-activist was detained in a "black jail" on December 4. While detained, Zheng, who has high blood pressure, was barred from meeting with his wife Cao Xiangzhen (曹祥珍) and has no access to medication. When Cao and Zheng's son, Zheng Zhinan (郑志楠), went to the Beijing Liaison Office of the Shiyan City Government on December 5 to protest Zheng's illegal detention, officials confiscated Cao's cell phone and camera and briefly detained Zheng Zhinan. The date of his release is unclear.
25. **Zhong Shengniu (钟声牛)**, a petitioner-turned-activist from Chongqing, was taken into custody near Beijing West Train Station on September 25. Zhong was seized

together with another Chongqing petitioner, **Bai Zhongmei** (白中美), and the two were held for three days in a black jail in Beijing. On September 27, Zhong was forcibly returned to Qijiang, Chongqing, where he has been held in a holiday resort, by local officials. Zhong was told by those guarding him that he would not be released until after October 15. Reportedly, Bai escaped from detention. Zhong's current status is unclear.

27. **Zhou Mengxin** (周梦新), an activist from Heze City, Shandong, was released on October 8 after being detained for nine days. Zhou had been taken from his home on September 30 by ten Heze City police officers and driven, hooded, to a hotel where he was then held. Police reportedly believed Zhou was responsible for organizing a 100,000 person demonstration across a number of cities in Shandong and Henan Provinces on September 27 calling for an end to official corruption and a rectification of the government's official verdict on the Tiananmen massacre. Mr. Zhou has been involved in organizing local rights-protection activities, for which he was detained in February 2008 and then released awaiting trial.
28. **Zhu Yingdi** (朱瑛娣), a Hangzhou-based petitioner-turned-activist, was seized by Beijing policemen at a guesthouse near Yongdingmen in the capital on October 3. By October 5, when she was able to contact her husband, she had already been forcibly returned to Hangzhou, and was being detained in nearby Anji County. Zhu has been petitioning and assisting other petitioners since the forced demolition of her home many years ago, and has been repeatedly summoned and harassed by local officials. It is not clear whether she is still in detention.

¹ General Assembly Resolution 53/144 (Distri. GENERAL A/RES/53/144, 8 March 1999)

² 中国民主党

³ For further information about the CDP and other persecuted political parties, see Section V of CHRDR's report, "Reining in Civil Society: The Chinese Government's Use of Laws and Regulations to Persecute Freedom of Association," published on August 7, 2009.

⁴ 中国新民党

⁵ CHRDR, "Democracy Activist Guo Quan Sentenced to Ten Years in Prison for 'Subversion of State Power'," *China Human Rights Briefing October 16, 2009*. All CHRDR articles quoted in this report can be found at www.chrdnet.org

⁶ National People's Congress Standing Committee (NPCSC), Law on Assemblies, Processions and Demonstrations (中华人民共和国集会游行示威法), effective since October 31, 1989.

⁷ Individuals subjected to "soft detention" (软禁) are guarded by police stationed at their homes. Though individuals may be allowed to leave their homes during soft detention, they are closely followed and monitored by police or asked to travel in police vehicles, and often barred from meeting other "sensitive" individuals.

⁸ 治安总队

⁹ CHRDR, "Former 1989 Participant Attempts to Submit Application to Commemorate Tiananmen Massacre," *China Human Rights Briefing May 18-31, 2009*, May 31, 2009.

¹⁰ The protests later turned into riots. See "Homicide Case Leads to Clash between Police, Crowd of Thousands," *China Human Rights Briefing June 15-21, 2009*, June 21, 2009.

¹¹ For further discussion about the right to form independent trade unions in China, see Section IV of CHRDR's report, "Reining in Civil Society: The Chinese government's use of laws and regulations to persecute freedom of association," published on August 7, 2009.

¹² CHRDR, "Update: Trial for Chengdu Protestors Delayed Indefinitely," *China Human Rights Briefing January 27, 2010*

¹³ The two were reportedly tried in August 2009 but the exact details of the trials and whether they were sentenced are unclear because their families refused to divulge the relevant details due to police pressure. CHRDR, "Workers' Representatives Detained in February Formally Arrested," *China Human Rights Briefing March 15-31, 2009*, March 23, 2009.

¹⁴ CHRDR, "Aizhixing Working Conference Broken Up by Police," *China Human Rights Briefing February II Edition*, February 28, 2009.

¹⁵ CHRDR, "Reining in Civil Society: The Chinese government's use of laws and regulations to persecute freedom of association," August 7, 2009.

¹⁶ 中华全国农民协会

¹⁷ CHRDR, "Farmers Submit Application to Ministry of Civil Affairs to Establish National Farmers' Union," *China Human Rights Briefing June 22-28, 2010*; CHRDR, "Farmers Summoned for Applying to Establish National Union of Farmers," *China Human Rights Briefing July 6-12 2009*, July 12, 2009; CHRDR, "Local Officials Question Relatives of Organizer Zou Chuanshun," *China Human Rights Briefing January 21, 2010*.

¹⁸ According to Guo's friends, they received the information that Guo has been sent to RTL from a contact in the local PSB. Guo's family, under pressure from the police, has remained silent about Guo's situation. For further information regarding Guo's case, see CHRDR, "Shenzhen Activist Detained 15 Days for Organizing Government Oversight Group," *China Human Rights Briefing May 4-10, 2009*, May 20, 2009;

CHRD, "Updates on Individuals Detained Ahead of the 20th Anniversary of the Tiananmen Massacre," *China Human Rights Briefing June 1-7, 2009*, June 7, 2009; CHRD, "Disappeared Shenzhen Activist Guo Yongfeng May Have Been Sent to RTL," *China Human Rights Briefing*, January 29, 2010

¹⁹公民监政会

²⁰ CHRD, "Shanghai Activist Interrogated for Nearly 20 Hours about Citizens' Oversight Committee," *China Human Rights Briefing April 27 - May 3, 2009*, April 27, 2009.

²¹ CHRD, *Police Take Away Xu Zhiyong, Leader of Barred NGO*, July 30, 2009; CHRD, "Leader of Banned NGO Xu Zhiyong Criminally Detained," *China Human Rights Briefing July 27- August 2, 2009*, August 4, 2009; CHRD, "Two Detained for Protesting against Detention of Xu Zhiyong, Gongmeng Solicits Public Donations" and "Authorities Refuse Payment for Fines and Freeze Account and Gongmeng Director and Staff Still Denied Access to Legal Counsel," *China Human Rights Briefing August 3-9, 2009*, August 11, 2009; CHRD, "Gongmeng Director Released," *China Human Rights Briefing August 17-23, 2009*, August 26, 2009.

²²益仁平

²³爱知行

²⁴北京德先生研究所

²⁵ CHRD, "Two Beijing Organizations Subjected to Inspection and Beijing Legal Aid Center Website Closed," *China Human Rights Briefing August 10-16, 2009*, August 18, 2009.

²⁶ SAFE, "SAFE Notice on Problems of Domestic Organizations' Foreign-Exchange Donations" (国家外汇管理局关于境内机构捐赠外汇管理有关问题的通知), December 25, 2009, http://www.safe.gov.cn/model_safe/laws/law_detail.jsp?ID=803030000000000000,24&id=4

²⁷ Aizhixing, "Proposal to SAFE Regarding SAFE Notice on Problems of Domestic Organizations' Foreign-Exchange Donations" (就《国家外汇管理局关于境内机构捐赠外汇管理有关问题的通知》给国家外汇管理局的建议), March 16, 2010, <http://www.aizhi.net/callboardview.php?id=9> and "Invitation to a Seminar on SAFE Notice Concerning Domestic Organizations' Foreign-Exchange Problems" (《关于境内机构捐赠外汇管理有关问题的通知》研讨会会议邀请), March 8, 2010, <http://chinaaidsgroup.blogspot.com/2010/03/china-aids5187.html>

²⁸中宣部

²⁹ CHRD, "CCP Propaganda Department. Prohibits Southern Weekend from Publishing Interview with Obama Online," *China Human Rights Briefing November 18, 2009*.

³⁰ Reuters News Service, "China demotes editor after Obama interview: sources," December 13, 2009, <http://www.reuters.com/article/idUSTRE5BC0BM20091213>

³¹新京报

³²南方人物周刊

³³ CHRD, "Officials across the Country Take Action against Citizens for Following Case of Deng Yujiao," *China Human Rights Briefing May 18-31, 2009*, May 31, 2009.

³⁴ Agence France-Presse, "HK reporters 'detained' in China," August 13, 2009, <http://news.smh.com.au/breaking-news-world/hk-reporters-detained-in-china-20090813-eimh.html>; Reuters News Service, "Hong Kong journalists to protest Urumqi beatings," September 10, 2009, <http://in.reuters.com/article/worldNews/idINIndia-42368720090910>

³⁵ CHRD, "Spanish TV station journalist prevented from interviewing Guangdong worker," *China Human Rights Briefing February II Edition*, February 28, 2009.

³⁶ CHRD, "Guangxi Lawyer Detained to Prevent Meeting with Finnish Reporter," *China Human Rights Briefing July 6-12 2009*, July 12, 2009.

³⁷ Xinhua, "Meng Jianzhu: Strive to Strengthen the Building of Five Abilities, Go All-Out to Promote the Defense of the Standard of Stability" (孟建柱: 着力强化五个能力建设 全面提升维稳水平), December 1, 2009, http://news.xinhuanet.com/legal/2009-12/01/content_12569519.htm

³⁸ CHRD, "Activists' Blog Postings Deleted," *China Human Rights Briefing October 9, 2009*

³⁹ CHRD, "Website of Beijing House Church Blocked," *China Human Rights Briefing November 7-13, 2009*, November 9, 2009.

⁴⁰ The Two Meetings refer to the annual sessions of the NPC and the CPPCC.

⁴¹天益网

⁴²中国思维网

⁴³ CHRD, "Websites Closed during the Week of Tiananmen Anniversary," *China Human Rights Briefing May 18-31*, May 31, 2009.

⁴⁴维权中国网

⁴⁵ CHRD, "Authorities Increase Restrictions on Internet Usage Ahead of 60th Anniversary Celebrations," *China Human Rights Briefing September 7-27, 2009*, October 2, 2009.

⁴⁶中国民声网

⁴⁷ CHRD, "Authorities Close Rights-Defense Site under Pretext of 'Anti-Pornography' Campaign," *China Human Rights Briefing December 24-28, 2009*, January 4, 2010.

⁴⁸ www.fanfou.com

⁴⁹ CHRD, "Micro-blogging Site Fanfou.com Closed During Xinjiang Unrest," *China Human Rights Briefing July 6-12 2009*, July 12, 2009.

⁵⁰自由门

⁵¹无界

⁵²花园网

⁵³ CHRD, "Authorities Increase Restrictions on Internet Usage Ahead of 60th Anniversary Celebrations," *China Human Rights Briefing September 7-27, 2009*

⁵⁴ In early June, the Ministry of Industry and Information Technology (MIIT) announced the requirement that all new computers sold in China from July 1 on must have filtering software called "Green Dam Youth Escort," which was designed to filter pornographic images and other "harmful" content. However, following widespread domestic as well as vocal international opposition due to concerns over restrictions on freedom of expression, serious technical flaws, security vulnerabilities and alleged software plagiarism, the government backed down from its original position, announcing that the software would not be compulsory. Some computer companies have gone ahead with the original plan, however, and have included the software on computers sold in China.⁵⁴

⁵⁵ China Internet Network Information Center, "Notice Regarding the Strengthening of the Work of Information Verification during Website Registration" (关于进一步加强域名注册信息审核工作的公告), December 14, 2009, <http://news.sohu.com/20091214/n268925908.shtml>

⁵⁶ CHRD, "One Month In, Hangzhou 'Real Name' Internet Registration Regulations Abandoned," *China Human Rights Briefing May 18-31*, June 8, 2009.

⁵⁷ CHRD, "Tug of War over China's Cyberspace A Sequel to Journey to the heart of Internet censorship," March 13, 2009.

⁵⁸五毛党

⁵⁹ CHRD, "Beijing Seeks to Recruit Ten Thousand 'Volunteers' to Assist in Internet Monitoring," *China Human Rights Briefing June 15-21, 2009*

⁶⁰ CHRD, "Fifteen Chinese Intellectuals Issue 'Declaration of Netizens' Rights'," *China Human Rights Briefing October 8, 2009*

⁶¹ CHRD, "Hu Xingdou Wins Milestone Lawsuit against Internet Company for Website Closure," *China Human Rights Briefing May 18-31*, May 31, 2009.

⁶² CHRD, "Charges Dropped Against Blogger Held for Five Months," *China Human Rights Briefing July 20-26 2009*, July 29, 2009.

⁶³草泥马之歌

⁶⁴ "Grass mud horse" is a homonym for "cao ni ma," which is a profanity in Chinese.

⁶⁵ For an explanation about how and why the phrase became a popular phrase on the internet, see for example, *People's Daily*, "China's internet phenomenon: the sudden popularity of 'Jia Junpeng'," July 22, 2009.

⁶⁶ CHRD, Taobao.com Closes Account for Selling Xu Zhiyong Badges, *China Human Rights Briefing August 17-23, 2009*, August 26, 2009.

⁶⁷ CHRD, "Police Confiscate Shirts Supporting Deng Yujiao, Threaten Creators," *China Human Rights Briefing June 8-14*, June 19, 2009.

⁶⁸ CHRD, "Nine Interrogated and Made to Shred T-shirts Critical of Government," *China Human Rights Briefing July 13-19 2009*, July 23, 2009.

⁶⁹ For example, Wu Gaoxing (吴高兴), a dissident from Linhai City in Zhejiang Province, was briefly detained on June 2 for cycling with a t-shirt commemorating the Tiananmen Massacre while Beijing resident Wang Zhongxia (王仲夏) was interrogated for nearly seven hours on February 28 for planning to print a new batch of *Charter 08* t-shirts.

⁷⁰ CHRDR, "Henan Writer Sent to RTL for Post Calling for Tiananmen Commemoration," *China Human Rights Briefing July 6-12 2009*, July 12, 2009. Ning's brother said the RTL notice given to the family did not state the reasons for his brother's punishment.

⁷¹ CHRDR, "Chongqing Activist Chen Yang Sent to One Year of Re-Education through Labor," *China Human Rights Briefing June 15-21, 2009*, June 21, 2009.

⁷² CHRDR, "Liaoning Dissident Sent to RTL for Articles on June 4, Taiwan," *China Human Rights Briefing September 7-27, 2009*, October 2, 2009.

⁷³ CHRDR, "Courts Accept Administrative Litigation Lawsuit from Activist in RTL," *China Human Rights Briefing November 14-16, 2009*, November 17, 2009.

⁷⁴ CHRDR, "Zhejiang Folk Singer Huang Wei Sent to RTL for Plans to Commemorate June 4th," *China Human Rights Briefing July 20-26 2009*, July 30, 2009. The official reasons for his detention are unclear as Huang's family has been unwilling to divulge more details about the singer-activist due to threats and warnings by local government officials.

⁷⁵ CHRDR, "Environmentalism and Daughter Sent to Re-education through Labor Camps," July 16, 2009.

⁷⁶ CHRDR, "Three Fujian Digital Activists Convicted as Thousands Gather in Landmark Protest," April 16, 2010.

⁷⁷ Item 6 "The right to participate," Section II, Guarantee of Civil and Political Rights, National Human Rights Action Plan of China

⁷⁸ Item 8 "The right to oversee," Section II, Guarantee of Civil and Political Rights, National Human Rights Action Plan of China

⁷⁹ CHRDR, Health Adviser /Professor: "More than 99% of Veteran Petitioners Suffer from Mental Illness," *China Human Rights Briefing March II 2009*

⁸⁰ Article 306 outlines actions, including "forging evidence," for which lawyers can be prosecuted for defending their clients, and has been used as a tool for the government to persecute lawyers whose work irritates or threatens officials.

⁸¹ CHRDR, Concerned Lawyers, Activists Issue Statement Demanding Abolition of PRC Criminal Law Article 306, *China Human Rights Briefing December 17, 2009*

⁸² CHRDR, A Public Letter to President Hu Jintao by Shanghai Farmer Huang Yuqin (上海农民黄玉琴致胡锦涛主席的公开信), September 29, 2009, http://crd-net.org/Article/Class71/200909/20090928193011_17471.html

⁸³ CHRDR, Peking University Legal Scholars Call Eviction Regulations "Unconstitutional," *China Human Rights Briefing December 10, 2009*

⁸⁴ CHRDR, Over One Hundred Signatories Harassed Since Launch of *Charter 08*, January 9, 2009.

⁸⁵ CHRDR, Liu Xiaobo Sentenced to 11 Years in Prison, December 25, 2009.

⁸⁶ See for example, CHRDR, Well-Known Dissident Writer Issues Public Letter Calling for Release of Liu Xiaobo, *China Human Rights Briefing March II 2009*; CHRDR, Charter 08 Signatories Pass Ten Thousand, Public Letter Issued as Anniversary Approaches, *China Human Rights Briefing November 27-30, 2009*; CHRDR, *Charter 08* Signatories and Intellectuals Call for Liu Xiaobo's Release, *China Human Rights Briefing June 22-28, 2009*.

⁸⁷ CHRDR, Police Intimidate Signatories of Public Letter in Support of Liu Xiaobo, *China Human Rights Briefing December 18, 2009*

⁸⁸ *Legal Daily*, Many forms of democratic rights given to villagers for the first time, Li Xue explains in detail the notice from the two offices (多个首次赋予村民更多民主权 李学举详解"两办"通知), June 1, 2009, http://www.legaldaily.com.cn/0801/2009-06/01/content_1098538.htm

⁸⁹ CHRDR, Procedures Violated in Election Re-run in Hubei Village, *China Human Rights Briefing May 18-31, China Human Rights Briefing May 18-31, 2009*.

⁹⁰ CHRDR, Man Beaten to Internal Injuries after Refusing to Vote Bully for Village Chief, *China Human Rights Briefing August 17-23, 2009*

⁹¹ CHR, Voters in Hubei's Tianmen City Threatened for Attempting to Recall People's Congress Representative (湖北省天门市选民欲罢免人大代表反遭威胁), April 29, 2009, http://crd-net.org/Article/Class55/200904/20090429183347_15182.html

⁹² CHR, Guangxi Villagers Injured, Detained for Resisting Forced Demolition, *China Human Rights Briefing November 3, 2009*

⁹³ Item 8 "The right to oversee," Section II, Guarantee of Civil and Political Rights, National Human Rights Action Plan

⁹⁴ The lawyer whose license was formally revoked was Jiang Tianyong (江天勇). On July 9, Jiang's name appeared on a list of lawyers whose licenses were not renewed issued by the Beijing Municipal Bureau of Justice. On April 12, 2010, two other lawyers, Tang Jitian (唐吉田) and Liu Wei (刘巍), received a notice issued by the Beijing Bureau of Justice notifying them that the Bureau decided to cancel their licenses because they "disturbed the order of the court and interfere with the normal activities of the legal proceedings." The two are given a hearing on April 22 and the final decision on their licenses will be made following the hearing. CHR, "Lawyers Face Revocation of their Licenses for Defending Human Rights," May 25, 2009; CHR, "Licenses of 18 Rights Lawyers Still not Renewed a Month after Deadline," July 2, 2009; CHR, "Update: At Least Eight Human Rights Lawyers Remain Without Licenses," *China Human Rights Briefing January 14-18, 2010*, January 27, 2010.

⁹⁵ Teng, a lecturer at China University of Politics and Law, and previous employee of Beijing's Huayi Law Firm, apparently had his license revoked as punishment for his work on human rights cases. In particular, authorities were angered by his role in the offer by a group of lawyers to provide pro bono legal advice to Tibetans detained in the aftermath of the March 2008 protests.

⁹⁶ CHR, "Guangzhou Court Hears Lawsuit from Lawyer Deprived of License," *China Human Rights Briefing January 25, 2010*

⁹⁷ 北京忆通律师事务所

⁹⁸ CHR, "Beijing's Yitong Law Firm Remains Closed after Ten Months," *China Human Rights Briefing February 2, 2010*

⁹⁹ CHR, "Lawyers Face Revocation of their Licenses for Defending Human Rights," May 25, 2009.

¹⁰⁰ Article 96 of CPL states that, "...If a case involves State secrets, before the lawyer meets with the criminal suspect, he shall have to obtain the approval of the investigation organ."

¹⁰¹ CHR, "Beijing Lawyer Prevented from Meeting with Client in Nanjing," *China Human Rights Briefing April 1 2009*, April 14, 2009.

¹⁰² CHR, "Fuzhou Police Deny Lawyers' Request to Visit Detained Activists, Claim 'State Secrets'," *China Human Rights Briefing July 13-19 2009*, July 23, 2009.

¹⁰³ CHR, "Imprisoned Lawyer and Torture Victim Wang Yonghang Meets with Lawyers for First Time," *China Human Rights Briefing January 19, 2010*

¹⁰⁴ CHR, "CCP Central Committee: 'Solve' Petitioners' Problems Locally to Ensure Anniversary Stability," *China Human Rights Briefing August 3-9, 2009*, August 11, 2009; CHR, "Petitioners Told to Return Home as Supreme People's Court will Travel to Three Provinces to Hear their Complaints," *China Human Rights Briefing July 27- August 2, 2009*, August 4, 2009.

¹⁰⁵ CHR, "Shenzhen Officials Issue Guidelines on 'Improper' Petitioning," *China Human Rights Briefing November 14-16, 2009*, November 17, 2009; CHR, "New Shanxi Petitioning Regulations Detail Prohibited Actions, Punishment for Petitioners," *China Human Rights Briefing November 27-December 4, 2009*, December 8, 2009.

¹⁰⁶ Ibid

¹⁰⁷ 全国法制宣传日

¹⁰⁸ CHR, "Over 600 Shanghai Petitioners Detained in 'Black Jails' in Beijing During Legal Publicity Day" (普法日 600 多名上海访民在京被抓进 "黑监狱"), December 6, 2009.

¹⁰⁹ CHR, "Hoping to Welcome Obama, Large Group of Petitioners Seized and Detained," *China Human Rights Briefing November 17, 2009*

¹¹⁰ CHR, "Petitioners Beaten, Briefly Detained for Protesting Outside Detention Center," *China Human Rights Briefing May 4-10, 2009*, May 10, 2009.

¹¹¹ *Banyuetan*, "Over 100,000 Cases of People Suing the Government in a Year, Less than 30% Chance of Winning a Case" (中国"民告官"案一年 10 万件以上 胜诉率不足三成), October 27, 2008.

¹¹² *Xinhua*, “Fewer disputed cases between government, people reveals lack of confidence in courts,” August 5, 2009.

¹¹³ *Legal Daily*, “Expert Suggests Amendments to Administrative Litigation Law Such that Citizens Can Sue the Government More Easily” (门槛高限制多 专家建议修改行诉法 畅通“民告官”渠道), November 18, 2008, http://www.legaldaily.com.cn/0705/2008-11/18/content_983197.htm.

¹¹⁴ CHR, “Deaths Highlight Continued Problem of Torture, Poor Oversight in Detention Facilities,” October 6, 2009.

¹¹⁵ CHR, “Court Refuses to Hear Lawsuit Filed by Guiyang Rights Defenders,” *China Human Rights Briefing August 3-9, 2009*, August 11, 2009.

¹¹⁶ Article 151(5), NPC, the PRC Criminal Procedural Law (中华人民共和国刑事诉讼法), effective since 1997.

¹¹⁷ Supreme People’s Court, Regulations Regarding the Strict Implementation of the System of Public Trials

(最高人民法院关于严格执行公开审判制度的若干规定), effective since March 3, 1999.

¹¹⁸ CHR, “Trial of Three Fujian Rights Activists Marred by Irregularities,” November 11, 2009

¹¹⁹ CHR, “Over One Hundred Gather Outside Courthouse, Trial Followed Closely on Twitter and Police Seize Supporters and Petitioners; Total Numbers Unknown,” *China Human Rights Briefing December 23, 2009*.

¹²⁰ Information Office of the State Council of the People's Republic of China, “National Human Rights Action Plan of China (2009-2010),” April 13, 2009. Retrieved on February 25, 2010, from http://www.china.org.cn/archive/2009-04/13/content_17595407.htm.

¹²¹ CHR, “Chinese Government Responds with a Crackdown on Activists for Commemorating 60th Anniversary of UDHR,” December 9, 2008.

¹²² CHR, “Guiyang Human Rights Activists Meet Resistance to Announced Activities to Commemorate ‘Human Rights Day’” (贵阳维权人士举办纪念“世界人权日”活动遭阻拦), December 7, 2009.

¹²³ “The state continues to encourage institutions of higher learning to conduct research and education in human rights theory... the state will promote the formulating of plans for human rights education in institutions of higher learning, encouraging them to offer human rights as an elective course to all undergraduate students, and offer the course of human rights law to undergraduate students majoring in the science of law,” IV Education in Human Rights, National Human Rights Action Plan of China (2009-2010)

¹²⁴ CHR, “Beijing University Law School Sends Email to Students Demanding they ‘Resist Charter 08’” (北京大学法学院就《零八宪章》发邮件 要求学生抵制), January 21, 2009..

¹²⁵ CHR, “‘Charter 08’ Signatory Liang Wendao Prevented from Lecturing on Mainland” (《零八宪章》签署人梁文道被阻止在大陆演讲), June 8, 2009.

¹²⁶ CHR, “Guangzhou Human Rights Lawyer Taken Away by Police” (广州维权律师唐荆陵被警方带走), November 28, 2009.

¹²⁷ CHR, “Zheng Enchong: My 76th Summons” (郑恩宠: 我的第 76 次被传唤), January 3, 2009.

¹²⁸ For a sample image of a summons notice (传唤证), see for example: http://crd-net.org/Article/fmzj/200902/20090223140340_13858.html

¹²⁹ See, for example, “Most Recent Situation of Summoned ‘Charter 08’ Signatory and Activist Li Zhiyou” (《零八宪章》签署人维权人士李志友被传唤最新情况), May 23, 2009.

¹³⁰ CHR, “Report on the Situation of China’s Human Rights Defenders (2009)” (中国人权捍卫者状况民间报告(2009)), March 1, 2010.

¹³¹ CHR, “Chinese Government Responds with a Crackdown on Activists for Commemorating 60th Anniversary of UDHR,” December 10, 2008.

¹³² CHR, “Crackdown on Charter 08 Widens as More Activists are Interrogated and Intimidated,” December 16, 2008.

¹³³ CHR, “Liu Xiaobo Accused of Major Crime for Drafting Charter 08,” December 9, 2009.

¹³⁴ Democratic China, “A Proposal to All Charter 08 Signatories (In English and Chinese)” (致所有《零八宪章》签署人的倡议书(中英文)), November 29, 2009.

¹³⁵ CHR, “Police Raid Home of Human Rights Defender and Charter 08 Signatory Xie Qiang,” March 11, 2010.

- ¹³⁶ CHRDR, "Police Summon Activist for Allegedly Drafting Human Rights Report," January 12, 2009.
- ¹³⁷ CHRDR, "Beijing Dissident Jiang Qisheng Summoned, Home Searched," April 1, 2009
- ¹³⁸ CHRDR, "University Professor Dismissed for Signing 'Charter 08' (大学教师因签署《零八宪章》遭解职)," December 8, 2009.
- ¹³⁹ CHRDR, "Activists Put under House Arrest as Clinton Arrives in China," February 21, 2009.
- ¹⁴⁰ CHRDR, "As Obama Arrives in China, Police "Tuck away" Activists for Fear of Contact," November 16, 2009.
- ¹⁴¹ CHRDR, "Police Detain and Harass Activists on Eve of Tiananmen Anniversary," June 4, 2009; CHRDR, "Chinese Government Tightens the Screws Ahead of National Day," September 30, 2009.
- ¹⁴² *ibid*
- ¹⁴³ CHRDR, "As Obama Arrives in China, Police "Tuck away" Activists for Fear of Contact," November 16, 2009.
- ¹⁴⁴ Though Hong Kong is part of China, mainland Chinese residents must obtain a permit to travel to Hong Kong, and pass through customs and immigration procedures en route.
- ¹⁴⁵ CHRDR, "Shanxi Dissident Activist Deng Taiqing Raises Administrative Lawsuit, Defenders Right to Leave the Country (山西异议维权人士邓太清提起行政诉讼, 捍卫自己的出境权)," June 11, 2009.
- ¹⁴⁶ CHRDR, "Wang Sen's Daughter Might Have to Quit School Due to Lack of Fees (王森女儿可能因欠缺学费而辍学)," August 24, 2009; CHRDR, "Wang Sen's Daughter's Identity Cards Mark that She Endangers State Security (王森女儿身份证注明危害国家安全)," August 30, 2009.
- ¹⁴⁷ CHRDR, "Feng Zhenghu Arrives in Shanghai" (冯正虎抵达上海), February 12, 2010.
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- ¹⁵² *ibid*
- ¹⁵³ CHRDR, "Shandong Professor Assaulted for Commemorating Reformist Leader Zhao Ziyang," April 6, 2009.
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- ¹⁵⁷ UN Committee Against Torture (CAT), Concluding Observations of the Committee against Torture: China (CAT/C/CHN/CO/4), 21 November, 2008, <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.CHN.CO.4.pdf>
- ¹⁵⁸ UN Working Group on Arbitrary Detention, "Individual Complaints, Urgent Appeals, Deliberations," <http://www2.ohchr.org/english/issues/detention/complaints.htm>
- ¹⁵⁹ The maximum amount of time an individual may be detained for questioning according to the Criminal Procedure Law is 12 hours; though summons and "chats" involve a temporary loss of freedom, we choose to limit our discussion of detentions to those over 12 hours because of the frequency with which activists are subjected to chats, summons, and other forms of interrogation by police officers.
- ¹⁶⁰ For an in-depth look into the use of black jails in Beijing, please see our 2007 report, "Black Jails in the Host City of the 'Open Olympics'," September 21, 2007.
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¹⁷³ CHRDR, "Yuan Xianchen Sentenced to Four Years in Prison for 'Inciting Subversion of State Power'," March 6, 2009.