



# In the Name of “Stability”

2012 Annual Report on the Situation of Human Rights Defenders in China



**CHINESE  
HUMAN  
RIGHTS  
DEFENDERS**

Promoting human rights and empowering grassroots activism in China

# **In the Name of “Stability”**

2012 Annual Report on the Situation  
of Human Rights Defenders in China

March 2013

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**Chinese Human Rights Defenders** is a network of Chinese and international activists dedicated to the promotion of human rights and strengthening of grassroots activism in China.

**CHRD** provides tools and technical support to grassroots Chinese human rights defenders, organizes training on international human rights standards and human rights work, supports a program of small grants for activists to implement projects, including research, and offers legal assistance to victims of human rights abuses.

**CHRD** investigates and monitors the human rights situation in China, providing timely information and in-depth research reports.

**CHRD** advocates working within the existing constitutional/legal system in China through peaceful and rational means, while pushing for reforms of the system to bring it into compliance with international human rights standards.

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This report has been produced with the financial assistance of the EU, NED, and other generous supporters. The contents of this report are the sole responsibility of CHRD and should not be regarded as reflecting the position of any other party.

Date of publication: March 2013

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## Introduction

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With a major change of the guard at the top echelon of China's one-party power, 2012 was marked by authorities' intensified attempts to thwart human rights activism but also impressive civil society campaigns that fought for rights protections. As human rights defenders (HRDs) expanded their footholds and made use of new advocacy strategies, the government deployed its extensive "stability maintenance" apparatus to intimidate and punish Chinese citizens who tried to exercise basic liberties and defend fundamental human rights.

According to partial data gathered by the CHRD network, the year proved no less challenging for HRDs than 2011, which has been regarded as the most repressive year since rights activism in China's civil society gained momentum a decade ago.<sup>1</sup> Similarly, activists interviewed by CHRD indicated that the rights defense environment has grown both more promising and more treacherous—in cyberspace and in public places—with HRDs becoming more emboldened while facing relentless and more sophisticated political suppression.<sup>2</sup>

Though actual cases are likely far greater, data from 2012 for certain forms of harassment and detention used against HRDs—such as administrative detention, criminal detention, and forced psychiatric commitment—were similar to 2011 or increased slightly. Recorded instances of "enforced disappearance" also rose, though CHRD's data from 2011 was limited to cases from the Jasmine Crackdown on civil society.<sup>3</sup> Notably, recorded cases of "soft detention," a form of house arrest or "residential surveillance," more than doubled from 2011 to 2012 (from 163 to 387).<sup>4</sup> While it is not possible to draw solid conclusions on the basis of limited data, elevated use of soft detention may partly be explained by repressive measures taken around the 18th Chinese Communist Party (CCP) Congress in November, when the country's new top leaders were unveiled.

At the same time, recorded cases of HRDs being sent to Re-education through Labor (RTL) decreased (from 60 to 37), according to our partial data, which is consistent with the perception that officials sent fewer activists to RTL as the system has come

*“The suppression of rights activism has been unrelenting. This year, due to the Communist Party Congress, authorities stepped up their monitoring and preventive measures against rights advocacy efforts, and the space for such work was further compressed.”*

- A human rights activist -

under unprecedented public scrutiny. Authorities may have instead detained HRDs using residential surveillance in unknown locations, which saw an increase (from 10 to 24), or other methods of restricting movements like those listed above.

In 2012, there were more reports than ever of Han Chinese physically harming themselves in desperation and frustration over unresolved grievances. Some individuals ingested pesticide in suicide attempts or to bring urgent attention to their plights, and others set themselves ablaze or leaped to their deaths to protest forced property demolitions. Others were killed while trying to protect housing or farmland that the government had authorized developers to destroy or take over.<sup>5</sup> Reports by activists and interviews done by CHRD suggest that demolitions and land grabs grew more violent in 2012 despite government regulations that took effect in April that have been partially intended to lessen confrontations during such incidents.<sup>6</sup>

More than 80 ethnic Tibetans self-immolated in 2012—and thousands took to the streets—to boldly oppose government suppression of their religion and culture. By the end of the year, the spike in self-immolations brought the sobering total to nearly 100 Tibetans, including both monks and lay people, who had set themselves on fire in political protest since March 2011, with most of these individuals having burned to death. The response by the government to peaceful demonstrations and self-immolations has been to crack down only more severely against Tibetans. Authorities ramped up campaigns to cut off channels of information coming from outside Tibetan areas, arbitrarily detained large numbers of Tibetans, and issued guidelines criminalizing alleged involvement in self-immolations, such as charging so-called “instigators” with “intentional homicide.”<sup>7</sup>

Civil society groups in China, while growing into a stronger force for rights advocacy, were under steady assault. In Shenzhen, where police commonly disrupt the work of labor rights non-governmental organizations (NGOs), authorities ordered Xiao Xiao Cao (“Little Grass”) Workers’ Home to cease operations and pay a fine for alleged fire code violations. For years, the NGO has provided services to migrant workers in China’s booming factory sector. In another incident, officials in Jiangsu Province pressured a hotel to cancel rooms booked by the Nanjing-based NGO Justice for All, forcing the group to call off an event that was to bring together lawyers to discuss public interest law. In telling the group that their reservations had been cancelled, the hotel falsely claimed that the space would instead be used by the local government.<sup>8</sup>



During 2012, police continued to use a relatively new cyber-surveillance system—called “movement management and control”—to monitor individuals and specific groups, like drug users infected with HIV/AIDS, and also HRDs. As described in a new report by Aizhixing, an NGO working on rights issues affecting people with HIV/AIDS, the system has the ostensible goal of “anticipating and obstructing criminal activity” and “preserving social stability.” But based on public documentation, Aizhixing has concluded that it in fact has more far-reaching utility and objectives that can infringe on human rights: it not only seeks to monitor individual movements but also concentrates on events and organizations—like NGO work on social issues—and can conceivably target anyone, not only those who police believe pose threats to “social order” or who authorities are already monitoring closely.<sup>9</sup>

On a positive note, HRDs have been encouraged by the emergence of several rights advocacy campaigns, including the “Free **Chen Guangcheng** (陈光诚)” campaign; efforts calling for the release of detained activists **Zhu Chengzhi** (朱承志) of Hunan Province and **Chen Pingfu** (陈平福) of Gansu Province; and the mobilization to demand an investigation into the death of former political prisoner **Li Wangyang** (李旺阳), who died under mysterious circumstances in June, with an official claim that he committed “suicide” raising suspicion of police retaliation. A bright spot for public awareness of political rights and emboldened efforts at democratization was the record number of citizens who tried to run as independent candidates in local People’s Congress elections. A civil society push for the government to publicly disclose information about the wealth of high-ranking officials had also gathered momentum by the end of the year.

In addition, more activists used China’s Constitution and laws to fight police abuses and government infringement on human rights. During 2012, CHRD observed that HRDs made greater efforts to press for administrative reviews or lawsuits against officials over decisions ranging from RTL punishments to forced evictions and demolitions. Many activists leveraged laws and international human rights standards—and particularly the government’s commitments to such rights—to empower their pursuits of justice. Also, more activists and lawyers than ever organized trainings inside China to share advocacy strategies with HRDs and other members of civil society. These efforts benefited from more sophisticated and innovative use of the Internet and social media tools.

Even under a harsh political climate, HRDs achieved some impressive and positive outcomes. Quietly, yet in sufficiently discernible patterns, local governments provided compensation for demolished housing, and in some cases even removed officials from office for ordering the destructive acts. Though the government has largely failed to close down “black jails,” as it has vowed to do, authorities have punished a few hired thugs involved in operating these temporary and makeshift holding cells. Several prominent HRDs have been released from RTL camps before their punishments were complete, and fewer petitioners have been sent to RTL in some cities where lawyers have sued police committees in charge of RTL decisions. In 2012, Chinese courts appeared to have docketed more lawsuits against officials accused of rights abuses—cases that courts would have categorically refused to hear in the past—and some human rights lawyers won such suits. Websites and weibo, China’s microblogging tool equivalent to Twitter, have proven to be potent tools in shaming and even toppling government officials over corruption scandals and abuses.

While raising awareness of high-profile cases of HRDs serving prison sentences in retaliation for exercising their constitutionally-protected rights (see next section), this report focuses on developments in four areas that had significant impact on the situation of HRDs in 2012:

- “Enforced disappearance,” which has become an increasingly common fate of HRDs and in effect became codified with the adoption of the revised Criminal Procedure Law;
- “Re-education through Labor,” the system of extrajudicial detention and forced labor that received enormous public criticism, and was eventually addressed by government officials pressured into breaking years of political taboo on the issue;
- Forced psychiatric commitment, which China’s first-ever Mental Health Law fails to prohibit as a tool of repression against HRDs whom police and other officials wish to silence; and
- Flawed elections for local People’s Congress delegates, which concluded in 2012 and made a mockery of what passes today as “participatory governance” for Chinese citizens, as seen in the harassment of citizens who tried to run as “independent candidates” unaffiliated with the Chinese Communist Party.

## Prisoners of Conscience Languish Behind Bars

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As testament to the current Chinese government's intolerance of free expression of political views and dissent, prisoners of conscience remained behind bars in 2012. The world's only imprisoned Nobel laureate, the dissident writer **Liu Xiaobo** (刘晓波), served his fourth year of an 11-year sentence for "inciting subversion of state power" in Liaoning Province, a harsh punishment for his role in "Charter 08," a manifesto calling for human rights and democratic reform. His wife **Liu Xia** (刘霞) has also been under house arrest ever since her husband was awarded the Nobel Peace Prize.<sup>10</sup>

In addition, human rights defenders **Chen Wei** (陈卫) of Sichuan Province and **Chen Xi** (陈西) of Guizhou Province each served the first year of heavy sentences—of 9 and 10 years, respectively—after being convicted of "inciting subversion" in December 2011. Convicted in early 2012, dissident **Li Tie** (李铁) of Hubei Province was given a 10-year sentence for "subversion." And **Guo Quan** (郭泉), a founder of the "New People's Party of China" from Jiangsu Province, remains imprisoned for "subversion" after being sentenced to 10 years in 2009.

HRDs swept up during the Jasmine Crackdown in the spring of 2011 were sent to prison after being tried in 2012. **Ni Yulan** (倪玉兰), a housing rights activist from Beijing, is serving a 30-month sentence issued for "creating a disturbance," and her husband, **Dong Jiqin** (董继勤), is serving two years on the same charge. Zhejiang dissident **Zhu Yufu** (朱虞夫), a veteran of the Democracy Wall movement of the 1970s, was given a seven-year sentence in February 2012 for "inciting subversion" in retaliation for his activism, including writings he had done related to "Jasmine Rallies." Both Zhu and Ni, who suffers from chronic illnesses and cannot use her legs due to past torture, are dealing with deteriorating health in prison.<sup>11</sup>

Human rights lawyer **Gao Zhisheng** (高智晟) continued serving a three-year sentence for "inciting subversion" in the Xinjiang Uyghur Autonomous Region after allegedly violating terms of his probation and being imprisoned in December 2011. Although it was reported in May 2012 that Gao had refused legal assistance in his case and did not wish to file an appeal, there is no way to confirm this

*“The overall environment seems to have improved on the surface, but suppression of human rights activists has intensified, so the activist environment essentially is deteriorating.”*

- A human rights activist -

was his own decision, given the intimidation that he has faced, including being periodically disappeared and tortured since 2006.<sup>12</sup>

Authorities in Shandong Province took apparent retaliation against activist **Chen Guangcheng**, who fled house arrest in April and went to the United States weeks later, by handing his nephew **Chen Kegui** (陈克贵) a 39-month prison sentence in November. Tried in closed proceedings and with access only to government-appointed lawyers, Chen Kegui was convicted of “intentional injury,” a charge tied to an altercation that broke out when officials invaded his family home after his uncle’s daring escape.<sup>13</sup>

Shanghai activist **Feng Zhenghu** (冯正虎) was held under house arrest from February to November—for a total of 268 days—and was still being closely monitored by police even after some restrictions had been lifted. During Feng’s house arrest, police prevented him from leaving his apartment, and relatives, friends, and supporters were blocked from visiting him. In order to further isolate and harass Feng, police tapped his phone, confiscated his cell phone, computers, and many other items, and cut off his Internet connection.<sup>14</sup>

## “Enforced Disappearance” Codified in Law

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The year saw no reversal in one of the most alarming developments in China—the increased use of “enforced disappearance” against HRDs. Since the crackdown on civil society in 2011, when at least two dozen HRDs were disappeared for weeks or months, enforced disappearance has been routinely used during “sensitive periods” and to suppress activism around prominent human rights cases and events. HRDs who have been disappeared have often been threatened with retaliation if they reveal what they endured, and many eventually have told of brutal psychological and physical torture.<sup>15</sup> In passing a revised Criminal Procedure Law (CPL) in 2012, Chinese authorities in effect codified enforced disappearance under the rubric of “residential surveillance,” previously a form of pre-trial non-custodial detention served at home that has been legalized to hold HRDs incommunicado.

The whereabouts of two HRDs seized during the Jasmine Crackdown still remain shrouded in mystery. Sichuan dissident **Wei Shuishan** (魏水山) has been out of contact since he was criminally detained in March 2011. There is speculation that Wei has been secretly tried and imprisoned or is simply being illegally detained. Also, despite a rumor that she was freed, the fate of netizen **Liang Haiyi** (梁海怡) has been uncertain since October 2011, when friends went to see her in a detention center in Heilongjiang Province only to find that she was no longer there. Liang was taken in for questioning by Harbin police in February 2011 for allegedly posting information online about the Jasmine Revolution, and then arrested on suspicion of “inciting subversion.”<sup>16</sup>

Several HRDs disappeared for periods of time ranging from weeks to months in 2012. Guangdong-based freelance writer **Liao Zusheng** (廖祖笙) was seized in January and then held incommunicado for several weeks. Liao’s disappearance may have been tied to his writings about problems involving “sensitive” topics, such as education, health care, and housing.<sup>17</sup> Guangzhou netizen **Xu Lin** (徐琳) was criminally detained in April on a charge of “inciting subversion” and then held under illegal residential surveillance in a secret location for two months before being released in July. Police blocked his lawyers and family from seeing him under the pretext that his case involved “state secrets.” Xu was apparently detained for composing the song “It’s Time Now,” whose lyrics are

based on “It’s Time!,” a poem by dissident **Zhu Yufu** that was circulated during online calls for Jasmine Rallies in 2011.<sup>18</sup>

Beijing activist **Guo Qinghua** (郭清华) went missing for more than a month from early May, after indicating in a text message to fellow HRDs that police were planning to take her to a detention facility. From late May, Heilongjiang human rights lawyer **Wei Liangyue** (韦良玥) went missing for nearly a month. Police in Harbin did not disclose either his place of detention or a reason for his being held, only telling Wei’s wife that he was in a secret location and undergoing a period of “study.” **Zhu Jindi** (朱金娣), from Shanghai, went missing for nearly three months after security personnel from her hometown seized her in Beijing in late August when she was petitioning at the Supreme People’s Court.<sup>19</sup>

Guangxi human rights lawyer **Yang Zaixin** (杨在新) disappeared into police custody in March, after he was illegally ordered to serve residential surveillance in a “designated location” instead of in his home. Yang, a member of the defense team in a controversial beating death case in Beihai City, was criminally detained on suspicion of “suborning perjury” in June 2011. He was released on bail in September 2012, and in very poor health. In total, Yang was held for more than 450 days, and his family members and others were prevented from visiting him during his lengthy detention.<sup>20</sup>

Legal advocate **Song Ze** (宋泽), a volunteer for the Open Constitution Initiative (Gongmeng), disappeared after he was criminally detained in Beijing in May 2012. Authorities maintained that he was under residential surveillance but refused to disclose Song’s whereabouts to his family and lawyer. In December, Song’s family confirmed that he had been sent home but was prohibited from contacting anyone. Song was taken into custody on a charge of “creating a disturbance” after trying to assist the wife of **Chen Kegui**, the detained nephew of activist **Chen Guangcheng**.<sup>21</sup>

Guizhou democracy rights activist **Mi Chongbiao** (糜崇彪) revealed torture and mistreatment he was subjected to during a period of enforced disappearance. Mi was held incommunicado for five weeks after being seized in May while staging an event in Guiyang City People’s Square to mark the anniversary of the Tiananmen Massacre. In his 70s, Mi described that he had been interrogated at length with his hands tied to a chair; he was not allowed to rest or eat during the questioning, causing him to faint several times. Fearing Mi’s family would expose these abuses,

*“Prolonged forced disappearance is one of the noteworthy new trends in government suppression on civil society.”*

- A human rights lawyer -



officers also detained his wife and two sons with Mi. He later fell ill and was beaten by a policeman in a hospital, suffering a broken nose and concussion. After letting the family go home in early July, police placed them under 24-hour residential surveillance for six months.<sup>22</sup>

With revisions to the CPL approved by the National People's Congress in March of 2012, government officials have touted how changes will better protect the rights of criminal suspects. Indeed, some apparent improvements have been made in the text of the law, but their implementation depends on the extent of enforcement. For example, the revised law now explicitly states that forced confessions, such as those obtained through torture, are illegal and that related evidence is inadmissible in court. As written, the law provides defense lawyers better access to criminal suspects and case materials.

The new CPL also stipulates that a criminal suspect's family be notified of their detention within 24 hours. However, a contentious provision—Article 73—allows for residential surveillance in unknown locations for up to six months, tantamount to codifying a black hole of enforced disappearance that may be used to silence and incarcerate HRDs. The CPL allows for individuals charged with certain crimes, including endangering state security offenses, to be placed under residential surveillance at a “designated location” if serving residential surveillance at home would be deemed by police to “hinder the investigation.”

Once the revised CPL went into effect on January 1, 2013, Chinese authorities spared little time in making use of Article 73, thus confirming the fears of many in what would become the first “legalized” use of enforced disappearance under Chinese law. On January 4, police in Hunan ordered **Zhu Chengzhi** to serve six months of residential surveillance outside his home. Zhu, who had already been held incommunicado since June 2012, was issued the punishment by police who, in exercising their broadened power, merely notified his family of the decision but did not disclose Zhu's whereabouts. Zhu had been arrested in July 2012 on a charge of “inciting subversion” after refusing to guarantee that he would stop investigating the cause of death of labor activist **Li Wangyang**. (On February 1, 2013, Zhu was sent to serve residential surveillance at home, as authorities perhaps yielded to online campaigns demanding Zhu's release and to international outcries against “legalized” enforced disappearance.)<sup>23</sup>

## Re-education through Labor Very Much Alive Despite Talk of Reform

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Over the past two decades, members of China's intellectual establishment and its civil society have called for reform or abolition of Re-education through Labor (RTL), a form of administrative detention managed by police committees within the public security bureaus, where detainees are locked up for up to four years without a trial or little chance to appeal, and forced to perform hard labor.<sup>24</sup>

The year 2012 may have marked a turning point in building momentum for making changes to RTL, as official talk finally began to echo longstanding public outrage over the system. In October, the head of a government judicial reform committee noted a consensus in favor of addressing RTL's shortcomings. And the *People's Daily*, the CCP's principal mouthpiece, stated in November that RTL had become "a tool of retaliation" for local officials.<sup>25</sup>

While mostly holding what authorities refer to as "petty criminals" and members of the banned spiritual sect Falun Gong and underground churches, RTL is widely viewed as a convenient way to punish Chinese citizens who exercise constitutionally-protected civil liberties, including the rights to free expression when criticizing the government. According to government data, approximately 170,000 individuals were held in 320 RTL camps at the time of a review of China's human rights record by the UN Human Rights Council in 2009.<sup>26</sup> However, Chinese officials reportedly stated that just over 60,000 detainees were being held in RTL camps in 2012.<sup>27</sup> This could be a sign that, under domestic and international pressure, RTL detainees may have been transferred to other detention facilities, or that more people are being sent to black jails or "illegal behavior correction" centers, another form of administrative detention, instead of RTL.

Although perhaps using RTL less than in the past, Chinese authorities still sent many HRDs to labor camps in 2012. Several of those HRDs had been sent to RTL before, even multiple times, reflecting how the system can be a handy way to lock away Chinese citizens who police and other officials find "troublesome." On the other hand,

*“In terms of demands to change the Re-education through labor system via legal adjustments, there was official silence on the surface, but public opinion was unleashed.”*

- A human rights lawyer -

several prominent HRDs were released early from RTL camps in 2012 (and in early 2013), perhaps indicating a loosening of the system as rumors of reform became more public.

During the year, HRDs were put away in RTL around “sensitive” periods, which typically provide a ready pretext of “stability maintenance” for authorities to retaliate against activists. Inner Mongolia petitioner **Song Cuirong** (宋翠荣) was sent to RTL in March for 18 months—reportedly for “undermining the harmony and stability of the Two Meetings” in Beijing<sup>28</sup>—after she was found to be sending instant messages to others to seek help in getting freed from a black jail. Before the Party Congress, Shanghai HRDs **Cui Fufang** (崔福芳) and **Tong Guojing** (童国菁) were each issued one-year RTL punishments in October on charges of “gathering a crowd to disrupt public order.” **Mao Hengfeng** (毛恒凤), a reproductive rights and housing activist from Shanghai, was sent to RTL for 18 months in October after being taken into custody in Beijing, on a charge of “gathering a crowd to disrupt public order.” (Based on CHR’s reporting about Mao’s detention, international NGOs submitted an appeal for urgent intervention in her case to high-ranking Chinese officials. Mao was subsequently released from RTL in February 2013, reportedly due to her poor health, and ordered to “serve out” her punishment at home.)<sup>29</sup>

Among the most prominent HRDs sent to RTL was **Xiao Yong** (肖勇) of Hunan, who was issued 18 months of RTL in July. In March, Xiao was among several activists detained in Guangzhou for “illegal assembly, procession, or demonstration” for marching and holding signs calling for official transparency and political reforms, and he was later placed under soft detention for questioning the death of **Li Wangyang**. Around the same time that Xiao was punished, Beijing-based artist **Hua Yong** (华涌) was sent to RTL on a charge of “causing a disturbance” for performing an art piece memorializing the Tiananmen Massacre. Reflecting the often nebulous nature of RTL, the precise charges against Xiao and Hua were at first not disclosed to their families or lawyers, neither detainee was given ready access to attorneys, and even the lengths of the punishments were not made immediately clear. (In February 2013, Xiao was released from an RTL facility and required to “serve out” his term at home, though the reason for his release remains unknown.)<sup>30</sup>

As in years past, some officials used RTL to punish some of the most vulnerable members of Chinese civil society: petitioners seeking to lodge grievances or demand compensation to alleviate devastating hardships. In February, **Li Zhongying** (李忠英) of Yunnan Province was given a 21-month RTL detention for “disturbing

work order” for seeking compensation for severe injuries caused by a forced birth control surgery ordered by officials in 1994. After she was intercepted in Beijing, **Zhao Guixiang** (赵桂香) of Jilin Province was given 18 months of RTL in March for pursuing justice over a disabling traffic accident. **Liu Li** (刘丽), from Liaoning Province, was given a one-year RTL punishment in May after seeking relief from overwhelming debts. In June, **Dai Yuequan** (戴月权) of Chongqing was sent to serve a 15-month RTL punishment for “disrupting social order” after trying to get compensated for a debilitating work injury. (Dai was released from RTL in December 2012, when his punishment was dismissed.)<sup>31</sup>

Two petitioners whose persecution by authorities dates back to the Cultural Revolution were sent to RTL camps in 2012. **Li Huiyin** (李辉银) of Hunan was given a one-year punishment in January on a charge of “disrupting public order” after petitioning in Beijing. Li had previously served other RTL stints and also a five-year spell in a Reform through Labor camp in the 1970s for allegedly expressing political views. During that lengthy past punishment, Li’s leg became disabled in a mine accident and, after he was released, he began petitioning over what had happened to him. In addition, **Zhao Zhenjia** (赵振甲) of Liaoning was issued an 18-month RTL punishment in February, reportedly for organizing a Chinese New Year gathering for fellow petitioners. Zhao was handed a death sentence with reprieve for “counterrevolution” in 1974—for his writings—and went to prison. In 1981, a court declared him innocent of any crime and he was released. Ever since, Zhao has unsuccessfully sought compensation for his unjust imprisonment.<sup>32</sup>

HRDs sent to RTL as part of the Jasmine Crackdown in 2011 remained in labor camps in 2012. **Yu Yunfeng** (于云峰) of Heilongjiang was still serving a two-year term that began in the summer of 2011, on an “inciting subversion” charge for allegedly “spreading rumors against the Party and against socialism.” Activist **Yang Qiuyu** (杨秋雨) has been serving a two-year RTL term in Beijing since April 2011. It was learned in 2012 that his wife, **Wang Yuqin** (王玉琴), was given a 21-month RTL punishment in July 2011, for allegedly “disturbing social order” after organizing others to petition and seeking an explanation for Yang’s detention. **Huang Chengcheng** (黄成诚) of Chongqing also continued serving a two-year punishment for “inciting subversion,” and even had seven days added to it in May on the purported grounds of “poor performance” in forced labor. Huang reportedly had been unable to complete work tasks due to worsening hand injury suffered during

A petition from December 2012 calls for the abolition of Re-education through Labor (RTL). (Photo: CRLW)



his detention. (Huang was eventually released in December—a few months early—after the RTL decision against him was dismissed.)<sup>33</sup>

Public calls for abolishing RTL reached a fever pitch with the exposure of the plight of a woman, **Tang Hui** (唐慧), who was sent to RTL in August after petitioning about the abduction and rape of her young daughter. Once news about Yang’s experience spread online, widespread outrage quickly led to her release. Tang’s story inspired a group of Chinese human rights lawyers to send a letter to China’s Ministry of Justice and Ministry of Public Security calling for “adjustments” to RTL. Notably, the lawyers’ action was reported in official government media, which up to then had largely avoided coverage of RTL. In their letter, the lawyers recommended procedural improvements for hearings, increased openness about secretive decisions, more accountability for RTL authorities, and greater involvement of lawyers in RTL cases, including the right to meet with clients.<sup>34</sup>

Another RTL case that went viral on Chinese cyberspace and was picked up by the Chinese media was that of **Ren Jianyu** (任建宇), an elected village committee director from Chongqing, who was sent to RTL for two years in September 2011 for “inciting subversion” after using a QQ group and his weibo account to share others’ opinions about political reforms. Following the media exposure and pressure generated by public opinion, Ren was released early—in November 2012—in a case that showcased how RTL can be used to punish Chinese citizens who exercise their free speech rights online, especially if they criticize local officials.<sup>35</sup>

Despite even some officials’ questioning of RTL’s legitimacy and future, Chinese authorities stifled grassroots activism that pushed for an end to the system. Just as one example, in December, police in Hunan issued a death threat to a retired teacher and long-time rights activist, **Luo Hongzhong** (罗洪中), who was urging petitioners to support an online campaign calling for RTL’s abolition. Police reportedly pressured Luo, who himself has served five years in RTL, to cease his advocacy work and to not cause trouble for the local government, warning that they would “find some thugs to get rid of him” if he continued.<sup>36</sup>

In what has been viewed as a response to the growing and vocal opposition to RTL, the Chinese government announced in October that RTL “reform” was being piloted in four cities.<sup>37</sup> But rather than introducing substantive judicial or

legislative changes, the main “reform” disappointingly has appeared to be cosmetic—renaming RTL as “Illegal Behavior Correction,” which may mean that extralegal detention would just go on as before with no significant differences. More optimism was felt in early January of 2013, when a high-ranking official was reported as saying that the government would halt the use of RTL by the end of the year, upon approval of the Standing Committee of the National People’s Congress. However, official Chinese news sources did not corroborate the report and the official’s remarks were immediately erased from CCTV and other government-run websites, leaving observers to only speculate about what, if any, solid plans were afoot to alter or do away with RTL.<sup>38</sup>



## Forced Psychiatric Commitment Used to Silence HRDs as China's Passes First Mental Health Law

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The longstanding problem of involuntary psychiatric commitment in China persisted in 2012. A report released by CHRD chronicled dozens of cases of HRDs who have been held in psychiatric hospitals in retaliation for irking officials, often after petitioning over personal grievances or publishing articles critical of the government.<sup>39</sup> Forced psychiatric commitment drew heightened attention during the year, both in the passage of the county's first Mental Health Law<sup>40</sup>, and the review by the UN Committee on the Rights of Persons with Disabilities of China's compliance with the international Convention on the Rights of Persons with Disabilities.<sup>41</sup>

When committed by authorities against their will in psychiatric hospitals, HRDs are routinely forced to take medication, receive injections or electric shocks, and endure other forms of inhumane treatment. Hospitals often restrict or prevent institutionalized HRDs from communicating with family members and legal counsel. Police and other authorities are granted "guardianship" rights when they forcibly bring HRDs to psychiatric hospitals. Wielding a high degree of power, guardians can decide when individuals are released, and some guardians even foot the bill for HRDs' detention, treatment, and living expenses in order to keep them locked up and silenced.

CHRD made formal appeals in 2012 to UN Special Procedures on behalf of HRDs who were forcibly sent to psychiatric institutions. **Yang Yamei** (杨雅梅), a petitioner-activist from Inner Mongolia, was seized in Beijing in March and then forcibly committed to a psychiatric hospital. **Lin Xiuli** (林秀丽) of Shandong was involuntarily committed in May after she managed to hand Premier Wen Jiabao petitioning materials in Beijing. **Gu Xianghong** (辜湘红), a petitioner from Hunan, was involuntarily committed in July after being seized in Beijing—the tenth time since 1999 that she has been forcibly institutionalized. On orders of

*“I was required to take medication the first night I entered the hospital. I refused and continued my hunger strike. Then four or five guards tied me to a bed. The guards threatened to force feed me and use electric shocks.”*

- A dissident -

police or other officials, petitioners remained held in psychiatric institutions in 2012 after several years, including **Li Qidong** (李启东) of Liaoning (since 2010), **Peng Yongkang** (彭咏康) of Hubei Province (2008), **He Fangwu** (何芳武) of Hunan (2007), and **Jiao Yanshou** (焦延寿) of Shandong (1999).<sup>42</sup>

Other petitioners were institutionalized against their will in 2012 in retaliation for seeking justice for personal grievances. Beginning in April, **Zhang Jun** (张军) of Shandong was held in a psychiatric hospital for more than three months after trying to expose police misconduct. **Zhang Zhi** (张治) of Hunan was seized in late October and sent to a psychiatric hospital, where she was forced to take medications and receive injections. Police detained Henan petitioner **Wang Qunfeng** (王群凤) in a psychiatric institution for several weeks after she was seized in Beijing in mid-December 2011 by thugs hired by local officials.<sup>43</sup>

In late October, after more than two decades of advocacy efforts by domestic and international human rights critics and mental health professionals, China adopted a Mental Health Law (MHL), which will go into effect on May 1, 2013. Though having a law is perceived to be better than not having one, the MHL has inspired little confidence among Chinese rights activists who monitor the issue of involuntary psychiatric commitment. As written, the MHL still fails to close loopholes that have allowed authorities, without impunity, to forcibly institutionalize HRDs who do not suffer from any mental illness, with the clear purpose of punishing them for their activism. Under the MHL, it will not be feasible for those committed to institutions to exercise their rights to appeal to judicial authorities for review. In addition, the new law leaves open questions of identifying guardians and limiting their power. These and other factors allow room for the likely continuation of politically-motivated abuses against HRDs through forced psychiatric confinement.<sup>44</sup>

Individuals can be forcibly detained and receive involuntary treatments at psychiatric institutions in retaliation for petitioning in defense of their rights. The illustration depicts a petitioner apprehended as a “psychiatric patient” next to a bag of petitions. (Image: CRLW)



## **Flawed Local Elections Exclude Independent Candidates, CCP Transition Perpetuates One-Party Rule**

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China's officially self-proclaimed experiment in "participatory governance"—holding elections for local People's Congress delegates in 2011 and 2012—proved largely to have been a failure in allowing citizens any meaningful exercise of their right to vote and to run for legislative seats. The elections were marred by flagrant violations of Chinese electoral laws, particularly when independent candidates, who had no affiliation with nor endorsement from the CCP, attempted to run against candidates hand-picked by CCP officials. Chinese activists who monitored the elections found that citizens who tried to register as independent candidates were systematically harassed and eventually barred from running. In violation of China's Constitution, which protects peaceful assembly and association, meetings held to publicize their candidacy and explain the voting process were often disrupted by police. When voting days arrived all over the country, independent candidates were detained, kept away, left off ballots, and even physically assaulted. Other blatant electoral irregularities came to light, including the stuffing of ballot boxes in favor of CCP candidates.

While detailing these rampant abuses, a report on the elections—produced by Chinese activists and scholars in cooperation with CHRD—also highlighted accomplishments achieved through campaigning and the electoral process. The report hailed the unprecedented number of people who tried to run as independent candidates, and maintained that their campaigns showed the will of Chinese citizens to participate in democratic governance and test out the limited political rights provided by China's laws and Constitution. (Drawing from numerous sources, CHRD estimates that approximately 2,000 citizens attempted to run as independent candidates in the elections.<sup>45</sup>) In addition, the report explained how the strategies of independent candidates, such as shrewd use of social media, greatly helped to inform citizens about the importance of voting. Nevertheless, the report concludes that the frustration of such candidates in the face of suppression shows that local People's Congress elections cannot be conducted fairly and freely under China's one-party rule.<sup>46</sup>

*“There was no hint of democracy at all but merely going through the motions. If voters ‘accidentally’ elected candidates when democrats took advantage of ‘loopholes,’ voting results would be tossed out if officials did not like the candidates.”*

- A human rights activist -

When elections were held in Chengdu in Sichuan in February 2012, authorities issued unheard-of requirements in order to block independent candidates from registering their candidacies while engaging in other abuses. Challenging the requirements' legality, independent candidates one day tried to approach government officials but were dispersed by security personnel, who severely beat and injured one candidate.<sup>47</sup> On election days in Chengdu, independent candidates were widely harassed, voting was conducted without sufficient publicity and oversight, and election officials even offered money to residents to entice them to vote. Unidentified individuals (likely dispatched by government authorities) closely monitored independent candidates, some of whom were inexplicably photographed as they voted at the polls. Activist **Chen Qian** (陈茜), who tried to run as an independent candidate, reported that she was placed under surveillance the day before an election. Government officials and police took another independent candidate, **Wang Rongwen** (王荣文), to a voting location, forced her to cast a ballot, and then dragged her away and kept her incommunicado for a short period.

A common problem was the difficulties and risks faced by critics who challenged the lack of oversight and credible procedures necessary to verify election results. In September 2011, Guangdong activist **Li Biyun** (李碧云) protested a local election over procedural irregularities, and then scuffled with a voting official who claimed to have been injured by her; Li was subsequently detained for about seven months on a charge of "undermining elections." In detention, Li suffered from various illnesses and was restricted from seeing her attorneys. She was finally released on bail in April 2012 so she could obtain necessary medical treatment in a hospital.<sup>48</sup>

Nowhere was the hollowness of "democratic participation with Chinese characteristics" seen more in 2012 than in the leadership transition of the CCP. In mid-November, the new seven-member Standing Committee of the CCP Politburo was ceremoniously revealed at the 18th Party Congress, after years of speculation and intra-party power struggles. The drama's most public and disturbing story line was the toppling in March of **Bo Xilai** (薄熙来), who was all but set to attain a seat on the Standing Committee before being deposed as Party Secretary in Chongqing amid corruption scandals and a murder charge against his wife.

Lacking any popular mandate, **Xi Jinping** (习近平) and **Li Keqiang** (李克强) assumed the CCP's top two positions of power before a backdrop of extreme

*“The rights defense environment keeps getting worse, perhaps due to the 18<sup>th</sup> Party Congress, with a lot of people detained and punished. I was under house arrest and followed by police the whole year.”*

- A human rights activist -



political suppression. In the name of ensuring a “harmonious” transition, authorities engaged in weeks-long nationwide security operations to silence perceived dissent, with no threat deemed too small for police to spring into action. Thousands of Chinese citizens were deprived of their liberties, and police killed at least two petitioners in the frenzy of “stability maintenance.”<sup>49</sup> Many activists in Beijing often under surveillance were subjected to greater controls, including activist **Hu Jia** (胡佳), dissident **Zhang Zuhua** (张祖桦); **Xu Zhiyong** (许志永), a founder of the NGO Open Constitution Initiative; house church member **Xu Yonghai** (徐永海); and human rights lawyers **Jiang Tianyong** (江天勇), **Li Xiongbing** (黎雄兵), and **Li Fangping** (李方平).

In Shenzhen in southern China, activist **Li Zhengran** (李峥然) was forced out of the city, and cartoonist **Cheng Tao** (成涛) was whisked away from his home in the middle of the night. Authorities in Guangzhou restricted the movements of scholar and filmmaker **Ai Xiaoming** (艾晓明) and lawyer **Tang Jingling** (唐荆陵), and forcibly sent many activists back to their hometowns. Police in Sichuan and Guizhou applied greater pressure on HRDs, including the oft-harassed members of the Guizhou Human Rights Forum. Shanghai police summoned writer **Li Huaping** (李化平) for questioning on suspicion of “disrupting social order” after Li had returned from a backpacking tour around China that included visits to locations of well-known human rights cases. To demonstrate that “sensitive” timing could be everything, two farmers in Shanghai were taken into custody in late October for applying—but for the 69<sup>th</sup> time—to hold a public demonstration about land seizures.<sup>50</sup>

As 2012 came to a close, China’s new leaders had made no clear indication that they were willing to halt their government’s constant breaches of its international and constitutional commitments to human rights. By and large, the heads of the world’s largest and longest-standing police state appear poised to maintain current policies and follow the path of their predecessors, foiling efforts at fundamental political reforms that would allow Chinese citizens to truly “have a voice” in governance.

## Recommendations

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In order for Chinese human rights defenders to carry out their work promoting human rights in a freer and safer environment, the Chinese government must:

- Ratify the International Covenant on Civil and Political Rights, respect the Chinese Constitution, and implement the country's two National Human Rights Action Plans;
- Abolish the extrajudicial Re-education through Labor system and all other forms of administrative detention and illegal, make-shift detention facilities, known as "black jails";
- Revise Article 73 of the Criminal Procedure Law so that "residential surveillance" cannot be used to allow authorities to disappear an individual; hold legally accountable any individuals responsible for disappearing HRDs; and sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- Revise the Mental Health Law to accord with the Convention on the Rights of Persons with Disabilities, namely by prohibiting the involuntary commitment of people on the basis of psychosocial disabilities and ensuring that individuals who are involuntary committed have access to legal counsel and judicial review; and
- Implement the Electoral Law of the National People's Congress and Local People's Congresses of the People's Republic of China<sup>52</sup> to ensure that all Chinese citizens can freely exercise their rights to vote and run for seats in local legislative bodies, and seek legal accountability of anyone, including government officials, who is suspected of violating the law.



# Appendix

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## Deprivation of Liberty and Torture/Other Mistreatment of Human Rights Defenders in China

(Partial data from January 1, 2012 through March 1, 2013)

Compiled by Chinese Human Rights Defenders (CHRD), and based on information collected from reports by human rights organizations working in Mainland China, this partial data includes more than 600 cases of human rights defenders who are known/ believed to have been deprived of liberty for at least five (5) days, sometimes repeatedly. Some of them have been tortured or inhumanely treated in retaliation for their rights advocacy work since the beginning of 2012.

Name (Pinyin)	Name (Chinese)	Age	Gender	Detention Type	Det. Place	Date Seized	Length of Time	Current Status	Torture/ Mistreatment
Ai Weiwei	艾未未	40+	male	Soft detention		2012.06.20	Unknown	Released	Threats
Bao Runpu	鲍润蒲		female	Soft detention	Det. House/ Center	2012.01.09		Unknown	Threats
Bao Shuiying	包水英		female	Soft detention		2012.08.16	Unknown	Released	Tortured confession
Bao Tong	鲍彤		male	Soft detention		.2012.09	Unknown	Released	Threats

Please visit <http://www.chrdnet.com/category/prisoners-of-conscience/> to view the compiled data (68 pages in total).

## **Prisoners of Conscience**

(Selection of profiles produced by CHRD on activists sentenced in 2012)

For more, please visit:

<http://www.chrdnet.com/category/prisoners-of-conscience/>

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## Wang Dengchao • 王登朝



### **Current Detention**

*Crime:* Embezzlement & disrupting official business

*Length of Punishment:* 14 years

*Court:* Luohu District People's Court

*Trial Date:* November 26, 2012

*Sentencing Date:* November 26, 2012

*Place of Incarceration:* Luohu District People's Court (Guangdong Province)

*Dates of Detention/Arrest:* March 8, 2012 (detained), March 27, 2012 (arrested)

### **Background**

Wang Dengchao, a Shenzhen policeman and an advocate for democratic reforms, was given a 14-year sentence in November 2012 (and fined 20,000 yuan) on trumped-up charges of "embezzlement" and "disrupting official business." Wang was also required to return 2.8 million yuan that he supposedly had taken when he was among leaders in charge of security during the World University Games in 2011. According to Wang's lawyers who represented him during a second-instance trial in February 2013, the prosecutors presented no evidence to support either charge. The Shenzhen Intermediate People's Court dismissed evidence submitted by defense lawyers that supported Wang's innocence, and decided to postpone the trial indefinitely.

Born on June 27, 1974, Wang Dengchao reportedly had often expressed his disapproval and disappointment in China's political system. For years, Wang promoted pro-democracy ideas after making contact with local activists on online forums. Two days prior to Wang's attempted public commemoration of Sun Yat-sen on March 10, 2012, he was detained without warrant. During 10 days of illegal detention, prosecutors tried to charge him with "subversion of state power" and "illegal assembly," but later changed the charges to "embezzlement" and "disrupting official business." According to some activists, Wang's severe sentence based on non-political charges is believed to be a government strategy to harshly punish dissidents while avoiding media coverage that often comes when individuals are convicted of political crimes.

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**Cui Fufang • 崔福芳**



**Current Detention**

*Crime:* Gathering a crowd to disrupt public order

*Length of Punishment:* 1 year

*Issuing Body:* Shanghai Municipality Reeducation through Labor Management Committee

*Decision Date:* October 27, 2012

*Place of Incarceration:* Shanghai Municipality Women's Re-education through Labor Camp

*Dates of Detention/Arrest:* September 25, 2012 (criminal detention)

**Background**

Shanghai human rights activist Cui Fufang was handed a one-year Reeducation through Labor (RTL) punishment in October 2012, allegedly for attending a memorial for the mother of activist Wang Kouma (王扣玛) that January. A month before this RTL decision came down, and despite having been put under house arrest, Cui was criminally detained on the same charge. It is believed that Shanghai authorities used the RTL punishment to prevent Cui from petitioning in Beijing during the 18th Communist Party Congress in November 2012.

Born on December 28, 1957, Cui Fufang began petitioning in Beijing after her house was demolished for the Shanghai World Exposition, and then became an activist appealing for the rights of others who were imprisoned or sent to RTL. In retaliation, she has been detained, held under house arrest, and thrown into "black jails" many times.

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## Li Bifeng • 李必丰



### **Current Detention**

*Crimes:* Contract fraud

*Length of Punishment:* 10 years

*Court:* Shehong County People's Court (Sichuan Province)

*Trial Date:* November 17, 2012

*Sentencing Date:* November 17, 2012

*Place of Incarceration:* Shehong County Detention Center (Sichuan Province)

*Dates of Detention/Arrest:* September 12, 2011(arrest)

### **Background**

Sichuan dissident and poet Li Bifeng was sentenced to 12 years in prison and also fined 300,000 *yuan* on a seemingly concocted charge of “contract fraud” in November 2012. The charges relate to a sales agreement Li had signed with an alcohol company to help sell apartments in Hainan Province. Li's lawyers maintained that evidence showed that the charges against Li were baseless, and defended Li's innocence at trial.

Born on March 3, 1964, Li Bifeng has been particularly targeted since authorities suspect that he helped finance the escape from China last year of his friend, dissident writer Liao Yiwu (廖亦武), a suspicion that Liao himself has said is untrue. Li was arrested in September 2011, two months after Liao fled China. Previously, in 1990 Li was given five years' imprisonment for “counterrevolutionary propaganda and incitement” for his involvement in the 1989 pro-democracy movement. In 1998, Li served seven more years for “economic fraud” for helping workers defend their labor rights in the Sichuan city of Mianyang.



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## Cao Haibo • 曹海波



### **Current Detention**

*Crime:* Subversion of state power

*Length of Punishment:* 8 years

*Court:* Kunming Intermediate People's Court

*Trial Date:* May 22, 2012

*Sentencing Date:* October 31, 2012

*Place of Incarceration:* Xishan District Detention Center (Kunming City, Yunnan Province)

*Dates of Detention/Arrest:* October 21, 2011 (detention), November 25, 2011 (arrest)

### **Background**

Cao Haibo, a worker at an Internet café in Yunnan Province and organizer of a website that promotes democracy, was sentenced to eight years in prison for expressing his political views online. Born in 1985, Cao was detained in October 2011 and later arrested for “inciting subversion of state power,” though Cao was eventually convicted of “subversion,” a more serious crime. Authorities shut down the “League of Rejuvenating the Chinese Nation” (振华会), a discussion group Cao founded in late 2010 where members talked about democratic reform and constitutional rights. Cao also reportedly tried to form an opposition party online called the China Republican Party, which existed for one day before it was taken down. In addition, police cited Cao posting articles on foreign websites and text messages sent to friends as evidence of his crimes.

The handling of Cao's case, including his trial and sentencing, was rife with procedural flaws and myriad violations of Chinese law. Police blocked his family members from attending the closed trial, claiming the case “involved state secrets.” His sentencing hearing was also held without authorities' notifying his family or lawyers, who only learned of the court's verdict when they were called about the punishment.

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## Zhou Decai • 周德才



### **Current Detention**

*Crime:* Gathering a crowd to disrupt social order

*Length of Punishment:* 5 years

*Court:* Gushi County People's Court (Henan Province)

*Trial Date:* June 13, 2012

*Sentencing Date:* September 3, 2012

*Place of Incarceration:* Gushi County Detention Center

*Dates of Detention/Arrest:* February 28, 2012 (detention), March 10, 2012 (arrest)

### **Background**

In September of 2012, Henan rights activist Zhou Decai was given a five-year prison sentence on a charge of “assembling a crowd to disrupt social order” in likely retaliation for his longtime rights defense efforts. Zhou’s wife has said that the court that sentenced him cited a clash between farmers and police that Zhou had allegedly planned over a government land seizure. Countering this claim, an individual familiar with the case has said that the local government had orchestrated the aggression, and that Zhou himself had been beaten and injured in the melee. When Zhou’s case was heard, his wife and a person who wanted to testify to Zhou’s innocence were barred from entering the courtroom. Zhou was initially taken into custody while preparing to attend a labor rights defense seminar in Beijing that focused on laid-off tobacco industry workers.

Born on March 21, 1965, Zhou Decai has been a rights defender since the late 1980s, focusing on land and labor rights. He once was detained several months for trying to decrease farmers’ tax burdens. Zhou has successfully halted land grabs from real estate developers and local authorities, and formed a labor union for tobacco workers who were laid off without receiving reasonable compensation. In recent years, Zhou has become even more open about his discontent with authorities, posting videos of officials engaged in illegal activities and giving interviews in which he criticizes the Communist Party. In 2011, supporters of Zhou nominated him to run as an independent candidate for the local People’s Congress, but he was taken into custody just prior to the election period.

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**Pei Fugui • 裴富贵**



**Current Detention**

*Crime:* Creating a disturbance

*Length of Punishment:* 15 months

*Issuing Body:* Beijing Municipality Re-education through Labor Management Committee

*Decision Date:* September 28, 2012

*Place of Incarceration:* Beijing Municipality Re-education through Labor Camp

*Dates of Detention/Arrest:* August 30, 2012 (administrative detention)

**Background**

Activist Pei Fugui, who founded “Petitioners’ House” in Beijing to provide services to petitioners, was given a 15-month Re-education through Labor (RTL) punishment in September 2012, on a charge of “creating a disturbance.” His alleged “crimes” include refusing to buy tickets when taking the public bus, renting out living quarters to petitioners at low rates, and writing anti-corruption slogans on the walls of his home. The punishment is in apparent retaliation for his long-term charitable efforts and anti-corruption work.

Born in 1956, Pei started to help other petitioners while pursuing justice himself over a forced land expropriation. “Petitioners’ House” has served as a temporary shelter for countless petitioners who stay in Beijing for extended periods as they seek redress to their grievances.

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## Ni Yulan • 倪玉兰



### **Current Detention**

*Crimes:* Creating a disturbance (charge of fraud dismissed after appeal)

*Length of Punishment:* 2 years, 6 months (Reduced by two months—from 2 years & 8 months—after appeal on July 27, 2012 at Beijing No. 1 Intermediate Court)

*Court:* Xicheng District People' Court

*Trial Date:* December 29, 2011

*Sentencing Date:* April 10, 2012

*Dates of Detention/Arrest:* April 7, 2011 (detention), May 17, 2011 (arrest)

*Place of Detention:* Xicheng Detention Center (Haidian District, Beijing)

### **Background**

Since 2002, Ni, a Beijing housing rights activist, has suffered repeated arbitrary detention, torture and other cruel, inhuman and degrading treatment, intimidation and harassment. Her home was forcibly demolished in 2008 when authorities in Beijing's Xicheng District retaliated against her for her human rights activism. As the result of previous torture, Ni cannot walk and suffers from an assortment of chronic medical issues, including difficulty breathing, heart problems, and digestive trouble. In April of 2011, she was criminally detained with her husband, Dong Jiqin, in Beijing on the charge of "creating a disturbance" for hanging a banner outside the Yuxinyuan Guest House, their residence at the time. She was later additionally charged with "fraud" for allegedly saying she was a lawyer in order to win sympathy for her case and to profit financially. Her case was heard in December of 2011 and a verdict announced more than three months later—a span of time that violates Article 168 in China's Criminal Procedure Law, which stipulates that a court must render a verdict within two months of accepting a case. Ni's health has continued to decline during her current detention, and her lawyer has submitted unsuccessful requests to have Ni released on medical grounds. In late July 2012, the charge of "fraud" was tossed out by an appeals court, which also reduced Ni's original sentence by two months.

Dong Jiqin was released on April 5, 2013 after a two-year incarceration. During his imprisonment, Dong staged hunger strikes to protest beatings by police and was limited in communicating with his daughter.

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## Zhu Yufu • 朱虞夫



### **Current Detention**

*Crime:* Inciting subversion of state power

*Court:* Hangzhou City Intermediate People's Court

*Length of Punishment:* 7 years' imprisonment, additional 3 years' deprivation of political rights

*Trial Date:* January 31, 2012

*Sentencing Date:* February 10, 2012

*Dates of Detention/Arrest:* March 5, 2011 (detention), April 11, 2011 (arrest)

*Place of Detention:* Zhejiang Provincial No. 4 Prison (Hangzhou City, Zhejiang Province)

### **Background**

A veteran Democracy Wall activist in the 1970s, Zhu was taken away by police in Hangzhou City, Zhejiang Province in March of 2011, criminally detained on suspicion of "inciting subversion of state power," and arrested the next month. In July, his wife appealed to authorities to release Zhu on bail due to his longstanding poor health, but her request was rejected. On October 25, 2011, the Shangcheng County People's Court notified Zhu's lawyer that it had approved an application to dismiss charges against Zhu, though he remained detained. According to the lawyer, the procuratorate cited "changes in factual evidence" in seeking dismissal of the charges. However, the case was re-submitted for prosecution in December of 2011. In the procuratorate's indictment, authorities cited as "evidence" a poem, "It's Time!," that Zhu wrote and shared during online calls for "Jasmine Rallies" in early 2011, as well as other writings he had published online, his calls for monetary donations for prisoners of conscience, and interviews that he had given. When given the opportunity to speak in court, Zhu argued that his activities were exercises of protected freedoms, and that none constituted "inciting subversion."

Born on February 13, 1953, Zhu was previously convicted of "subversion of state power" in 1999 and served seven years in prison for founding the Opposition Party (在野党) magazine, which carried articles about the China Democratic Party. After his release in 2006, he spoke out against the torture he suffered in prison and continued to promote democratization. He was detained again in 2007 after a confrontation with a police officer who was questioning his son, and sentenced to two years in prison for "beating police" and "hindering public duty."

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## Li Tie • 李铁



### Current Detention

*Crime:* Subversion of state power

*Length of Punishment:* 10 years

*Court:* Wuhan Intermediate People's Court

*Trial Date:* April 18, 2011

*Sentencing Date:* January 18, 2012

*Dates of Detention/Arrest:* September 15, 2010 (detained), October 22, 2010 (arrested)

*Place of Detention:* Huangzhou Prison (Huanggang City, Hubei Province)

### Background

Detained in September of 2010 and arrested the next month, Li Tie, from Wuhan City in Hubei Province, was tried in April of 2011 but not sentenced until January of 2012. Li's family had originally hired human rights lawyer Jin Guanghong (金光鸿) to represent Li, but Jin was never allowed to meet with his client and was subjected to enforced disappearance about 10 days before the trial. In waiting eight months to issue its verdict, the court violated Article 168 of the Criminal Procedure Law, which dictates that a court has a maximum of two-and-a-half months to issue a verdict after it accepts a case. In the decade before his detention, Li had written many online articles promoting democracy, constitutional government, and direct local elections. Born on March 29, 1959, Li has also organized activities to honor the memory of Lin Zhao (林昭), the well-known Beijing University student jailed in the 1950s and executed by the government in 1968 for her views and writings.

At Li's trial, his mother and daughter were the only supporters of Li permitted to attend. They reported that the "evidence" the procuratorate offered against Li included the following: articles Li wrote criticizing the government, in particular his online article titled "Human Beings' Heaven Is Human Dignity" (人以尊严为天); his membership in the China Social Democracy Party; his participation in discussions hosted on "reactionary" websites, and his "reactionary" comments made at gatherings with friends. During the trial, the prosecutors argued that Li's articles and speech demonstrated that he has "anti-government thoughts," and because he has such thoughts, it should be presumed that he would engage in anti-government actions, and thus he should be found guilty of "subversion." Li's lawyer argued for his client's innocence, and in Li's statement to the court, he said that he was innocent because his words and deeds were in accordance with the Constitution, which gives Chinese citizens the right to freedom of expression.

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## Notes

1. The partial statistics for 2012 were compiled by examining the year's issues of "China Rights Defense Development Brief" (中国维权动态), which include reports gathered by the Rights Defense Network (维权网), as well as information provided by Civil Rights & Livelihood Watch (民生观察) and Human Rights Campaign in China (权利运动), among other organizations. The partial data can be viewed on CHRD's site. For more information on the state of human rights defense in China in 2011, see: CHRD, "We can dig a pit and bury you alive": Annual Report on the Situation of Human Rights Defenders in China, 2011, <http://chrdnet.com/2012/03/we-can-dig-a-pit-and-bury-you-alive-annual-report-on-the-situation-of-human-rights-defenders-in-china-2011/>.
2. In preparation for this report, CHRD interviewed 15 Chinese HRDs from across civil society, and posed questions about 2012 that focused on significant rights campaigns or events, emerging trends and the general state of the civil rights movement, comparisons between 2011 and 2012, and local People's Congress elections. The quotes from HRDs that appear in this report are either excerpted from these interviews or, in one case, taken from a previous report.
3. Recorded number of instances of restricted movement and/or detention in 2011 and 2012, respectively, were: administrative detention (89 and 120), criminal detention (72 and 90), and detention in psychiatric institutions (7 and 8). For 2011, the network recorded 24 individual cases for "enforced disappearances—all due to the Jasmine Crackdown—while the number recorded for the entire year of 2012 was 75.
4. Individuals subjected to "soft detention" are guarded by police stationed outside their homes. Though some may occasionally be allowed to leave their homes during this kind of detention, they are closely followed and monitored, or are required to travel in police vehicles and are often barred from meeting other "sensitive" individuals. Most individuals detained in this manner may not be allowed to leave their homes at any time during their soft detention. The length of the detention period will usually last until the "sensitive period" which triggered the detention has passed, or may be extended for months or even years.
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46. See the two-part report by the Human Rights Defense Network (in Chinese): “Investigative Report on Chinese Independent Candidates” (中国独立参选观察报告(上)), December 10, 2012, [http://wqw2010.blogspot.com/2012/12/blog-post\\_5534.html](http://wqw2010.blogspot.com/2012/12/blog-post_5534.html); “Investigative Report on Chinese Independent Candidates” (中国独立参选观察报告(下)), December 10, 2012, [http://wqw2010.blogspot.com/2012/12/blog-post\\_6065.html](http://wqw2010.blogspot.com/2012/12/blog-post_6065.html).
47. CHRD, “Chengdu Authorities Obstruct Candidacy Registration; Independent Candidate Beaten, Hospitalized,” *China Human Rights Briefing February 7-13, 2012*, <http://chrnet.com/2012/02/china-human-rights-briefing-february-7-13-2012/>.
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50. CHRD, "Beijing Dissident Hu Jia Under Tighter Restrictions, Facing Health Concerns As Party Congress Nears," *China Human Rights Briefing October 18-24, 2012*, <http://chrdnet.com/2012/10/chrd-ni-yulans-health-continues-to-worsen-in-detention-human-rights-lawyer-liu-xiaoyuan-forced-to-close-firm-and-more-1018-1024-2012/>; CHRD, "More Activists, Petitioners Seized in Crackdown Before Party Congress," *China Human Rights Briefing October 25-November 2, 2012*, <http://chrdnet.com/2012/11/chrb-democracy-website-founder-gets-8-years-for-subversion-rights-abuses-escalate-before-party-congress-and-more-1025-112-2012/>.
51. For full text, see Electoral Law of the National People's Congress and Local People's Congresses of the People's Republic of China: [http://www.china.org.cn/china/LegislationsForm2001-2010/2011-02/11/content\\_21898708.htm](http://www.china.org.cn/china/LegislationsForm2001-2010/2011-02/11/content_21898708.htm).





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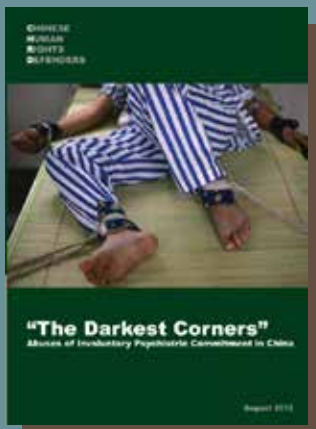
This report was edited by Victor Clemens, researcher, and reviewed by Renee Xia, international director, with research assistance and comments from Zheng Wu, researcher, and Ann Song, intern.

Production assistance was provided by Linda Wang, office and finance administrator, and Wu Ming, administrative assistant.

CHRD wishes to express appreciation to human rights activists and lawyers in mainland China who conducted field investigation, documentation, interviews, and surveys that helped make this report possible.

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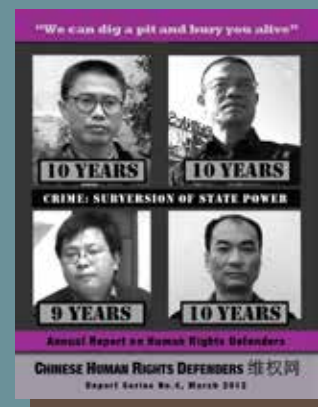


### "The Darkest Corners": Abuses of Involuntary Psychiatric Commitment in China

Every year, hundreds of thousands of people are detained against their will in China's psychiatric hospitals because they have or are alleged to have, psychosocial disabilities. The involuntary commitment and forced medical treatment of such persons is a violation of the Convention on the Rights of Persons with Disabilities.

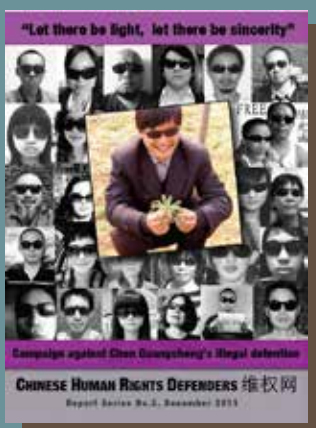
### "We can dig a pit and bury you alive" Annual Report on the Situation of Human Rights Defenders in China, 2011

The state of human rights in China continued to deteriorate in the year 2011. As documented in this annual report from CHRD, it has been a year of harsh crackdowns for human rights defenders (HRDs), characterized by lengthy prison sentences, extensive use of extralegal detention, and enforced disappearance and torture.



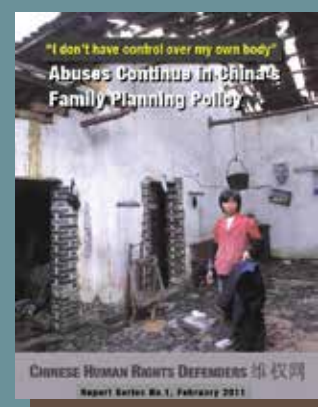
### Let there be light, let there be sincerity: the illegal house arrest of Chen Guangcheng and the unprecedented grassroots campaign to end it

Based on interviews with a number of activists involved in the current campaign to free Chen, CHRD traces the genesis of this remarkable mobilization, which has spread beyond the small circle of human rights activists: citizens from all walks of life are undertaking trips to Dongshigu Village and participating in online activities in an effort to draw attention to Chen's situation. Drawing on the meaning of Chen's given name, they have coined the slogan for their movement from which this report takes its name: "Let there be light, let there be sincerity!" (要有光, 要有诚).



### "I don't have control over my own body" Abuses continue in China's Family Planning Policy

The year 2010 marked the 30th anniversary of China's family policy. In recent years, the government has introduced many exceptions to the "one-child" aspect of the policy, leading to widespread speculation about its status and its future: Are people still bound by the policy, or can they pay their way out of it and have as many children as they want? Will the government relax the policy and allow couples to have more than one child?



Cover Image:

Xiao Qingshan, a human rights activist from Guangzhou, China, and known by Chinese netizens as "Hero in a Wheelchair," rallies for free speech protections in front of the Nanfang Media Group compound on January 8, 2013. Heated protests erupted after local propaganda officials censored Southern Weekend's New Year editorial, headlined "China's Dream, the Dream of Constitutionalism."

(Photo: Jonah M. Kessel / jonahkessel.com)