

# PEOPLE'S REPUBLIC OF CHINA

## Human rights defenders at risk

### Introduction

Amnesty International has published numerous reports on the detention of prisoners of conscience in China, but this is Amnesty International's first report on China which focuses specifically on human rights defenders.

Until now, terms such as "human rights defender" or "human rights activist" have rarely been used in public reporting on the human rights situation in China. This is despite the rapid growth of civil society organizations in China working in numerous fields, many of which have a direct impact on the protection of human rights, including environmental concerns, public health, education, disability, migrant workers rights and women's rights. Some of these organizations have been created by the Chinese authorities themselves resulting in the growth of an official non-profit sector over the last twenty years. Others have grown more spontaneously as a result of grassroots concerns at the local level.

The number of individual activists working to raise awareness of particular concerns or abuses has also increased over recent years. Many of these people, including individual petitioners and their legal representatives, have used the domestic Chinese media and the legal system in an attempt to obtain redress for alleged abuses. Reporting of such cases has increased over recent years, partly as a result of rapid change resulting from recent social and economic reforms. Recent legal cases for example have focused on alleged forcible evictions in the face of large-scale redevelopment projects in cities as well as allegations of land expropriation without adequate compensation in rural areas.

Other activists have attempted to draw attention to abuses of civil and political rights, including the failure of the authorities to address the human rights violations which resulted from the military crackdown on pro-democracy protesters in and around Tiananmen Square in Beijing in 1989. The growth and development of the Internet in China over the last decade has provided a new forum for drawing attention to such issues, although the parallel development of technological censorship and surveillance by the Chinese authorities also poses new risks to Internet activists.<sup>1</sup>

The Chinese authorities have recently introduced some legal reforms with the stated aim of ensuring greater protection for human rights. These include adding the

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<sup>1</sup> For more information, please see Amnesty International reports on People's Republic of China: *State controls of the internet in China* (AI Index: ASA 17/007/2002), November 2002; *State control of the internet in China: Appeal cases* (AI Index: ASA 17/046/2002), November 2002; and *Controls tighten as internet activism grows* (AI Index: ASA 17/001/2004), January 2004.

clause, “the State respects and protects human rights” to the Chinese Constitution in March 2004. However, other laws which continue to facilitate the arbitrary detention and imprisonment of human rights defenders remain on the statute book and continue to be used to put activists behind bars. Such cases are in clear violation of international human rights standards, including the International Covenant on Civil and Political Rights (ICCPR), which China has signed, and declared an intention to ratify in the near future.

This report is intended to place the security of Chinese civil society activists both on the domestic agenda and at the heart of the international debate on human rights defenders by illustrating the range of rights they are working to defend and highlighting the risks they face in conducting their activities. The report is accompanied by six appeals for individuals who have been imprisoned in China in connection with their legitimate and peaceful human rights activities.

### **Human rights defenders - categories and definitions**

Over recent years, the work of human rights defenders around the world has become a focus of international attention, particularly within relevant institutions of the United Nations (UN). There is growing international recognition of the need to provide special protection to human rights defenders due to the serious risks they face, including threats, arbitrary detention, torture and even “disappearances” or unlawful killings.

In 1998, the UN adopted a Declaration on Human Rights Defenders.<sup>2</sup> Article 12 of this Declaration clarifies that:

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

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<sup>2</sup> The declaration is officially known as *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*, General Assembly resolution 53/144 (Distr. GENERAL A/RES/53/144, 8 March 1999), and available on-line at: [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.53.144.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.53.144.En?OpenDocument).

freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

The adoption of this Declaration was followed two years later by the appointment of a UN Special Representative on Human Rights Defenders, a post currently held by **Hina Jilani**, a human rights activist and advocate of the Supreme Court of Pakistan. Since her appointment, Hina Jilani has reported to the UN General Assembly on the situation of human rights defenders in all parts of the world and has carried out visits to several countries including Colombia and Guatemala.

Action to highlight the role of human rights defenders has also taken place at the regional level. For example:

- the Organization of American States has passed resolutions in support of human rights defenders every year since 1999;
- in November 2003, the African Commission on Human and People's Rights appointed a *focal point* on Human Rights Defenders, a post currently held by Commissioner **Jainaba Johm**;
- and in June 2004, the European Union (EU) adopted the EU Guidelines on Human Rights Defenders to be "used in contacts with third countries at all levels as well as in multilateral human rights fora in order to support and strengthen ongoing efforts by the Union to promote and encourage respect for the right to defend human rights."<sup>3</sup> The Guidelines provide for interventions by the EU in support of human rights defenders at risk and suggest practical means to provide support and assistance.

Amnesty International considers that such initiatives help to raise awareness of the vital role that human rights defenders play in promoting human rights in all countries and the need for governments to take specific measures to guarantee their protection. Unfortunately, similar mechanisms have yet to be created in the Asia-Pacific Region, largely due to the general absence of regional bodies with a specific human rights focus.

The following categories and definitions of human rights defenders are based on information from the official website of the UN Special Representative on Human Rights Defenders:<sup>4</sup>

### ***Who is a human rights defender?***

"Human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights. Human rights defenders are identified above all by what **they do** to defend the rights of others, rather than by any professional title.

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<sup>3</sup> Available on-line at <http://register.consilium.eu.int/pdf/en/04/st10/st10056-re01.en04.pdf>.

<sup>4</sup> For more information, please see <http://www.unhchr.ch/defenders/about1.htm>.

### ***What do human rights defenders do?***

Human rights defenders **address any human rights concerns**, which can be as varied as, for example, summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. Defenders are active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. They sometimes address the rights of categories of persons, for example women's rights, children's rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, and the rights of national, linguistic or sexual minorities.

Human rights defenders **investigate, gather information and report on** human rights violations. They may, for example, use lobbying strategies to draw their reports to the attention of the public and of key political and judicial officials to ensure that their investigative work is given consideration and that human rights violations are addressed. Most commonly, such work is conducted through human rights organizations, which periodically publish reports on their findings. However, information may also be gathered and reported by an individual focusing on one specific instance of human rights abuse.

A very large proportion of the activities of human rights defenders can be characterized as action in **support of victims** of human rights violations. Investigating and reporting on violations can help end ongoing violations, prevent their repetition and assist victims in taking their cases to courts. Some human rights defenders provide professional legal advice and represent victims in the judicial process. Others provide victims with counselling and rehabilitation support.

Many human rights defenders work to **secure accountability** for respect for human rights legal standards. They publish reports on government progress on human rights standards and help assess the implementation of international recognized standards and fundamental freedoms.

### ***Who can be a human rights defender?***

There is no specific definition of a human rights defender. Although the term 'defender' is used universally, terms such as 'activist', 'advocate' or 'campaigner' may equally be used.

### ***Is there a universal standard for human rights defenders?***

Human rights defenders must accept the universality of human rights as defined in the Universal Declaration of Human Rights (UDHR). A person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights.

A second important issue concerns the validity of the arguments being presented. It is not essential for a human rights defender to be correct in his or her arguments in order to be a genuine defender. The critical test is whether or not the person is defending a human right.

Finally, the actions taken by human rights defenders must be peaceful in order to comply with the UN Declaration on Human Rights Defenders.

## **Human rights defenders in China**

In China, as in other countries, numerous groups and individuals have peacefully acted to raise public awareness of human rights violations and called on the authorities at both local and national levels to bring such abuses to an end. They work in a broad range of fields encompassing the protection of the full range of rights contained in the UDHR, including civil, political, economic, social and cultural rights.

Examples of such activism are detailed below, although, in most cases, those working to raise awareness of such issues in China have not chosen to label themselves “human rights defenders” or “human rights activists”. Despite a growing use of a human rights discourse among Chinese officials, both domestically and in their relations with other states, and growing opportunities for civil society activism in the country, official interpretations of human rights remain highly circumscribed and often fail to meet international human rights standards, particularly in politically sensitive areas, such as freedom of expression and association.

Under such circumstances, those who become openly involved in human rights advocacy in China may face a risk of serious human rights violations, including in some cases torture, arbitrary detention and imprisonment. The arbitrary application of vaguely defined laws combined with frequent political interference in the rule of law means that no one knows with certainty whether or when action may be taken against them. Even those working in officially registered civil society organizations may be at risk. It is not surprising, therefore, that civil society actors in China tend to avoid the use of “human rights” labels, or even terms like “organizer”, for fear of attracting unwanted official attention and possible repercussions:

*“I organize the lawyers, the academicians, and other people to solve cases. I call myself a ‘coordinator’. If I call myself an ‘organizer’, the government can use laws to persecute me.”<sup>5</sup>*

In March 2004, China amended its Constitution to include the clause, “*the State respects and protects human rights*”. Amnesty International welcomed this move as a sign of greater political willingness to address human rights violations, but noted that it

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<sup>5</sup> Li Zhiying, an economist, coordinating a compensation claim on behalf of owners of small private oil wells whose assets had allegedly been seized by local officials in Shaanxi province, “China sees new breed of civil activists emerge”, *Knight Ridder Newspapers*, 4 October 2004.

must be backed by further legal and institutional reforms to ensure the protection of human rights in practice.<sup>6</sup>

A key factor which facilitates the detention or imprisonment of human rights defenders in China is the Criminal Law itself, which continues to be used as a political tool to suppress dissent. Amnesty International remains deeply concerned that sweeping categories of crimes in the Criminal Law, which are broadly defined and contravene international standards, continue to be used to detain and imprison individuals solely for engaging in legitimate and peaceful human rights activities. Such provisions include Articles 102, 103, 105, 106 and 107 relating to crimes of “separatism” and “subversion”, and Articles 110 and 111 which punish crimes of “espionage” and “stealing state secrets”. The broad and vague wording of these provisions enables the authorities to detain, charge and convict anyone engaged in activities deemed to pose a threat to the status quo, including human rights defenders.

There have also been several cases in recent years, where the authorities have resorted to other legal provisions in an apparent attempt to prevent activists from engaging in human rights activities, including the use of libel and corruption charges against journalists, and in one case the use of libel charges against an HIV/AIDS activist.<sup>7</sup> In addition, the continued existence of “Re-education through Labour”, a form of administrative detention which allows for detention without charge or trial for up to three years, provides a tool for targeting activists outside the formal criminal justice system. The Chinese authorities have stated an intention to reform this system, but the nature and timescale of this reform remains unclear.

The Chinese Constitution also guarantees citizens' rights to petition the authorities, a traditional mechanism by which individuals can make complaints to the authorities, including grievances relating to violations of their rights. However, a state institution, the Chinese Academy of Social Sciences, recently warned that an increasing number of people thought that official state channels were no longer sufficient to deal with their complaints. It noted that some local governments resorted to violence to stop petitioners making their case to central government, a practice it described as 'appalling and outrageous'.<sup>8</sup> In apparent response to the inadequacies of the system, many petitioners have tried to organise groups or demonstrations focusing on shared concerns to draw official attention to their grievances. Thousands of petitioners have been detained and some leading activists have been convicted for such activities under various charges, such as “illegal assembly” or “disturbing social order.”<sup>9</sup>

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<sup>6</sup> See Amnesty International, *People's Republic of China: Constitutional amendment on human rights must be backed by concrete action* (AI Index: ASA 17/011/2004), 15 March 2004.

<sup>7</sup> See case of Gao Yaojie below under “Right to health”.

<sup>8</sup> See “Petitioners losing faith, report warns”, *South China Morning Post*, 19 November 2004.

<sup>9</sup> See below under “Right to housing” for further information about China's petitioning system.

Activists are at high risk of further abuses in detention. Torture and ill-treatment remain widespread and endemic within China's criminal justice system, particularly at the pre-trial stage when beatings or other forms of torture are often used by the police in an attempt to extract a "confession" from detained suspects. Human rights defenders and others with strongly held beliefs or opinions who refuse to "confess" to their "crimes" are at particular risk of torture or ill-treatment. The failure to guarantee detainees full and regular access to lawyers, doctors and members of their family heightens the risk of torture or ill-treatment in detention.

Ongoing political interference in the rule of law also prevents Chinese activists from being able to rely on the legal and judicial system to safeguard their rights. Courts at every level in China continue to be supervised by political-legal committees (*zhengfa weiyuanhui*), a panel of political appointees which can have substantial influence over legal cases, particularly those deemed to be politically sensitive. Trials of human rights defenders may be little more than a formality, with cases decided in advance by adjudication committees (*shenpan weiyuanhui*) comprised of Chinese Communist Party officials as well as judges.

Even if not detained, human rights defenders in China have often faced other abuses, including threats, harassment and intimidation. This has particularly been the case where activists have sought to highlight and address abuses at the local level, thereby incurring the displeasure of local vested interests. In some instances, the source of the abuse is unidentified or unclear. However, there are serious concerns that such harassment is an attempt to dissuade or prevent human rights defenders from carrying out their legitimate human rights activities.

The following section highlights recent cases of arbitrary detention and harassment of human rights defenders in attempt to illustrate the risks posed to those working on various human rights issues in China: the right to health, the right to housing, workers' rights, the right to freedom of religion, minority rights, and the right to redress.

## **Right to health**

The right to the highest attainable standard of health is guaranteed in several international human rights treaties which are legally binding on China. These include, for example, the Convention on the Rights of the Child, and more generally the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by China in June 2001.

The UN Committee on Economic, Social and Cultural Rights (ESCR), which monitors state's implementation of the ICESCR, has issued comments which outline the scope of the right to health based on the ICESCR, and the nature of states' obligations towards realising that right. The right to health has to be realised progressively; however, there are also a number of obligations of immediate effect, and an essential minimum core of obligations which are considered non-derogable. These include the right to the underlying conditions of health, such as access to food and water, freedom from hunger

and the right to freedom from discrimination in access to health care, which includes access to essential drugs.

The right to health in China and the government's response to health care needs have been highlighted in recent years by two serious epidemics which continue to have worldwide implications: Severe Acute Respiratory Syndrome (SARS) and Acquired Immune Deficiency Syndrome (AIDS).

Initially, the Chinese authorities seriously under-reported the outbreak of Severe Acute Respiratory Syndrome (SARS) in 2003. Any potential to fully realise the right to health is founded on the need for accurate and reliable information. Epidemiological research conducted by official and independent agents is an essential component of formulating appropriate policies and responses to health care requirements. However, the Chinese authorities' restrictions on the rights to freedom of expression and freedom of information severely hampered progress in gathering such information.

In April 2003, authorities in Beijing claimed there were only 19 people infected with the SARS virus. The full extent of the epidemic in China only started to become clear when **Dr Jiang Yanyong**, a semi-retired military surgeon, bypassed official procedures and told the press that his hospital had admitted 60 people infected with the virus, seven of whom had died.<sup>10</sup> The World Health Organization (WHO) urged China for "full and open reporting" on the virus, and Dr Jiang noted that "a failure to disclose accurate statistics about the illness will only lead to more deaths."<sup>11</sup>

Similarly, the Chinese authorities have until recently denied that HIV/AIDS exists to any significant degree in the country. One of China's foremost AIDS activists, **Dr Wan Yanhai**, founder of the Beijing-based Aids Action Project, attempted to urge the government towards greater transparency and more effective action. However, he was detained in August 2002 for a month on suspicion of "illegally leaking state secrets" when he published a government paper on his website on the extent of the epidemic in Henan Province.<sup>12</sup>

Over recent months, as a result of both domestic and international pressure, the central authorities have adopted a more proactive and open approach towards dealing with epidemics such as SARS and HIV/AIDS. For example, national legislation and regulations have recently been introduced in an attempt to control the spread of HIV/AIDS – and to outlaw discrimination against people infected with the virus. However, implementation of national legislation and other guidelines by provincial and local governments often remains piecemeal and incomplete.

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<sup>10</sup> See below under "Right to redress" for more information about Dr Jiang Yanyong.

<sup>11</sup> WHO urges China for "full and open reporting" on SARS, *AFP*, 9 April 2003.

<sup>12</sup> See Amnesty International, *Urgent Action: Possible disappearance/fear for safety, Dr Wan Yanhai*, (AI Index: ASA 17/043/2002), 2 September 2002.



In addition, the initial delay in acknowledging the existence of HIV/AIDS in China to any significant degree has raised serious questions over the nature and spread of the epidemic. Official estimates currently claim there are 840,000 people with the HIV virus in China, 40,000 of whom have developed AIDS. However, activists in China and international sources claim there could be more than one million people infected with the HIV virus in Henan Province alone.<sup>13</sup>

Henan Province is thought by many activists to be one of the worst-affected areas in China, where the rate of HIV infection in some villages is reportedly as high as 65%. The majority of people contracted the virus by selling blood at unsanitary clinics, many of which were run by local government health departments, while others were illegal blood banks known as “blood heads” (*xuetou*). The clinics were established rapidly due to a highly profitable global demand for blood plasma. Many of them failed to implement basic safety checks in handling the blood, and so infections soared. It has also been reported that staff at some clinics were not properly trained in how to use blood transfusion equipment, which led to further infections despite ostensibly sanitary conditions.

Over the last two years, Amnesty International has documented numerous cases of detentions of several villagers in Henan Province for engaging in public demonstrations and protests aimed at securing better medical treatment and access to health care. Other disturbances have been triggered by apparent defrauding of limited resources by villagers. In some cases, people were detained after such protests reportedly led to violent clashes between demonstrators and the police. Several were reportedly beaten by the police at the time of detention or in police custody, many of whom were HIV positive or suffering from AIDS.<sup>14</sup>

**Dr Gao Yaojie**, 77, a retired gynaecologist from Henan, came across her first case of AIDS in the province in 1996 when a 42-year-old patient died having contracting the virus from a blood bank a year earlier. Aware of the enormous risks to health posed by the blood banks, Dr Yao attempted to publicise the cause and scale of the epidemic at the same time as offering medical and financial assistance at her own expense to people affected. Gao Yaojie further angered local authorities when she reported as recently as May 2003 that blood-selling schemes were still operating in Henan Province, despite a central government ban on the practice. She has also called for officials responsible for the blood banks to be held accountable, and has publicly voiced her suspicions that moves to stop her from working in Henan are orchestrated by those same officials.

In September 2003, Dr Gao was tried for libel in connection with her accusation that untrained “folk doctors” in Henan had made false claims about their AIDS remedies

<sup>13</sup> “China’s Henan launches survey to find true extent of AIDS epidemic”, *AFP*, 9 September 2004.

<sup>14</sup> See Amnesty International, *People’s Republic of China: Continuing abuses under a new leadership – summary of concerns*, (AI Index: ASA 17/ 035/2003), October 2003.

to make huge profits. She was acquitted in early November 2003. There were serious concerns that the case had been brought for political reasons to disrupt her work. In spite of the obstacles she faced in Henan, Gao Yaojie was recently awarded a civic prize by the national government for her continuing work in AIDS education, and for mediating the adoption of around 100 children orphaned by the disease.

Other AIDS activists have faced similar obstructions from officials in Henan Province, then later received praise from the central government. **Li Dan**, a young university student from Beijing, has been defending the rights of people with HIV/AIDS since 1998, initially working with the Aids Action Project in Beijing. In an attempt to expose local government complacency and misrepresentation of the extent of the epidemic in Henan, Li Dan made a documentary in 2002 about HIV/AIDS in a village with a particularly high rate of infection, which he then delivered to the Ministry of Health and to journalists. When officials in Henan became aware of the film, Li Dan was arbitrarily detained for 24 hours by police, although several months later the central government announced a project to offer medical and financial assistance to the village featured in the documentary.

In October 2003, Li Dan and several volunteers managed to open a school for children orphaned by AIDS in a building attached to a mosque in a village in Shangqiu County in eastern Henan Province. The favourable response in China's media not only encouraged Li, it also brought in a stream of donations from around China. However, local officials closed the school in March 2004, the day before he was due to pay the 1 million Yuan (US\$120,000) NGO registration fee, telling Li it had made them "look bad". Despite a successful attempt to later re-register the school as a business, local officials again closed the school in July 2004, and over the following weeks, Li Dan and volunteers working with him suffered several instances of arbitrary detention, robbery and beating.<sup>15</sup>

Li Dan said in an interview in one of China's national magazines in late August 2004 that he hopes to continue his work in a different province of China. He conceded, "There's not much chance of setting up the school again in Shangqiu – we're being watched too closely."<sup>16</sup>

Efforts by activists such as Li Dan and Dr Gao Yaojie to defend the rights of people with HIV/AIDS in Henan Province have been widely praised in the national and international media. Gao Yaojie has stated that local co-operation with state bodies is essential for measures formulated by central authorities to be effective, but she remains pessimistic that such co-operation will be forthcoming. The WHO also expressed concern

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<sup>15</sup> See Amnesty International, *Urgent Action: Fear of torture or ill-treatment/medical concern*, (AI Index: ASA 17/037/2004), 9 August 2004.

<sup>16</sup> "Li Dan: Helping people with AIDS cannot wait", *Southern Daily* (in Chinese), 25 August 2004.

in September 2004 that central government policies on controlling HIV/AIDS are failing to be implemented at the local level.<sup>17</sup>

Amnesty International considers that grassroots HIV/AIDS activists have an important role to play in highlighting the problems of people suffering with the disease in China and finding relief to these problems. The organization calls on the authorities to ensure that all those working to defend the right to health in China are able to do so without fear of harassment, arbitrary detention or other human rights abuses.

### **Right to housing**

The right to adequate housing is guaranteed by Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). The UN Committee on ESCR which monitors states' implementation of the covenant, has identified several factors which define "adequate housing", the first of which is "legal security of tenure including legal protection against forced eviction". States which are bound by the ICESCR are therefore required to legislate against forced evictions as "an essential basis upon which to build a system of effective protection".

While the Chinese government has taken some legislative steps to protect people who own or rent homes from forced evictions – including a recent constitutional amendment that the state respects private property – implementation of laws and regulations against forced evictions in China remains weak.

All land in China is officially owned by the state. Repossession of land by officials in rural and urban areas of China is being reported with more frequency by the official media in China, aware that the phenomenon is becoming a major source of public discontent. However, there is not yet any evidence that these instances are declining in frequency as a result. Indeed, in China's cities, the massive scale of construction over recent years has increasingly been accompanied by house demolitions and evictions with thousands of people taking to the streets to protest at their treatment.

Large-scale forced evictions are a distinct movement away from realization of the right to adequate housing. The UN Commission on Human Rights, in its Resolution 1993/77 on Forced Evictions adopted at the 67th meeting on 10 March 1993, affirmed that "the practice of forced eviction constitutes a gross violation of human rights" and recommended that "all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups."

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<sup>17</sup> See below an appeal on behalf of Li Dan.

However, the legal security, legal recourse and the mechanisms to ensure adequate compensation for people forcibly evicted from their homes are barely in evidence in China.

In Beijing, for example, the ongoing rapid redevelopment of the city is being accelerated and broadened in preparation for the 2008 Summer Olympics. Houses have been demolished in various parts of the city to make way for new construction projects.

Generally, residents are re-located to housing on the outskirts of the city, which is often reported to be of poor quality, and people are paid a token amount of compensation. Real-estate companies – often owned by or affiliated with the local authorities who evicted the tenants – may then sell the land to property developers for a large profit.

While there have been some cases of property developers being prosecuted for their involvement in violent evictions – where people are physically dragged from their homes – the number of arrests and prosecutions is disproportionately small compared to the scale of the problem throughout all of China. Furthermore, reports of government officials being disciplined or prosecuted for their involvement in illegally requisitioning land are extremely rare.

People who are forcibly evicted and whose homes are demolished are currently left with little legal recourse and few opportunities to defend their right to adequate housing. The first avenue chosen by many people is to file a petition through established channels, appealing for their case to be examined by authorities a level above those alleged to be responsible for an illegal eviction. However, this approach is rarely successful. Petitioners often find their appeals are not acknowledged or are rejected, and therefore attempt to submit their petitions to ever-higher levels of government, in a process which can take years with no guarantee of success.

Police are also known to physically prevent people from filing petitions. In the week before a meeting of China's national parliament in September 2004, approximately 36,000 people attempting to submit petitions were arbitrarily detained by police in Beijing. A large proportion of those detained were reportedly seeking to file petitions complaining about forced evictions and inadequate compensation.

Authorities regularly arrest and prosecute individual “ring-leaders” who attempt to organise fellow-petitioners into larger groups with the intention of lobbying local and national authorities in connection with the loss of their homes. For example, **Ye Guozhu** was detained in Beijing in August 2004 and charged with “disturbing social order”, having tried to gain permission through official channels to stage a demonstration with fellow-petitioners to publicly protest against forced evictions and inadequate compensation. Ye was reportedly tried on charges of “disturbing social order” at the end of November 2004, but at the time of this report's release the verdict had not been reported.

Other key housing rights advocates have been sentenced to prison terms on vague charges which appear to have been politically motivated. For example, **Zheng Enchong**, a lawyer from Shanghai, represented or advised around 500 families who were evicted due to urban redevelopment in the city, and who received little or no compensation from the authorities. He was detained in June 2003, days after a group of evicted residents he had advised appeared in court attempting to sue the authorities for adequate compensation, alleging collusion between officials and a wealthy property developer.<sup>18</sup>

Zheng Enchong was later charged and sentenced to three years in prison for “supplying state secrets to foreign entities” in connection with faxes he sent to Human Rights in China, an NGO based in New York. There are serious concerns that Zheng Enchong’s detention and conviction were aimed at preventing him from continuing with his advocacy work. A lasting effect of his conviction has been a reported decrease in the number of lawyers in Shanghai willing to “risk” defending people’s rights to housing for fear of reprisals.<sup>19</sup>

## Workers’ rights

China has signed and ratified numerous international conventions which protect workers’ rights, including the ICESCR as well as several International Labour Organization (ILO) conventions, including those on equal remuneration, minimum wage and child labour. However, its reservations to certain core elements within these instruments and failure to sign up to other key instruments seriously undermine these guarantees. For example, China has placed a reservation on article 8.1 (a) of the ICESCR relating to the right to form trade unions or join trade unions of one’s choice. In addition, China has not ratified ILO conventions on freedom of association and the rights to collective bargaining.

Independent trade unions are not permitted in China. The All China Federation of Trade Unions (ACFTU) is the national body which governs trade union activity. It is meant to look after and control the interests of “primary” trade unions throughout China which are either regional official unions or one of 16 official national industrial trade unions. The ACFTU is not independent and is subject to the leadership of the Chinese Communist Party (CCP). Although it does play a role in representing workers’ interests and has officials at the enterprise level, such officials often have multiple roles, including factory management positions. At times of dispute they often put the perceived needs of the state or enterprise before those of the workers they are charged to represent. When protests which are not officially sanctioned by the ACFTU occur, workers have no access to legitimate union support and are forced to create their own “illegal” unions or attempt to lead protests without organization.

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<sup>18</sup> See below an appeal on behalf of Zheng Enchong.

<sup>19</sup> *Demolished: Forced Evictions and the Tenants’ Rights Movement in China*, Human Rights Watch, March 2004.

Rapid changes in China's industrial and other economic structures in the past two decades have had a profound effect upon China's workforce, and labour disputes are becoming increasingly common. The wholesale closure or privatisation of formerly state-owned enterprises has been the main catalyst for an increase in labour protests. Workers have been involved in demonstrations and protests against lay-offs, redundancy terms, wage arrears, excessive overtime, illegal working conditions, management corruption, delayed welfare payments, and unemployment.

Such peaceful protests are often swiftly brought to an end by police using force, and participants or identified "organizers" prosecuted under vaguely worded public order or national security provisions of the Criminal Law.

**Zhang Shanguang** is one of the most outspoken defenders of workers' rights in China. In 1998 he tried to form the *Shu Pu Association for the Protection of the Rights of Laid-off Workers* in Hunan Province in central China, and spoke to foreign media about peasant and labour unrest in Hunan. He was detained in July 1998 and sentenced in December of the same year to 10 years' imprisonment for "providing state secrets for an organization outside the country". He is due for release in July 2008. While in prison Zhang Shanguang has reportedly been beaten, shackled and forced to work for long hours. He suffers from tuberculosis which he contracted while he was previously imprisoned for seven years for criticizing the government for the 4 June 1989 crackdown in Beijing.

In March 2002, workers from about 20 factories in Liaoyang city, Liaoning Province in northeast China, took to the streets demanding back pay and lost benefits, and protesting against corruption and mismanagement at the factories. At the time of the March 2002 demonstrations, some of the workers had been seeking redress for their complaints already for four years. Although the factories' management and the local government reportedly met some of their demands, the organisers of the demonstrations were arrested, and two of them, **Yao Fuxin** and **Xiao Yunliang**, remain in prison convicted for "subversion".<sup>20</sup>

More recently **Du Hongqi**, a factory worker from Chongqing, was sentenced to three years' imprisonment for "disturbing social order". He was detained in November 2003 after he reportedly organized the workers from the Mingguang scientific instrument factory to block the entrance to the factory for almost a month in a protest against unfair redundancy terms.

Amongst those who defend the rights of workers is the prominent lawyer **Zhou Litai**, himself once a migrant worker. He has become well-known for defending the right to compensation for those who suffer from work-related injuries, and for providing them shelter whilst fighting their cases. At the beginning of his legal career, he was regularly harassed by the authorities and private factory owners, who feared a loss in revenue if they were required to pay compensation or improve work-safety standards.

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<sup>20</sup> See below an appeal on behalf of Yao Fuxin and Xiao Yunliang.

China's work safety record is one the worst in the world. According to official statistics, in the first six months of 2004 there were 426,283 accidents at its work places which on average led to 350 deaths a day.<sup>21</sup>

Amnesty International reiterates its calls upon the Chinese authorities to allow workers in China to exercise their rights to freedom of expression and association, including the right to form independent trade unions and to hold peaceful protests, without fear of imprisonment, detention or torture; and to release all those imprisoned for exercising such rights.

## Freedom of religion

*"...Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching...."*

Article 18, International Covenant on Civil and Political Rights, signed by China in 1998.

The right to freedom of religious belief and practice is a universal and inalienable right recognised in the UDHR and other international human rights instruments.

The "freedom to believe in or not to believe in religion" is also guaranteed by the Constitution of the People's Republic of China, although the Constitution makes it clear that only the freedom to engage in "normal religious activities" is protected. These are understood to be activities sanctioned and controlled by the state-run associations representing the five officially recognised religions in China: Catholicism, Protestantism, Buddhism, Islam and Daoism. The State Administration for Religious Affairs (SARA) administers all official religious activity in China, and obliges religious groupings first and foremost to be "patriotic".

Recent pronouncements by the government on religion have also emphasized that "the broad masses of believers" must play a role in "reform and opening up, and socialist modernization".<sup>22</sup>

Such policies have resulted in numerous official controls over all religious groups in China. For example, Catholics in China are officially prohibited from expressing loyalty to Rome. Religious leaders or teachers are required to undergo "patriotic education" – the compulsory study of political doctrine. Monasteries and mosques are closely supervised by local government authorities and heavy-handed intervention is most

<sup>21</sup> "Serious accidents on the decline", *Xinhua*, 19 July 2004.

<sup>22</sup> Sun Chengbin, "During Hebei Inspection, Jia Qinglin Emphasizes Commanding Religions Work Through the Important Thinking of the 'Three Represents' Leading Masses of Religious Believers to Devote Themselves to Comprehensively Building Well-off Society", *Xinhua*, 10 November 2003, (FBIS 10 November 2003).

frequently reported in the Tibet Autonomous Region (TAR) and the Xinjiang Uighur Autonomous Region (XUAR).<sup>23</sup>

Individuals and groups who practice their religion outside state controls are often at serious risk of being detained, arrested and sentenced to prison. Criminal charges such as “illegal assembly” and “spreading rumours and incitement to disturb social order” have been used against Christian congregations meeting in unofficial churches. In the XUAR and Tibet, “religious extremism” is regarded by authorities as one of “three evil forces” along with “separatism” and “terrorism”.

Several Christian and *Qi Gong* groups practicing outside state control have officially been banned as “heretical organizations”, leading to widespread arrests of their members. The key target in this campaign has been the *Falun Gong* spiritual movement which was banned in July 1999.<sup>24</sup> Since then, tens of thousands of *Falun Gong* practitioners have been sentenced to prison terms or assigned to periods of “Re-education through Labour” for up to three years without charge or trial. Overseas *Falun Gong* sources report that over 1,000 *Falun Gong* practitioners have died in custody, most as a result of torture or ill-treatment.

Leaders and members of unofficial “underground” or “house” churches have often been detained by police in “sweep” operations, and are at high risk of suffering torture or other cruel, inhuman or degrading treatment in police custody. In July 2004, China’s official press reported that Jiang Zongxiu, a 34-year-old woman detained when handing out Bibles in Guizhou Province in mid-June, was beaten to death in police custody on the day she was detained.<sup>25</sup>

A strategy commonly used by the authorities to stop “illegal religious activities” is to simply demolish places of worship. For example, in June and July 2001, thousands of Tibetan monks and nuns were evicted from the Serthar Buddhist institute in a traditionally Tibetan area of Sichuan Province, and homes and other buildings were destroyed. Similarly, in the XUAR, home to the mainly Muslim ethnic Uighur community, large numbers of unofficial mosques have been closed down and independent *Imams* have been arrested.

The US-based Cardinal Kung Foundation estimates there are around 50 members of the unofficial Catholic clergy who are either in prison, labour camps, or whose whereabouts are unknown following detention by the authorities. Many are elderly. These bishops and priests were all sentenced or detained as a direct result of exercising their

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<sup>23</sup> See below under “Minority rights” for further information on the situation on human rights defenders in Tibet and the XUAR.

<sup>24</sup> The *Falun Gong* spiritual movement does not officially consider itself to be a religion and has no clergy or places of worship.

<sup>25</sup> Chinese woman “beaten to death” after arrest for handing out Bibles, *AFP*, 4 July 2004.



fundamental rights to freedom of religion, or defending the right to religious freedom for members of their congregations.

Since March 2003 there has been an increased crackdown against underground churches, and many unauthorised places of worship used by Protestants and Catholics have been demolished by the authorities. The demolition of churches and homes used for prayer groups has been reported in various parts of China, including Zhejiang, Jiangsu, and Hebei provinces.<sup>26</sup>

In August 2004, three Christian underground church leaders were sentenced to prison terms ranging from one to three years on charges of “supplying state secrets to foreign entities” having documented the demolition of churches in Jiangsu and Hebei Province, and the detention of around 300 members of the churches’ congregations. **Liu Fenggang, Xu Yonghai** and **Zhang Shengqi** had sent details of the demolitions and detentions to a US-based Christian publication.<sup>27</sup>

Amnesty International remains deeply concerned about ongoing patterns of arbitrary detention, torture or ill-treatment and other serious human rights violations against those defending the right to religious belief. The organizations calls on the authorities to ensure that all those defending the right to freedom of religion are able to do so without fear of arbitrary detention or other serious human rights violations.

## **Minority rights**

According to official Chinese statistics, ethnic minorities in China comprise around 7% of China’s population, which is officially divided into 56 ethnic groups. They are officially referred to as “national minorities” and are overwhelmingly concentrated in China’s poorer Western regions. Members of ethnic minorities who seek to defend the basic human rights of their communities in China are at high risk of being branded “disloyal” to the Chinese state. This is particularly the case for those who support, or are perceived to support, greater autonomy or independence for their regions.

Activists from ethnic minorities imprisoned for peacefully exercising their rights to freedom of opinion, expression, association and religion include Uighurs (based in the XUAR), Tibetans (based in the TAR and other Tibetan areas) and Mongolians (based largely in Inner Mongolia). In some cases, the activities that form the basis for their imprisonment amount to human rights activism.

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<sup>26</sup> The government estimates that there are 15 million registered Protestants in China but independent reports cite the number of unofficial Protestants to be nearer 90 million. The number of officially-registered Roman Catholics is said to be 5 million but Vatican officials have estimated that there are 10 million Catholics in both official and unofficial Churches (*US State Department International Religious Freedom Report*, 15 September 2004).

<sup>27</sup> See below an appeal on behalf of Liu Fenggang, Zhang Shengqi and Xu Yonghai.

Ethnic minority activists, particularly in Tibet and the XUAR, have highlighted numerous human rights abuses directed against their communities over recent years. These include: forcible evictions from their land by Han Chinese property developers without due legal process, including adequate consultation or compensation, as well as the destruction of numerous places of worship and ongoing restrictions on their religious activities. Others have expressed discontent about high levels of unemployment among their communities in the face of large-scale Han Chinese migration; environmental issues such as deforestation or pollution; and poor standards of health-care and housing.

In several cases, such activists have been punished through the use of vaguely worded provisions of the Criminal Law which refer to crimes of “undermining national unity”, “separatism” or “splittism”. In other cases, minority rights defenders have been imprisoned, like other activists in China, through the application of broadly defined “state secrets” provisions. Amnesty International urges the authorities to conduct an immediate review of such provisions in the Criminal Law with a view to re-drafting or repealing them in line with international human rights standards.<sup>28</sup>

High levels of repression continue to severely restrict the flow of information on human rights violations from the XUAR and Tibet. Anyone found passing information to the outside world about human rights abuses is at risk of arbitrary detention, torture and other serious human rights violations.

One of those who attempted to raise international awareness about the plight of Uighurs in the XUAR was **Rebiya Kadeer**, a former businesswoman whose success won her a place in China’s official delegation to the United Nations Fourth World Conference on Women in Beijing in 1995. In 1997 she was involved in creating the “Thousand Mothers Movement” – a forum promoting the rights of ethnic minority women, and creating employment opportunities for them. She also established evening schools for Uighurs who did not have the opportunity to attend ordinary school.

In August 1999, however, Rebiya Kadeer was detained on her way to meet a member of a United States Congressional Research delegation which was visiting China at the time. She was accused of having in her possession a list of ten people “suspected of having a connection with national separatist activists.” In March 2000 she was sentenced in a secret trial to eight years’ imprisonment by the Urumqi Intermediate People’s Court on charges of “providing secret information to foreigners” under Article 111 of the Chinese criminal law. The verdict describes the “secret information” as copies of publicly available local newspapers that she had sent to her husband – a former political prisoner from the XUAR living in the USA.

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<sup>28</sup> For more information, please see Amnesty International, *People’s Republic of China: State secrets – a pretext for repression*, (AI Index: ASA 17/042/1996), May 1996. For further details on the crime of “separatism”, see Amnesty International: *People’s Republic of China: Uighurs fleeing persecution as China wages its ‘war on terror’*, (AI Index: ASA 17/021/2004), July 2004.

Rebiya Kadeer's sentence has since been reduced and she is now due for release on 12 August 2006. In November 2004, the Rafto Foundation, based in Norway, awarded her the Rafto Memorial Prize, recognising her as a "prisoner of conscience and prominent symbol of the Uighurs' struggle for basic human rights". Amnesty International continues to call for her immediate and unconditional release.<sup>29</sup>

In a more recent case, **Abdulghani Memetemin**, a Uighur teacher and journalist was convicted of "state secrets" offences in Kashgar after he sent information and news articles to an exile Uighur organization in Germany which publicises human rights violations against Uighurs and advocates independence for the region. His postings reportedly covered various issues, including information about Uighur farmers allegedly being forced to work without pay in government projects, confiscation and burning of Uighur history books, restrictions on Islamic religious practices, and the difficulties faced by the unemployed. He is currently serving a nine-year prison sentence.<sup>30</sup>

Tibetan activists have also been punished for engaging in legitimate human rights activities. For example, two Tibetan monks, **Ngawang Phulchung** and **Jampel Changchub**, remain behind bars in Drapchi Prison in Tibet after being arrested and sentenced in 1989 for engaging in "counter-revolutionary" activities. These included translating the UDHR into Tibetan as well as printing reports on underground political activities in Tibet and information on Tibetans shot and killed by the police during a pro-independence demonstration. While these activities appear to have been motivated primarily by their support for Tibetan independence, they were also aimed at promoting the basic human rights of fellow Tibetans. In this sense, Amnesty International considers them to be human rights defenders. They are also prisoners of conscience and should be released immediately and unconditionally.

## The right to redress

*"...[E]veryone 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.*

*To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorised 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 for freedoms, as well as enforcement of the eventual decision and award, all without undue delay."*

Article 9, UN Declaration on Human Rights Defenders

All governments have a responsibility to protect the rights of their citizens as set out in the UDHR, the UN Declaration on Human Rights Defenders and other international human rights standards. Governments which are prepared to respond to requests for open

<sup>29</sup> For further information on Rebiya Kadeer and the human rights situation in the XUAR, see ASA 17/021/2004, op cit.

<sup>30</sup> See below an appeal on behalf of Abdulghani Memetemin.

and fair investigations into grave human rights violations and implement legislation to prosecute those responsible, foster a degree of social stability by enabling greater civil and political participation. Human rights defenders play a vital role in this process.

Amnesty International supports intergovernmental organisations, groups and individuals in their efforts to strengthen the role and protection of human rights defenders who seek to combat impunity by calling for the right to redress for victims of human rights violations.

In China, the right to redress has been pursued for over 15 years by the **Tiananmen Mothers**, a group of people whose family members were killed or injured when troops were sent to disperse thousands of demonstrators in and around Tiananmen Square, Beijing on 4 June 1989.

*"We insist that the National People's Congress should set up a special committee to investigate and make public the truth of June 4 and compensate victims as the laws require."*<sup>31</sup>

The group has regularly submitted petitions and open letters to the Chinese government calling for a full investigation into the events surrounding the order to send troops to clear the square, as well as calling for reparation for the victims' surviving families. However, the Chinese government has never publicly acknowledged receiving any correspondence from the Tiananmen Mothers, and, in response to calls for accountability, have maintained that "unity and stability are of overriding importance".<sup>32</sup>

To date, the authorities have failed to conduct a full, independent and impartial investigation into these events, bring the perpetrators of unlawful killings and other serious human rights violations to justice, or compensate the victims or their families. Dozens of people are believed to remain in prison

*Impunity means exemption from punishment. When used by Amnesty International and other human rights organizations it refers to the failure of the state to redress human rights abuses by bringing suspected perpetrators to justice in accordance with international human rights standard and to otherwise repair the harm suffered by victims.*

*Allowing perpetrators to commit abuses, however clearly prohibited by law, without consequences for themselves, perpetuates their crimes. By contrast, ensuring that perpetrators are brought to justice sends a message throughout a society that abuses of human rights will not be tolerated, thereby helping to prevent future abuses. Impunity denies justice to the victims of human rights abuses, robbing them a second time of their rights. Impunity denies the victims and their relatives the right to have the truth established and acknowledged, the right to see justice done and the right to an effective remedy.*

*Only by clarifying the truth about what happened, establishing accountability, and bringing those responsible to justice, can confidence in the justice system be restored and human rights be guaranteed, conditions essential for lasting and just peace and stability.*

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<sup>31</sup> Ding Zilin, main spokesperson for the Tiananmen Mothers, June 2004.

<sup>32</sup> "China defends Tiananmen crackdown, necessary for economic growth", *AFP*, 1 June 2004.

for their peaceful participation in the protests.

The crackdown led to an international outcry, including an immediate ban on arms sales to China by member states of the European Union (EU). As this report goes to press, the EU is debating a proposal to lift its embargo on China, despite the climate of impunity that continues to surround the events of 3-4 June 1989.

Each year during the run-up to the anniversary of 4 June 1989, members of the Tiananmen Mothers and numerous other concerned individuals face various forms of harassment at the hands of the Chinese authorities. Ding Zilin, the main spokesperson for the Tiananmen Mothers whose 17-year-old son was shot dead on the night of 3-4 June 1989, is regularly detained around 4 June along with other members of the group.

A central demand of the Tiananmen Mothers is recognition of the right to mourn peacefully and in public. Members of the group, including **Ding Zilin**, have been detained on several occasions to stop them attempting to tend the graves of their children and other relatives who were killed in and around Tiananmen Square.

The following are examples of other human rights defenders in China who signed petitions to the government in connection with the crackdown on the 1989 pro-democracy movement. Many have used the Internet to publicise their actions.

**Dr Jiang Yanyong**, aged 72, who became a national hero last year for his role in exposing the government's cover up of the SARS virus, wrote a strongly-worded letter to the national parliament in February 2004 calling for a reappraisal of the pro-democracy demonstrations in Tiananmen Square. In the letter Dr Jiang called on senior leaders to have the courage to confront one of the darkest periods in the nation's modern history. Dr. Jiang recalled what he, as a doctor, had witnessed on the night of 3-4 June 1989 when scores of civilians with bullet wounds, were admitted to the military hospital in Beijing where he worked. On 1 June 2004 he was detained and held arbitrarily for almost seven weeks in an apparent attempt to silence any further criticisms he might make in connection with the 15th anniversary of 4 June.

A long-term political activist and human rights defender **Huang Qi**, was imprisoned in June 2000 for five years. He had published a number of articles on his own web site which included an appeal calling for a review of the 1989 Tiananmen crackdown.<sup>33</sup>

**Kong Youping**, a former trade union activist and member of the banned China Democracy Party was sentenced to 15 years' imprisonment in September 2004, after he

<sup>33</sup> See Amnesty International reports on People's Republic of China: *State controls of the internet in China* (AI Index: ASA 17/007/2002), November 2002; *State control of the internet in China: Appeal cases* (AI Index: ASA 17/046/2002), November 2002; and *Controls tighten as internet activism grows* (AI Index: ASA 17/001/2004), January 2004.

had posted articles and poems on the Internet calling for a reassessment of the 1989 crackdown and an end to corruption.

**Hu Jia**, aged 31, was placed under house arrest on 28 May 2004 after publicly stating his intention to light a candle in Tiananmen Square in memory of those who were killed. He was reportedly told that he could not leave his apartment until 10 June 2004 and threatened with being sent to a psychiatric institution if he persisted with any attempts to publicly mark the June 4 anniversary. He claimed that he was beaten by police when he attempted to leave his home, resulting in cuts to his forehead and red marks on his neck and chest. Hu Jia is a prominent HIV/AIDS activist in China. His detention on 28 May also appeared to be an attempt to prevent him meeting the US Ambassador during a visit to villages affected by HIV/AIDS in Henan Province.

The Tiananmen Mothers and other human rights defenders in China have through their actions and despite the risks of constant persecution and arbitrary detention, enriched and advanced the fundamental principles of protecting and promoting the fundamental human rights of others. Amnesty International urges the authorities to ensure that all those lobbying for an independent inquiry into the events of 3-4 June 1989 and other human rights violations are able to do so without fear of harassment, intimidation, arbitrary detention or torture and ill-treatment.<sup>34</sup>

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<sup>34</sup> See below an appeal on behalf of the Tiananmen Mothers.

## General recommendations

### *To the Chinese authorities:*

**- in line with the recent Constitutional amendment asserting that “the State respects and protects human rights”**

- To release all those currently detained as prisoners of conscience in violation of their fundamental human rights, including those held solely on account of their peaceful and legitimate human rights activities. Pending their release ensure that they have full access to their families, lawyers and any necessary medical treatment;
- To amend or repeal laws or regulations which can be used to violate rights to freedom of expression, association or assembly, including Articles 102, 103, 105, 106, 107, 110 and 111 of the Criminal Law;
- To ensure that the principles contained in the UN Declaration on Human Rights Defenders are fully incorporated into national law and that effective mechanisms are established to ensure their practical implementation;
- To acknowledge the legitimacy of the work of human rights defenders and publicly guarantee the protection of human rights defenders;
- To introduce effective measures to ensure that state officials at every level, including law enforcement officials, respect the legitimacy of the work of human rights defenders and allow them to carry out their activities without hindrance or harassment;
- To ensure that full, independent and impartial investigations are carried out into all allegations of human rights abuses against human rights defenders, including allegations of torture or ill-treatment of human rights defenders in detention, and that perpetrators of such abuses are brought to justice in line with international fair trial standards.

### *To the international community, particularly states engaged in human rights dialogues with China:*

**- as an integral part of China’s obligations under the ICESCR and its moves to ratify the ICCPR**

- To urge the Chinese authorities to explicitly guarantee the protection of human rights defenders in line with the above recommendations;
- To ensure that the plight of human rights defenders in China is made an explicit topic for discussion in bilateral and multilateral exchanges with the Chinese authorities, including ‘human rights dialogue’ meetings;

- To express concern with the Chinese authorities about the arbitrary detention and imprisonment of individuals in China on account of their peaceful and legitimate human rights activities and call for their immediate and unconditional release;
- To raise the profile of individual cases of human rights defenders imprisoned in China, including by listing such cases as a specific category on prisoner lists handed over to the Chinese authorities;
- To encourage the Chinese authorities to create effective channels of communication and dialogue with human rights defenders in China with a view to addressing and resolving their legitimately held grievances and concerns.



## Defenders of the right to health

LI DAN

李丹



Li Dan  
©Private

Li Dan, 26, is a former university student from Beijing, where until recently he was studying solar physics at one of China's most prestigious universities. He has now abandoned his studies to continue his work defending the right to health for people suffering the effects of HIV/AIDS in China. His work has focused on Henan Province, where up to one million people are believed to have contracted the disease through their use of unsanitary, government-sanctioned blood collection stations.

Li Dan has never been charged under Chinese law with an offence as a result of his work. However, arbitrary detention and other harassment he has faced at the hands of officials and their associates in Henan has dissuaded him from working again in the province, although he has stated he intends to continue his work in other areas of China.

Despite recent and relatively open discussions in China's national media about the spread of HIV/AIDS, Li Dan has found that local authorities in Henan have been extremely wary of his efforts to provide better health care and other services for people suffering from HIV/AIDS in the province. In particular, his efforts to ensure an education for children who have lost one or both parents to the disease have been actively obstructed by local authorities.

In October 2003 Li Dan managed to establish a school in Shuangmiao village in eastern Henan Province with donations he had collected from private benefactors. Although local authorities have established state orphanages in Henan, Li Dan noted that not only is there not enough capacity in state orphanages for the number of orphans in the area, but also that the state orphanages neglect to address the psychological traumas suffered by the children as a result of being orphaned by HIV/AIDS.

Once the *Dongzhen* ("Eastern Treasure") school was established in Shuangmiao Village, Li Dan became the subject of numerous national press and television reports, all praising him for his work. A member of the Chinese Communist Party (CCP), Li was also named as a "volunteer of the year" and appeared on the cover of a magazine run by the Communist Youth League.

However, the day before a group of benefactors were due to arrive in Shuangmiao Village from Shanghai to pay local authorities the school's one million Yuan (US\$120,000) registration fee, police closed the school. An official from the local

education bureau later told Li that the school had made the local authorities “look bad”. Officials reportedly tried to persuade the benefactors to donate their money to the local education bureau instead, but they refused.

Closure of the school caused a great deal of public resentment in the area, already running high because of failures by the authorities to provide adequate health care and education opportunities for families affected by HIV/AIDS. Violent confrontations between crowds of villagers and police were reported, and police arbitrarily detained numerous local activists in separate incidents over the following months.

In June 2004, Li managed to register the school as a business rather than as an NGO, thereby avoiding extremely complicated and expensive registration procedures. However, local authorities closed the school again in July 2004, the day after Li had travelled to Bangkok to attend the 15th International AIDS Conference.

Two local supporters of the school were later arrested for their role in trying to stop police from physically manhandling children out of the school. Using his website, Li started a petition calling for their unconditional release and managed to secure several hundred signatures from around China. The two people were eventually released around a month later on a form of parole.

In August 2004, Li Dan attempted to meet and discuss with local officials the possibility of re-opening the school. However, he and two of his associates were apprehended by officials on their way to the meeting, and Li was physically assaulted by unidentified assailants while an official looked on.

There are concerns that the intimidation of human rights defenders in Henan cannot be assumed to be unique to Henan Province alone. As China starts to assess the scale of the epidemic in the rest of the country, there should be concerns at the highest level in China that similar patterns of intimidation and obstruction could become a matter of course without solid commitments from the authorities that such people will be afforded effective protection.

**Amnesty International considers Li Dan to be a human rights defender, working to defend the right to health of those suffering with HIV/AIDS in China. The organization is calling on national and provincial authorities to ensure that Li Dan can engage in his peaceful human rights activities without fear of reprisals.**

*Please send your appeals on behalf of Li Dan:*

- urging the authorities to launch a full, impartial and independent investigation into the treatment of Li Dan in Henan province, including his arbitrary detention and beating by unknown assailants, and ensure that those responsible are brought to justice;
- calling on the authorities to take effective measures to ensure that HIV/AIDS activists can carry out their peaceful human rights activities without fear of

arbitrary detention, imprisonment, hindrance or intimidation in line with the UN Declaration on Human Rights Defenders;

- urging the authorities to conduct an independent inquiry into the operation of blood-collection schemes in Henan with a view to establishing accountability for the spread of HIV/AIDS in the province;
- calling on the authorities to ensure that those suffering with HIV/AIDS receive effective medical treatment and assistance in line with their fundamental human rights.

*Send your appeals to:*

Prime Minister of the People's Republic of China

**WEN Jiabao**

Guowuyuan

9 Xihuangchenggenbeijie

Beijing 100032

People's Republic of China

**Salutation: Your Excellency**

Governor of the Henan Provincial People's Government

**LI Chengyu** Shengzhang

Henansheng Renmin Zhengfu

10 Weierlu

Zhengzhoushi, Henansheng

People's Republic of China

**Salutation: Dear Governor**

Minister of Health of the People's Republic of China

**WU Yi**

Ministry of Health

1 Xizhimenwai

Xicheng District

Beijingshi

100044

People's Republic of China

**Salutation: Your Excellency**

Email: [buzhang@moh.gov.cn](mailto:buzhang@moh.gov.cn) or

[manage@moh.gov.cn](mailto:manage@moh.gov.cn)

*Copies to:*

Secretary of the Henan Provincial Party Committee

**LI Keqiang** Shuji

Zhonggong Henansheng Weiyuanhui

Zhengzhoushi

Henansheng

People's Republic of China

**Salutation: Dear Secretary**

## Defenders of the right to housing

### ZHENG ENCHONG

郑恩宠



Zheng Enchong  
© Private

Zheng Enchong, aged 54, was sentenced to three years in prison on 28 October 2003 by Shanghai No. 2 Intermediate People's Court on charges of "supplying state secrets to foreign entities". Amnesty International is concerned that his detention and eventual sentencing were politically motivated to prevent him from defending people's right to adequate housing.

Zheng Enchong practiced as a lawyer in Shanghai, advising and representing families who had been forcibly evicted from their homes, or who had received inadequate compensation for their eviction. His licence to practice law was revoked by city authorities in July 2001. Concerns were raised in Shanghai at the time that Zheng was being deliberately targeted by corrupt officials who were profiting through their association with wealthy and influential property developers in the city. However, Zheng continued to offer legal advice to people, and it is thought he represented or assisted over 500 families by the time of his detention in June 2003.

In May 2003, a group of Shanghai residents advised by Zheng attempted to sue a prominent Shanghai property developer, Zhou Zhengyi, who was known to have close business and personal connections with senior officials in Shanghai. The six residents represented over 2000 people who were inadequately re-housed following demolition of their homes in a property deal between a company owned by Zhou and city authorities. The residents alleged a transaction worth 300 million Yuan (US\$36.25 million) had taken place between Zhou Zhengyi and corrupt officials, depriving the former residents of funds which should have been used to provide them with adequate housing.

Zheng was detained by police on 6 June 2003 on charges of "illegally obtaining state secrets", days after Zhou Zhengyi was acquitted. Soon after his detention, Zheng's wife, Jiang Meili, was reportedly told by an unnamed official, "Nearly every official in Shanghai hates Zheng Enchong."

The charge of "illegally obtaining state secrets" was amended to "illegally providing state secrets to foreign entities" at Zheng's trial on 28 August 2003. The charge related to two faxes Zheng was alleged to have sent to the New York-based organization Human Rights in China (HRIC).

One of the faxes was a press report by *Xinhua*, China's official news agency, on a demonstration by laid-off workers in Shanghai. The report was a publicly available

document which was only later classified as a “state secret” by Shanghai authorities to be used in court as “evidence” against Zheng. The second document was allegedly an internal government report about journalists who had covered the workers’ protest. However, the court judgement acknowledged HRIC never even received this report.

Zheng’s sentence was announced at a 20-minute hearing at Shanghai No. 2 Intermediate People’s Court on 28 October 2004, and his subsequent appeal was refused on 18 December 2003.

Zheng’s wife Jiang Meili continues to suffer arbitrary detentions at the hands of Chinese police as a result of her efforts to appeal Zheng’s case to state authorities. Since her husband’s detention in June 2003, she has been detained while trying to visit Zheng’s lawyer in Beijing in October 2003, in February 2004 when she tried to petition China’s national parliament on her husband’s behalf, and then in early March 2004 when she was tried to visit her husband in prison in Shanghai.

According to reports, when she tried to visit Zheng in Tilanqiao prison on 4 March 2004, several plain-clothed police officers attempted to carry her away by her hands and feet, only agreeing to let her walk after her head had been struck against an iron railing.

In November 2004, Jiang finally managed to visit her husband in prison. Zheng reportedly told her that the director of the prison bureau had advised him on several occasions that if he admitted to his “crime”, his sentence would be reduced from three years to one year. Zheng refused, and has reportedly been subjected to unfair treatment as a result. The visit by Zheng’s wife to the prison in November 2004 reportedly ended when Zheng started to discuss his case with her, and several guards manhandled Zheng out of the visiting room.

It has also been reported that Zheng’s lawyer has never been granted access to Zheng, effectively denying his right to seek further legal recourse. His original lawyer has reportedly given up practising law since defending Zheng, having received threats against himself and his other clients.

**Amnesty International considers Zheng Enchong to be a human rights defender, imprisoned for working peacefully to defend people evicted from their homes in violation of their rights. He is also a prisoner of conscience detained in violation of his fundamental rights to freedom of expression and association. Amnesty International is calling for his immediate and unconditional release.**

***Please send you appeals on behalf of Zheng Enchong:***

- calling for the immediate and unconditional release of Zheng Enchong as a prisoner of conscience, detained in violation of his fundamental human rights to freedom of expression and association;

- calling for an immediate end to the harassment of Zheng Enchong's wife Jiang Meili;
- expressing concern that the arrest, trial and sentencing of Zheng Enchong on charges relating to "state secrets" were politically motivated, and related to his attempts to defend the right to adequate housing for people he represented and advised in Shanghai;
- calling on the authorities to take effective measures to ensure that Zheng Enchong and other housing rights advocates are allowed to carry out their peaceful human rights activities without fear of arbitrary detention, harassment or intimidation in line with the UN Declaration on Human Rights Defenders;
- calling on the authorities to take urgent measures to protect individuals' rights to adequate housing in accordance with international human rights standards, including the right to adequate compensation for house demolitions and evictions.

***Send your appeals to:***

Minister of Justice of the People's Republic of China

**ZHANG Fusen** Buzhang  
Ministry of Justice  
10 Chaoyangmen Nandajie  
Chaoyangqu  
Beijing  
100020  
People's Republic of China

**Salutation: Your Excellency**

Fax: +86 10 6472 9863

E-mail: [minister@legalinfo.gov.cn](mailto:minister@legalinfo.gov.cn)

E-mail: [pfmaster@legalinfo.gov.cn](mailto:pfmaster@legalinfo.gov.cn)

Director of the Shanghai Bureau of Justice

**MIAO Xiaobao** Juzhang

Sifaju  
225 Wuxinglu,  
Shanghaishi  
200030  
People's Republic of China

**Salutation: Dear Director**

Fax: +86 21 6474 3029

E-mail: [contact\\_us@eastday.com](mailto:contact_us@eastday.com)

Please cc your e-mails to:

E-mail: [webmaster@justice.gov.cn](mailto:webmaster@justice.gov.cn)

E-mail: [jjjianjiancha@eastday.com](mailto:jjjianjiancha@eastday.com)

Mayor of the Shanghai Municipal People's Government

**HAN Zheng** Shizhang  
Shanghaishi Renmin Zhengfu  
30 Fuzhoulu  
Shanghaishi  
200002  
People's Republic of China

**Salutation: Dear Mayor**

E-mail: [webmaster@shanghai.gov.cn](mailto:webmaster@shanghai.gov.cn)

Please cc your e-mails to the editors of the Shanghai government website at:

E-mail: [stsun@shanghai.gov.cn](mailto:stsun@shanghai.gov.cn)

E-mail: [zmshang@shanghai.gov.cn](mailto:zmshang@shanghai.gov.cn)

***Copies to:***

Secretary of the Shanghai Municipal Party Committee

**CHEN Liangyu** Shuji  
Zhonggong Shanghaishi Weiyuanhui  
30 Fuzhoulu  
Shanghaishi 200002  
People's Republic of China

**Salutation: Dear Secretary**

## Defenders of workers' rights YAO FUXIN AND XIAO YUNLIANG

姚福信, 肖云良

Yao Fuxin, a 54-year-old worker, and Xiao Yunliang, a 58-year-old retired worker, were detained on 17 March 2002 and on 20 March 2002 respectively on suspicion of “organizing an illegal assembly”. Almost ten months later on 15 January 2003, they were tried by Liaoyang City Intermediate People’s Court on amended charges of “subversion”. This more serious charge followed allegations that they were members of a provincial branch of the banned China Democracy Party (CDP) and had passed information on workers’ discontent to foreign media and human rights organizations “in order to pressurize the government”.

At the four-hour trial, Yao Fuxin, Xiao Yunliang and their lawyers denied all the charges. However, Yao Fuxin was sentenced to seven years’ and Xiao Yunliang to four years’ imprisonment on 9 May 2003. The sentences were upheld on 27 June 2003 by Liaoning Province High People’s Court at a secret hearing where neither the families nor lawyers of the two defendants were present.



Workers march in protest in Liaoyang, Liaoning province, on 19 March 2002. The red banner reads “Liaoyang Ferroalloy Factory”.  
©AFP Photo/Frederic J. Brown

Yao Fuxin and Xiao Yunliang were detained in the wake of workers’ demonstrations in Liaoyang, which they were accused of organizing. Eventually the demonstrations involved up to 30,000 workers from around 20 local factories, and at the time were described as amongst the biggest in China since the 1989 pro-democracy protests in Tiananmen Square.

The Liaoyang Ferroalloy Factory workers had been lobbying authorities since at least 1998, and on 11 March 2002 protestors finally took to the streets. The protestors were demanding basic living allowances, pensions and back pay. They were also demonstrating against official corruption and mismanagement which they believed had led to bankruptcies and numerous redundancies in the city.

The peaceful protests were reportedly violently dispersed by riot police. At least four other workers’ representatives were also detained in connection with the protests, but they were all later released without facing trial.

At his trial, Yao Fuxin said in his defence: “*Ferroalloy workers had not received any wages for more than 20 months. Some old workers can’t afford to see the doctor when they are sick. Some workers didn’t even have money for food... I couldn’t stand their suffering anymore and therefore I must stand up to help.*”

The families of both Yao Fuxin and Xiao Yunliang were harassed at the time of their trial, and have been told not to participate in any public protest, nor to communicate with the foreign media about the case. Family visits to Lingyuan Prison, where Yao Fuxin and Xiao Yunliang are being detained, have at times been curtailed, and Yao Fuxin is reportedly not allowed to make phone calls to his family. The prison is notorious as one of the most brutal in China for its record of torture and ill-treatment of political prisoners.

Yao and Xiao’s health has seriously deteriorated since their initial detention. Their families and human rights organizations have requested medical parole, but so far these requests have been denied. Xiao Yunliang, who at one stage was reported to be almost blind, recently had an operation to remedy his cataract problem. His wife was allowed to accompany him during his operation. He still suffers from undiagnosed, swollen abdomen and hence cannot eat or sleep properly. He is also reported to be suffering from tuberculosis.

Since his detention, Yao Fuxin has been sent to the prison hospital at least twice after losing consciousness due to a heart condition; he also suffers from high blood pressure, hearing loss and partial paralysis.

On 1 December 2004, it was reported that Yao Fuxin continues to be treated harshly in prison, apparently due to his continued influence among workers. He is reportedly not allowed to talk to other prisoners, read newspapers, or go outside for fresh air. He has also been refused warm winter clothes, even though the prison is reportedly unheated, and is being constantly monitored by other inmates acting on orders from the prison authorities. The prison authorities have reportedly warned Yao that his family visits would be curtailed if details about his treatment and condition reach the outside world.<sup>35</sup>

In November 2002 the United Nations Working Group on Arbitrary Detention (WGAD) adopted an opinion which stated that the deprivation of liberty of Yao Fuxin was arbitrary and contravened articles of international human rights covenants and declarations, including those protecting the freedom of opinion and expression and the right of peaceful assembly.

**Amnesty International considers Yao Fuxin and Xiao Yunliang to be human rights defenders, imprisoned solely for peacefully defending workers’ rights. They are also prisoners of conscience detained in violation of their rights to freedom of expression**

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<sup>35</sup> “Imprisoned labor activist threatened with end to family visits if abuse is revealed”, *Human Rights in China*, 1 December 2004.



**and association. Amnesty International is calling for their immediate and unconditional release.**

***Please send your appeals on behalf of Yao Fuxin and Xiao Yunliang:***

- calling for the immediate and unconditional release of Yao Fuxin and Xiao Yunliang as prisoners of conscience, detained in violation of their fundamental human rights to freedom of expression, association and assembly;
- urging the authorities to ensure that they are given full access to legal assistance, members of their family and any medical treatment they may require while they remain in custody;
- expressing concern at reports that they are being subjected to cruel, inhuman and degrading treatment in prison; urge the authorities to conduct a full and independent investigation into these allegations and guarantee that they will not be subjected to further abuses while they remain in custody;
- calling on the authorities to take effective measures to ensure that workers' rights activists can carry out their peaceful human rights activities without fear of arbitrary detention, imprisonment, hindrance or intimidation in line with the UN Declaration on Human Rights Defenders;
- calling on the authorities to remove as soon as possible the reservation they have placed on the Article 8.1 (a) of the ICESCR; to ratify and uphold the core conventions of the ILO; and to respect the freedom of association and the right of workers to organize independent trade unions.

***Send your appeals to:***

Prime Minister of the People's Republic of China

**WEN Jiabao**

Guowuyuan  
9 Xihuangchenggenbeijie  
Beijing 100032

People's Republic of China

**Salutation: Your Excellency**

Minister of Labour and Social Security of the People's Republic of China

**ZHENG Silin** Buzhang

Laodongbu  
12 Hepingli Zhong Jie  
Dongchengqu  
Beijingshi 100716

People's Republic of China

**Salutation: Your Excellency**

Email: [webmaster@mail.molss.gov.cn](mailto:webmaster@mail.molss.gov.cn)

Governor of the Liaoning Provincial People's Government

**Zhang Wenyue** Shengzhang

Liaoningsheng Renmin Zhengfu  
Huangguqu, 45 Beiling Dajie  
Shenyangshi 110032

Liaoningsheng

People's Republic of China

**Salutation: Dear Governor**

Email: [lnsfxc@ln.gov.cn](mailto:lnsfxc@ln.gov.cn)

Prison Governor

Jianyuzhang

Lingyuan di er jianyu  
Liaoningsheng 122500

People's Republic of China

**Salutation: Dear Governor**

***Copies to:***

Secretary of the Liaoning Provincial Party Committee

**WEN Shizhen** Shuji

Zhonggong Liaoningsheng Weiyuanhui  
45 Heping Nandajie, Shenyangshi 110006  
Liaoningsheng, People's Republic of China

**Salutation: Dear Secretary**

## Defenders of the right to freedom of religion

### LIU FENGGANG, ZHANG SHENGQI AND XU YONGHAI

刘凤刚，张胜棋，徐永海



Liu Fenggang  
© China Aid  
Association



Xu Yonghai  
© China Aid  
Association

Three members of the unofficial Protestant church, Liu Fenggang, Xu Yonghai and Zhang Shengqi have been imprisoned for their peaceful investigation and disclosure of the persecution of fellow Christians in Zhejiang Province.

Liu Fenggang, 45, was detained on 13 October 2003, and Xu Yonghai, 44, and Zhang Shengqi, 30, were detained in November 2003. All were charged under Article 111 of the Criminal Law with “providing state secrets to foreign organizations”, and tried in secret on 16 March 2004 by Hangzhou Intermediate People’s Court in Zhejiang Province.

The three Christians were detained during an intensified crackdown against unofficial churches in Zhejiang Province, launched by the authorities in March 2003. In July 2003, more than a dozen house churches were reportedly destroyed and at least 300 Christians arrested, some were reportedly ill-treated and beaten.

In its indictment against the three men, the procuratorate stated that the charge of “providing state secrets to foreign organizations” was made in connection with Liu Fenggang’s decision to write, disseminate and publicise several reports written over a two-year period, documenting the destruction of churches and the harsh treatment suffered by members of underground congregations. According to the indictment Xu Yonghai, a doctor, sent these documents to a US-based Chinese-language magazine, *Christian Life Quarterly*, while Zhang Shengqi, a computer technician, e-mailed the reports overseas.

On 6 August 2004, the court sentenced Liu Fenggang to three years, Xu Yonghai, to two years and Zhang Shengqi to one year. These sentences included the period of time that they had already served in pre-trial detention. Zhang Shengqi should therefore have been released in November 2004, although Amnesty International has not received official confirmation of his release. Liu Fenggang and Xu Yonghai are imprisoned in Hangzhou Xijiao Prison.

Liu Fenggang was a member of the state-sanctioned Protestant church but became critical of restrictions imposed on the church by the authorities, and chose to join the

Beijing Christian Sacred Love Fellowship, an unofficial religious group. As a result, he was dismissed from his job as a worker in a medical equipment factory.

In recent years there has been increasing persecution of Protestants and Catholics who have not formally registered with the state-sanctioned churches. Many have been fined, lost their jobs, arrested, imprisoned and tortured for activities relating to their conscientiously held religious or spiritual beliefs, or for defending the right to freedom of religion of others.

**Amnesty International considers Liu Fenggang, Xu Yonghai and Zhang Shengqi to be human rights defenders acting peacefully to protect the right of freedom of religion for fellow Christians in China. They were imprisoned for passing information abroad about reports of serious human rights violations against Christians. Amnesty International considers Liu Fenggang and Xu Yonghai to be prisoners of conscience and is calling for their immediate and unconditional release.**

*Please send your appeals on behalf of Liu Fenggang and Xu Yonghai:*

- calling for the immediate and unconditional release of Liu Fenggang and Xu Yonghai as prisoners of conscience and human rights defenders imprisoned in violation of their right to freedom of religion and association;
- calling on the authorities to ensure Liu Fenggang and Xu Yonghai are given full access to lawyers, members of their family and any medical treatment they may require while in detention;
- calling on the authorities to confirm that Zhang Shengqi was released at the end of his sentence in November 2004;
- calling for the principles laid out in the UN Declaration on Human Rights Defenders to be fully incorporated into national law and practice;
- calling for effective measures to be introduced to ensure that central and provincial officials at every level respect the legitimacy of the work of religious rights defenders and allow them to carry out this work without fear of arbitrary detention, imprisonment or other human rights violations.

*Please send appeals to the Governor of the Prison where Liu Fenggang and Xu Yonghai are held:*

- calling for their release and asking that in the meantime they are held in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners and allowed regular access to their families and lawyers.

***Send your appeals to:***

Minister of Justice of the People's  
Republic of China  
**ZHANG Fusen** Buzhang  
Ministry of Justice  
10 Chaoyangmen Nandajie, Chaoyangqu  
Beijing 100020  
People's Republic of China  
**Salutation: Your Excellency**  
Fax: +86-10-64729863  
Email: [pfmaster@legalinfo.gov.cn](mailto:pfmaster@legalinfo.gov.cn)

Director of the State Bureau of Religious  
Affairs  
**YE Xiaowen**  
Guowuyuan Zongjiao Shiwuju  
Guowuyuan  
22 Xianmen Dajie  
Beijing  
100017  
People's Republic of China  
**Salutation: Your Excellency**  
Fax: +86 10 6309 9216

Governor of the Zhejiang Provincial  
People's Government  
**LU Zushan** Shengzhang  
Zhejiangsheng Renmin Zhengfu  
8 Shengfulu, Sihuqu,  
Hangzhoushi  
Zhejiangsheng  
310025  
People's Republic of China  
**Salutation: Dear Governor**  
E-mail: [cnzj@zj.gov.cn](mailto:cnzj@zj.gov.cn)

Prison Governor  
Jianyuzhang  
Xijiao Jianyu  
Hangzhou  
Zhejiangsheng  
People's Republic of China  
**Salutation: Dear Governor**

***Copies to:***  
Secretary of the Zhejiang Provincial Party  
Committee  
**XI Jinping** Shuji  
Zhonggong Zhejiangsheng Weiyuanhui  
8 Shengfulu, Sihuqu, Hangzhoushi 310025  
Zhejiangsheng  
People's Republic of China  
**Salutation: Dear Secretary**

## Defenders of minority rights

### ABDULGHANI MEMETEMIN

阿卜杜勒加尼·梅梅特民



Abdulghani Memetemin  
© Private

Abdulghani Memetemin, a 40-year-old teacher and journalist, was detained on 26 July 2002 in Kashgar in the Xinjiang Uighur Autonomous Region (XUAR). Almost a year later on 24 June 2003 he was sentenced by the Kashgar Intermediate People's Court to nine years' imprisonment on charges of "providing state secrets for an organization outside the country" under Article 111 of the Chinese Criminal Law. According to unofficial sources, he had no access to lawyer or his family while in pre-trial detention, and had no legal representation at his trial.

According to the verdict, Abdulghani Memetemin had been providing information to the East Turkestan Information Centre (ETIC), an NGO run by exiled Uighurs in Germany which publicises reports of human rights abuses against Uighurs in China and advocates independence for the region. ETIC was formally labelled a "terrorist organisation" by the Chinese authorities in December 2003, although the evidence for this conclusion is unclear.

The charges against Abdulghani Memetemin consisted of 18 counts of translating records of human rights violations in the XUAR and ETIC documents into Chinese; sending news articles and transcriptions of speeches by the Chinese authorities to ETIC; and trying to recruit additional reporters for ETIC.

The news articles he sent to ETIC reportedly covered various human rights issues, including information about Uighur farmers being forced to work without pay in government projects, the confiscation and burning of Uighur history books, restrictions on Islamic religious practices, and the difficulties faced by the unemployed.

Abdulghani Memetemin, a father of two, is being held in a prison in Kashgar run by the Department of State Security. It is unclear whether his family is allowed to visit him and his state of health is unknown. He is due for release on 25 July 2011.

The Chinese authorities place tight restrictions on the flow of information from the XUAR, particularly about 'sensitive' issues such as politics and human rights. Anyone in the region found passing information to the outside world about human rights abuses is at risk of arbitrary detention, torture and other human rights violations.

China's ongoing political crackdown on the so-called "three evil forces" of "separatists, terrorists and religious extremists" is continuing to result in serious and widespread human rights violations directed against the mainly Muslim Uighur community in the XUAR. The Chinese government's use of the term "separatism" refers to a broad range of activities, many of which amount to no more than peaceful opposition or dissent, or the peaceful exercise of the right to freedom of religion.

The human rights situation in the region has deteriorated further following the events of 11 September 2001, as China uses the international "war on terror" as a pretext to justify its policies of repression in the region. Over the last three years, tens of thousands of people are reported to have been detained for so-called "separatist" or "terrorist" offences in the region and hundreds, possibly thousands, have been charged or sentenced under the Criminal Law.

Ongoing ethnic tensions in the XUAR are fed by the failure of the Chinese authorities to respect, protect and fulfil Uighurs' civil, political, economic, social and cultural rights. For example, the continuing influx of Han Chinese into the region has increased the level of high unemployment among Uighurs. There are increasing reports of Han Chinese property developers forcing Uighurs from their land. Tens of thousands of Uighurs books have been destroyed and Uighur has been banned as a teaching language for most subjects in Xinjiang University.

**Amnesty International considers Abdulghani Memetemin to be a human rights defender, reporting peacefully on human rights violations against the ethnic Uighur community in the XUAR. He is also a prisoner of conscience detained in violation of his fundamental human rights to freedom of expression and association. The organization is calling for his immediate and unconditional release.**

***Please send your appeals on behalf of Abdulghani Memetemin:***

- calling for the immediate and unconditional release of Abdulghani Memetemin as a prisoner of conscience, detained in violation of his fundamental human rights to freedom of expression and association;
- urging the authorities to ensure that he is given full access to a lawyer, members of his family and any medical treatment he may require while he remains in custody;
- calling on the authorities to take effective measures to ensure that human rights defenders can carry out their peaceful human rights activities without fear of arbitrary detention, imprisonment, hindrance or intimidation in line with the UN Declaration on Human Rights Defenders;
- calling on the authorities to put an end to the extensive violations of civil, political, economic, social and cultural rights which are resulting from the current political crackdown in the XUAR, including arbitrary detention and imprisonment,

incommunicado detention, unfair trials, executions after summary trials and sweeping restrictions on religious, cultural and social rights.

***Send your appeals to:***

Chairman of the Xinjiang Uighur  
Autonomous Regional People's  
Government  
**Ismail TILIWALDI** Zhuxi  
Xinjiang Weiwuer Zizhiqu Renmin  
Zhengfu  
2 Zhongshanlu  
Wulumuqishi 830041  
Xinjiang Weiwuer Zizhiqu  
People's Republic of China  
**Salutation: Dear Chairman**

Premier of the People's Republic of  
China  
**WEN Jiabao** Zongli  
Guowuyuan  
9 Xihuangchenggenbeijie  
Beijingshi 100032  
People's Republic of China  
**Salutation: Your Excellency**

***Copies to:***

Secretary of the Xinjiang Uighur  
Autonomous Regional Party Committee  
**WANG Lequan** Shuji  
Zhonggong Xinjiang Weiwuer Zizhiqu  
Weiyuanhui  
Wulumuqishi  
Xinjiang Weiwuer Zizhiqu  
People's Republic of China  
**Salutation: Dear Secretary**

**Defenders of the right to redress**  
**THE TIANANMEN MOTHERS**  
天安门母亲



Tiananmen Mothers. Ding Zilin is the second from the left in the front line. © HRIC

*"I know that your hearts are all linked tightly to the hearts of the victims and their families. Every year, you light up a candle and hold it in hand, gather together to mourn those innocent deaths. You really show to people in the world the determination and perseverance for freedom and democracy of Chinese people. To us, this is not only a comfort to our hearts but also is a spiritual courage..."*

Ding Zilin, June 2004

The Tiananmen Mothers, founded by Ding Zilin, a retired university professor, is a group of 130 human rights defenders – mainly women – whose children and other close relatives were killed in and around Tiananmen Square on the night of 3-4 June 1989. The Tiananmen Mothers have been at the forefront of the campaign to defend the rights of the relatives of people who were killed and people who were injured by the military over 15 years ago.

Heavily armed troops and armoured military vehicles stormed into Tiananmen Square on the night of 3-4 June 1989 to clear peaceful, unarmed demonstrators who were calling for an end to corruption and for political reforms in China. Hundreds of civilians were killed, and tens of thousands of demonstrators were arrested in the aftermath.



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The Tiananmen Mothers have compiled a list of names of over 182 people who were killed and over 70 who were injured by the Chinese army. They have distributed humanitarian aid to victims' families and helped to set up a fund for the education of children and orphans of those killed or injured in Tiananmen Square.

*"I demanded that the government authorities make known the truth behind the 'June Fourth Incident', and I demanded that Jiang Zemin reveal the total number of dead and a list of those killed. I called on all people of conscience in China and abroad not to forget the tragedy that occurred in Beijing on June 4, 1989, and not to forget those who have forever been denied their right to life, as they no longer have a voice to speak on their own behalf."*<sup>36</sup>

The group regularly submits appeals and petitions calling on the authorities to allow victims' families the right to mourn in public, to allow them to accept humanitarian aid from organizations and individuals, to end the persecution of victims and their families, to release all those still imprisoned since 1989, and to implement a full and open public inquiry into the events surrounding 4 June 1989.

In March 2004, Ding Zilin, Zhang Xianling and Huang Jinping were arbitrarily detained in an apparent attempt to stop them from participating in the *Qingming* festival, when people tend the graves of their relatives. The Chinese authorities stated their detentions were the result of recording their testimonies to camera, and sending the footage to supporters abroad. In addition, 'T'-shirts bearing the words "Tiananmen Mothers" were confiscated by the authorities.

Each year around the anniversary of 4 June 1989, several of the Tiananmen Mothers are detained, harassed or physically restricted in some way. Their treatment is indicative of the government's continuing refusal to respect calls for redress.

Through their mutual support, the Tiananmen Mothers have brought comfort to numerous bereaved families empowering others, particularly women to take part in public life, and the group's public profile has been a source of hope and inspiration for similar groups outside China.

**Amnesty International considers the Tiananmen Mothers to be human rights defenders campaigning for accountability and redress in connection with the crackdown on peaceful protesters in Beijing on 4 June 1989. Amnesty International calls on the authorities to ensure that they can carry out their legitimate human rights activities without fear of arbitrary detention, harassment or other abuses.**

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<sup>36</sup>Documenting Death: Reflections after Ten Years by Ding Zilin, available on-line at <http://www.hrichina.org/june4-10yr/death.html>.

***Please send appeals on behalf of the Tiananmen Mothers:***

- calling on the authorities to stop the arbitrary detention, intimidation and harassment of Ding Zilin and the other “Tiananmen Mothers”;
- urging the authorities to ensure that the Tiananmen Mothers can carry out their legitimate human rights activities without fear of reprisals in line with their fundamental human rights to freedom of expression and association;
- urging the authorities to release immediately and unconditionally all those still imprisoned in connection with the 1989 Tiananmen Square protests;
- calling on the authorities to conduct a full, independent and impartial inquiry into the events on 4 June 1989, to bring those responsible for unlawful killings and other human rights violations to justice, and to provide compensation to the victims or their families.

***Send your appeals to:***

Minister of Justice of the People's

Republic of China

**ZHANG Fusen** Buzhang

Sifabu

10 Chaoyangmen Nandajie,

Chaoyangqu, Beijingshi 100020

People's Republic of China

**Salutation: Your Excellency**

Fax: +86 10 6472 9863

Email: [minister@legalinfo.gov.cn](mailto:minister@legalinfo.gov.cn)

Email: [pfmaster@legalinfo.gov.cn](mailto:pfmaster@legalinfo.gov.cn)

***Copies to:***

Secretary of Beijing Municipal Party

Committee

**LIU Qi** Shuji

Zhonggong Beijingshi Weiyuanhui

3 Taijichang Dajie

Dongchengqu,

Beijing 100743

People's Republic of China

**Salutation: Dear Secretary**

Mayor of Beijing Municipal People's

Government

**WANG Qishan** Shizhang

Beijingshi Renmin Zhengfu

2 Zhengyilu

Dongchengqu, Beijing 100744

People's Republic of China

**Salutation: Dear Mayor**