

MEDIA KIT

LEGACY OF THE BEIJING OLYMPICS

CHINA'S CHOICE

AMNESTY
INTERNATIONAL



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Front cover image: Police keeping close watch on crowds of people in Tiananmen Square celebrating China's National Day, 1 October 2005. The partly obscured banner behind the crowd reads: "One World One Dream", the official slogan for the Beijing Olympics 2008. © Dubin

For more information please call Amnesty International's press office at the International Secretariat on + 44 20 7413 5566

Amnesty International. 1 Easton St., London WC1X 0DW
press@amnesty.org
www.amnesty.org



MESSAGE FROM IRENE KHAN

SECRETARY GENERAL, AMNESTY INTERNATIONAL

When China won the bid for the Olympic Games, the Chinese authorities made a commitment that the Olympics would be an opportunity to develop human rights. But, as the Olympic torch approaches China for its momentous entry into the Olympic stadium, the stage is overshadowed by grave human rights concerns.

While some reforms have been made on the death penalty, China remains the world's top executioner. Human rights activists continue to be detained and harassed. Internet users are censored. Individuals are subjected to detention without trial called "Re-education Through Labour", and "Enforced Drug Rehabilitation". Reform of these two provisions has long been promised but now they have been extended to "clean up" Beijing ahead of the Games.

Despite the temporary regulations which were passed earlier this year to grant foreign journalists greater freedom to travel and report from within China, in practice foreign journalists are not allowed to report freely. For example, a BBC journalist recently travelled to a village in Shengyou, three hours south of Beijing. He was detained and questioned for several hours by the police and removed to a nearby town. There were also renewed crackdowns on domestic journalists whose own ability to report has been tightened.

An Olympic Games characterized by serious human rights violations would be an affront to the core principles of the Olympic Charter. China has promised to make human rights improvements. China must live up to the challenge it has set itself to aspire to the ideals of the Olympics.

The founders of the Olympic Charter envisioned the Olympics Games as being centred firmly on the preservation of human dignity and respect for ethical principles. The Universal Declaration of Human Rights promotes dignity for every person. China, as host of the Beijing Olympics, should honour these principles.

This is a time to be proud of the Olympic Games, but if that pride is tarnished with human rights violations, it is bad for China, it is bad for the Olympic Games and it is bad for the international community.

Irene Khan

"The goal of Olympism is to place sport at the service of the harmonious development of man, with a view to promoting a peaceful society concerned with the preservation of human dignity."

– Olympic Charter,
Fundamental Principles of
Olympism, paragraph 2

LEGACY OF THE BEIJING OLYMPICS
CHINA'S CHOICE

**AMNESTY
INTERNATIONAL**



THE CHALLENGE FOR CHINA

LEAVING A POSITIVE LEGACY FOR THE BEIJING OLYMPICS

“...Olympism seeks to create a way of life based on the joy found in effort, the educational value of good example and respect for universal fundamental ethical principles.”

– Olympic Charter, Fundamental Principles of Olympism, paragraph 1

On 8 August 2008, the 29th Olympic Games will begin in Beijing. During their campaign to secure the 2008 Olympics, the Chinese authorities declared that the human rights situation in China would improve if Beijing were chosen to host the Games. Wang Wei, Secretary General of the Beijing 2008 Olympic Games Bid Committee, stated, “We are confident that the Games coming to China not only promotes our economy but also enhances all social conditions, including education, health and human rights,” a sentiment echoed by other members of the Committee. Liu Qi, Mayor of Beijing, said in 2001, “[The Olympic Games] will help promote all economic and social projects and will also benefit the further development of our human rights cause.”

“The human rights problems remain an issue but it is more of a challenge and an opportunity for the Olympic Movement to make a contribution to some of its own goals – which is to put sport at the service of mankind everywhere and maybe bring about some change.”

– International Olympic Committee Vice President Dick Pound after the 2008 host city announcement. July 2001, Moscow.



Beijing National Stadium

Hosting the Olympic Games is a time-honoured tradition that embodies the pursuit of excellence for the world's athletes and the promotion of a peaceful society. It is an enormous responsibility for the host nation and an immense source of pride for the people of the chosen city. The Chinese authorities, in their bid for the Games, made many promises to improve their human rights record. The Olympic Games is a powerful symbol of prestige and global prominence and with that comes global responsibility and global expectation.

An Olympic Games that promotes the principles of Olympism blends culture and education, and improves the lives and human rights of the citizens. A successful Beijing Olympics will promote these principles and excellence in sport. It is this combination that will ensure a successful Games.

The Chinese authorities have a unique opportunity to honour the pledges they made to advance human rights if awarded host nation of the 2008 Summer Olympics. China's international human rights commitments, as well as the spirit of Olympism which assert that “the practice of sport is a human right,” and avow respect for “universal fundamental ethical principles,” suggest that respect for human rights lies at the heart of the Olympic movement.

“Sport, the Olympic Games and the IOC [International Olympic Committee] can play a positive role in helping the world's changes.”

– Jacques Rogge, President of the International Olympic Committee, “IOC puts its hopes in Beijing”, *USA Today*, 13 July 2001.

“We are convinced that the Olympic Games will improve human rights in China.”

– Jacques Rogge, in an interview on BBC Hardtalk, 24 April 2002.

The International Olympic Committee has repeatedly made clear its expectation that human rights in China would improve as a result of Beijing being chosen to host the Games. The International Olympic Committee has stated that it relies on international human rights organizations, including Amnesty International, to monitor and report on the human rights situation in China and that it is committed to listening to these organizations. If grave human rights violations are not being sufficiently addressed as part of the preparations for the Games,



the International Olympic Committee is compelled to take action. In April 2002, Jacques Rogge said that the International Olympic Committee “urged the Chinese government to improve, as soon as possible, their record on human rights and that if security, logistics or human rights are not acted upon to our satisfaction then we will act.”

While the primary responsibility lies with the Chinese authorities, the International Olympic Committee has an obligation under the Universal Declaration of Human Rights that states that it is the duty of every individual and organ of society to promote respect for human rights.

“I would like to mention that Beijing’s bid for the 2008 Olympics will do good. Every country has their own human rights problem and China will certainly pay more attention to human rights.”

– Liu Jingming, Vice-Executive President,
Beijing 2008 Olympics Bid Committee, April 2001.

Improving China’s human rights record on the death penalty, protection of human rights activists and ensuring media and internet freedom, as well as abolishing “Re-education Through Labour”, a form of detention imposed by the Chinese police without charge or trial for up to four years, are critical to China leaving a positive and lasting Olympic legacy.

According to the Olympic Charter, one of the Fundamental Principles of Olympism is to promote a “peaceful society concerned with the preservation of human dignity”. The death penalty violates the right to life and the prohibition of torture and cruel, inhuman and degrading treatment. It is an affront to human dignity. Long heralded reforms to Re-education Through Labour appear to be stalled in the lead-up to the Beijing Olympics. On 8 May 2006, the Beijing city police announced



Members of the Abolition of the Death Penalty demonstrating in front of the China Liaison Office in Hong Kong on 14 July 2005. Their placards feature Hong Kong drug offenders executed in mainland China.

© Kin Cheung/AP/PA Photos



Rhythmic Gymnast at Sydney 2000 Olympics.
© Jon Buckle/EMPICS Sport/PA Photos

that Re-education Through Labour will be used to “clean up” the city’s image ahead of the Olympics.

Chinese human rights defenders continue to face severe obstacles to their work in drawing attention to ongoing abuses, some of which are directly related to the hosting of the Games, including forced evictions related to the Olympics infrastructure. The work done by human rights defenders in China links with the promises made by the Chinese authorities for full media freedom before and during the Games which should include unrestricted legitimate use of the internet.

Since 2001, in referring to the likely positive legacies the Games will leave for Beijing and China, the Chinese authorities and the International Olympic Committee have focused on improvements to the economy, environment and international image. They have placed little emphasis on the human rights legacy of the Games. The unprecedented growth of China’s economy in the last two decades has led to great social transitions, but there continues to be a disparity between economic progress and individuals being able to freely enjoy all their human rights. This deliberate stalling of progress on human rights must end and relevant reforms must be implemented at a much faster rate.

That human rights are respected, protected and fulfilled can be one of the positive legacies of the Games – without improvements to the human rights situation in China, not only will the Games fail to be remembered in a positive light, but China’s image will remain one of a country that represses its citizens. It is China’s choice and a responsibility shared by the Olympic movement.



AMNESTY INTERNATIONAL'S 2008 BEIJING OLYMPICS CAMPAIGN

“By allowing Beijing to host the Games you will help the development of human rights.”

– Liu Jingmin, Vice president, Beijing 2008 Olympics Games Bid Committee, April 2001.

“[The Olympic Games] will help promote all economic and social projects and will also benefit the further development of our human rights cause.”

– Liu Qi, Mayor, Beijing, in Christopher Clary, “Despite Worries Over Rights, It Wins on 2d Round of Voting: Beijing Is Awarded 2008 Summer Olympics,” *International Herald Tribune*, 14 June 2001.

The Olympics Charter promotes a positive legacy from the Olympic Games to the host cities and countries. Amnesty International’s campaign is aimed at ensuring that the Olympic legacy includes respect for fundamental human rights and the rule of law.

Despite promises made by the Chinese authorities, serious violations of human rights continue to take place in China. These violations include the imprisonment of individuals who have sent open letters to the International Olympic Committee calling for improvements in China’s human rights and condemning the forcible eviction of thousands of Beijing residents from their



Protestors uniting against the construction of a water sports venue for the 2008 Olympics on the outskirts of Beijing, June 2005. © EMPICS

homes, many illegally, in the city’s preparation for the Games. Unofficial estimates of forced evictions are much higher, but note that it is extremely difficult to confirm exactly how many people have been subjected to forced evictions in violation of their right to housing under international human rights standards.

The Chinese authorities have intensified repressive measures against groups they fear may embarrass the nation during the Games by drawing attention to human rights concerns. International human rights organizations still have extremely limited access to China to carry out direct research, and to document and expose human rights abuses.

While Amnesty International has broader human rights concerns in China, as the 2008 Olympics approaches the organization is monitoring the Chinese government’s performance particularly closely in areas with a direct link to preparations for the Olympics to core principles in the Olympic Charter and to promises of human rights improvements made by Chinese officials at the awarding of the 2008 Olympics to China in 2001. These are: the continuing use of the death penalty and abusive forms of administrative detention, imprisonment, torture and harassment of human rights defenders, including journalists and lawyers, and the censorship of the internet.

Amnesty International calls on the Chinese government to fulfil its promise to develop human rights as part of the Olympic legacy. A positive legacy must be built on respect for human rights and the rule of law. Amnesty International calls on the Chinese authorities to:

1. Put measures in place to significantly reduce the use of the death penalty in China as a step towards abolition. By the end of 2008, this should include:
 - the regular publication of official statistics on the total number of death sentences and executions, consistently providing families and lawyers of those sentenced to death with access to them as well as to administrative and procedural information
 - reducing the number of capital offences with substantial reforms in regard to non-violent crimes.



2. Ensure that all forms of detention in China are in accordance with international human rights law and standards, including measures to uphold the rights to fair trial and to prevent torture. By the end of 2008, this should include:

- abolishing Re-education Through Labour, Enforced Drug Rehabilitation and Custody and Education, ensuring that decisions on detention are no longer exclusively in the hands of the police;
- ensuring that these systems are not used in relation to the hosting of the Beijing Olympics as a method of “cleaning” the city in the build-up to and during the Games.

3. Ensure that human rights defenders are free to carry out their peaceful activities in line with the UN Declaration on Human Rights Defenders. This should include:

- ensuring that human rights defenders are not subjected to house arrest; are able to communicate with foreign journalists without penalty or harassment; and are able to highlight legitimate issues of concern without penalty or harassment;
- releasing human rights defenders who are currently detained as prisoners of conscience.

4. End the unwarranted censorship of the internet in China. This should include:

- ensuring that no one is arrested and/or tried for legitimate use of the internet;
- ensuring that those detained or imprisoned for use of the internet, including human rights defenders and journalists are released.

The International Olympic Committee has a responsibility to promote a positive legacy of the Olympic Games to host cities and host countries. Amnesty International calls on the International Olympic Committee to fulfil this responsibility by urging it and the wider Olympic movement, in solidarity with Amnesty International’s worldwide membership and with human rights activists in China, to press the Chinese government to deliver positive, concrete and lasting human rights reforms by the end of August 2008.



Amnesty International delegates stamp and sign banners as part of Amnesty International’s campaign on the Beijing Olympics at the organization’s International Council Meeting, August 2007.

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TEN HUMAN RIGHTS CONCERNS IN CHINA

FACT SHEET

DEATH PENALTY

China executes more people each year than the rest of the world combined. Based on public reports, Amnesty International estimates that at least 1,010 people were executed and 2,790 sentenced to death in 2006 in China. The true figures are believed to be much higher; a Chinese legal scholar recently estimated the execution rate to be around 8,000 per year. Executions are carried out by a bullet to the back of the head and, increasingly, lethal injection. Many of China's capital crimes, around 68 in total, are non-violent, including tax evasion, smuggling and organizing prostitution.

RE-EDUCATION THROUGH LABOUR

This is a form of detention imposed without charge or trial for up to four years, often carried out in harsh conditions, and used against people deemed by the Chinese police to have committed offences not serious enough to be punished under the Criminal Law. It is frequently used against petty criminals, critics of the government or followers of banned beliefs. Beijing police have used China's staging of the Olympics as a pretext to extend the scope of Re-education Through Labour in an attempt to "clean up" the city in the run-up to the Olympics.

HARASSMENT OF PEOPLE WHO STAND UP FOR HUMAN RIGHTS

While civil society activities have grown and strengthened over recent years, activists who challenge policies deemed to be politically sensitive or who try to rally others to their cause continue to be harassed. Some have been imprisoned, often on vaguely defined charges of "subversion" or "leaking state secrets", while others are held under tight police surveillance as prisoners in their own homes. They include defence lawyers, journalists, HIV/AIDS activists, workers' rights activists, villagers protesting against land seizures, and relatives of people killed or disabled during the crackdown on the 1989 pro-democracy movement. Harassment of activists appears to be increasing as the Olympics approach.

INTERNET REPRESSION AND MEDIA FREEDOM

Hundreds of websites are blocked or banned in China. Search results are filtered, with many websites censored, including those using words like "freedom", "human rights", "Tibet" and "Amnesty International". Internet users have been imprisoned after unfair trials, often on vaguely defined charges such as subversion or leaking state secrets. With around 30 journalists and 50 internet users known to be behind bars, the media freedom organizations have branded China "the world's leading jailer of journalists". National journalists face severe restrictions and censorship, and those investigating stories deemed to be politically sensitive risk dismissal, intimidation, harassment or arrest.

UNFAIR TRIALS

China's judicial system falls far short of international fair trial standards and there is a lack of safeguards for protecting the rights of suspects and defendants. Failings include: lack of prompt access to a lawyer for detainees; continued use of torture and ill-treatment by the police to obtain a confession; the use of information extracted through torture as evidence in trials; and political interference in the judiciary. The continued use of Re-education Through Labour, where individuals may be punished with up to four years' detention on the orders of the police, violates international fair trial standards, including the International Covenant on Civil and Political Rights, which China has signed and declared an intention to ratify in the near future.

PERSECUTION OF PEOPLE FOR THEIR BELIEFS

The Chinese authorities continue to crack down on religious observance outside officially sanctioned channels. Members of unofficial Catholic churches or underground Protestant house churches are frequently detained in violation of their rights. Other groups at risk include Muslims in the Xinjiang Uighur Autonomous Region, especially those branded as religious



extremists by the authorities as well as members of the Falun Gong spiritual movement, which was banned by the authorities as a heretical organization in 1999. Tens of thousands of Falun Gong practitioners have been detained since then, mainly in Re-education Through Labour facilities, but also in prisons and psychiatric hospitals.

TORTURE

While possibly on the decline in some urban areas, torture and ill-treatment remain widespread in China and continue to be reported from a range of state institutions, including police stations, Re-education Through Labour facilities and prisons. Common methods include electric shocks, suspension by the arms, kicking, beating and food and sleep deprivation. Restricted access to the outside world for detainees and a failure to establish effective channels for complaint and investigation are key factors which allow the practice to flourish. Those detained for their political views, human rights activities or religious and spiritual beliefs are at high risk of torture in custody, particularly if they refuse to recant or renounce their beliefs.



Ding Zilin, whose son was killed in the Tiananmen Square crackdown on the pro-democracy movement in Beijing in June 1989. She is still campaigning to uncover the truth.
© *The Nineties Monthly*

1989 TIANANMEN SQUARE PROTESTS

While many have now been released, dozens of individuals are believed to remain in prison 18 years after the crackdown on the 1989 pro-democracy movement. The Chinese government continues to ignore calls for a full, independent and impartial investigation into the actions of the security forces on 4 June 1989 in and around Tiananmen Square which left hundreds killed or injured. While official restrictions were loosened to some extent in June 2007 to allow relatives greater freedom to mourn their loved ones, victims' families and others campaigning for justice continue to face restrictions on their activities, including police surveillance and harassment. Any public discussion of the events of 4 June 1989 remains censored from newspapers, websites and other media.



Police patrolling Tiananmen Square on China's National Day, 1 October 2005. The banner behind them reads: "socialist, harmonious society". © Dubin

WORKERS' RIGHTS DENIED

The official All China Federation of Trade Unions frequently fails to protect the interests of its members, and independent trade unions remain illegal in China. Low wages or non-payment, mass lay-offs, poor working conditions and corrupt management practices have led to a wave of labour disputes in China which have often been met by the authorities with intimidation, and sometimes arrests and long prison sentences. Internal migrant workers travelling from the countryside to find work in the cities continue to face widespread discrimination with regard to access to employment, healthcare and schooling for their children compared with urban residents.

XINJIANG AND TIBET

The mainly Muslim Uighur community in the Xinjiang Uighur Autonomous Region is subject to harsh repression. The Chinese authorities have used the pretext of religious extremism to close mosques, ban certain books and imprison so-called "terrorists, separatists and religious extremists" after unfair trials. In Tibet freedom of expression, religion and association continue to be severely restricted. Dozens of prisoners of conscience, including Buddhist monks and nuns, remain in prison.



THE CHALLENGE FOR CHINA

STOP THE EXECUTIONS

FACT SHEET

China remains the world leader in the use of the death penalty. However, the exact number of executions carried out in China each year is unknown. Official figures on death sentences and executions are considered state secrets, making objective analysis of the application of the death penalty in China extremely difficult.

Based on public reports, Amnesty International estimates that at least 1,010 people were executed and 2,790 sentenced to death in China in 2006. This is 63 per cent of the total number of reported executions worldwide.

Liu Renwen, a Chinese criminal law professor, estimated in early 2006 that 8,000 executions take place annually in China. The US-based Dui Hua Foundation estimates that 7,500 to 8,000 executions took place in 2006, based on information obtained from Chinese sources with access to official information.

Approximately 68 crimes can be punishable by the death penalty in China, including non-violent offences such as tax fraud, embezzling, accepting bribes and some drug-related crimes.

In February 2007, Wang Zhendong was sentenced to death for swindling investors in his ant-breeding business of 3 billion yuan (US\$400 million).

On 10 July 2007, Zheng Xiaoyu, former head of China's State Food and Drug Administration, was executed for taking bribes and dereliction of duty.

On 1 January 2007, the Supreme People's Court formally resumed its role of reviewing all death sentences passed in China.

Chinese legal scholars have claimed that restoration of the Supreme People's Court review would probably result in a 20 to 30 per cent reduction of the number of executions in China. In June 2007, a Supreme People's Court official announced that executions had dropped by 10 per cent compared with the same period in 2006. However, Amnesty International maintains that the best way to enable full and informed analysis of death penalty developments in China, not only by court officials but also by Chinese legal academics and others, would be to make the full data public.

In July 2005, China's Vice Minister of Health reportedly acknowledged that the majority of organs for transplant in China come from executed prisoners.

New regulations took effect on 1 May 2007, including a ban on trading in organs and on live organ transplants from those under the age of 18. The regulations, however, make no mention of the extraction of organs from prisoners on death row. International medical standards require that everyone gives "free and informed" consent to donating their organs; Amnesty International does not believe that meaningful consent can be demonstrated in prisoners facing execution where they have not previously expressed such a wish prior to their imprisonment (through, for example, filling out an organ donor card or otherwise expressing their wishes).

A number of cases recently reported in the Chinese press reveal that innocent people have died in China due to the widespread use of torture by the police to extract confessions. For example, Teng Xingshan was executed in 1989 for the murder of his wife, even though he pleaded innocence and said that he had only confessed because he had been severely beaten during interrogations. His wife, whose disappearance led to suspicions that she had been murdered, later reappeared in June 2005.

The family of Nie Shubin continue to fight for compensation for his execution in 1995 after he was wrongfully convicted of the rape and murder of a local woman. He had reportedly been tortured by the police into making a false confession and, in early 2005, a suspect detained in connection with another case confessed to the same crime, apparently describing the crime in detail.



HUMAN RIGHTS OPPORTUNITIES

STOP THE EXECUTIONS IN CHINA

In line with the key Olympic principle of preserving human dignity, a positive legacy will mean ending China's world record in executions. As a first step to abolishing the death penalty, China must make public the actual numbers of people executed and radically cut the number of capital offences.



A woman, convicted of murder, shouts as she hears the verdict before being taken away for execution in the southern Chinese city of Guangzhou, 11 April 2001. © Reuters

The death penalty violates the right to life and the prohibition of torture and cruel, inhuman and degrading treatment. It is an affront to human dignity. This applies to both the death penalty system as a whole and to conditions of detention on death row in China.

The authorities introduced an important reform to the death penalty system on 1 January 2007 by restoring Supreme Court review of all death sentences passed in China. Amnesty International calls on the Chinese authorities to build on this reform by introducing greater transparency, both by ensuring that families and lawyers of those sentenced to death are given

access to them and to information about their cases, and by publishing the numbers of people executed nationwide. Amnesty International calls on the authorities to reduce the scope of the death penalty pending full abolition of the death penalty in law.

INCREASE TRANSPARENCY OF THE DEATH PENALTY IN CHINA

“Making death penalty statistics public would safeguard the legitimate rights of citizens to understand and grasp the situation with regard to the death penalty.”

– Professor Zhao Bingzhi, Chinese criminal law specialist.

On 1 January 2007, the Supreme People's Court formally resumed its role in approving all death sentences in China. Amnesty International welcomes this development. Chinese legal scholars have claimed that the restoration of the Supreme People's Court review is likely to result in a 20 to 30 per cent reduction in the number of executions carried out in China. However, a lack of transparency means that it is difficult to assess whether the Supreme People's Court's review is having a significant effect.

Lack of transparency also remains a key concern for the families of those sentenced to death and executed:

- **Nie Shubin's** family continue to fight for compensation for his execution in 1995 after he was wrongfully convicted of the rape and murder of a local woman. He had reportedly been tortured by the police into making a false confession, and in early 2005 a suspect detained in connection with another case confessed to the same crime, apparently describing the crime scene in detail. Nie Shubin's family were given no information about his situation following his trial nor a copy of the verdict in his case. They claim that they were denied access to him after his arrest and that his father only discovered he had been executed when he visited the prison to take him some food. His father has reportedly attempted suicide out of grief at the loss of his son. His mother adds: “I just have one son, all my hopes rested on him. They've destroyed my future [...] Without my son, my family and I can't go on.”
- Similarly, the family of **Wu Zhenjiang**, a 24-year-old student convicted of intentional injury and executed in January 2005,



claim they were unable to meet with him following his first-instance trial. Since then, his mother, Meng Zhaoping (not her real name), has petitioned the authorities to obtain more information about his case, in particular what happened to his body, which was cremated shortly after his execution and never returned to the family. She suspects that his organs were taken without consent for transplantation purposes, but has no firm evidence to support these beliefs.

ENSURE FAIR TRIALS, REVEAL CASES OF ILL-TREATMENT

No one who is sentenced to death in China receives a fair trial in accordance with international human rights standards. Failings include: lack of prompt access to lawyers, lack of presumption of innocence, political interference in the judiciary and failure to exclude evidence extracted under torture. A number of cases recently reported in the Chinese press, including that of Nie Shubin (see above), reveal that innocent people have been put to death in China due to such shortcomings in the system.

While Amnesty International welcomes the restoration of the Supreme People's Court review, the review appears to be aimed at ensuring that procedures have been followed correctly and that the death penalty is applied consistently across the country rather than determining the facts of each case. Amnesty International remains concerned that the Supreme People's Court review would not expose serious human rights violations, such as torture to extract confessions, if evidence of such abuses had not been introduced during an earlier trial.

REDUCE THE NUMBER OF CRIMES PUNISHABLE BY DEATH

"We cannot rely on our hope for death penalties to curb crimes. We may tackle the increasing criminal cases via many other ways [...] The concept also accords with the world's trend to gradually lighten penalties, which means stringent punishment can be imposed for only a small number of serious offenders."

– Liu Jiachen, a Former Vice President of the Supreme People's Court

Amnesty International is deeply concerned that China maintains the death penalty for approximately 68 offences, including non-violent crimes such as drug-related offences and economic crimes such as tax and other financial fraud. The death penalty is used extensively, arbitrarily, and often as a result of political interference. Its use has increased during periodic "Strike Hard" anti-crime campaigns. During these campaigns, defendants may be sentenced to death for crimes which at other times may be punished by imprisonment. Use of the death penalty has also increased at particular times of the year in the run-up to significant national events such as National Day (1 October) and International Day against Drug Abuse and Illicit Trafficking (26 June). Amnesty International also recorded a dramatic rise in executions in December 2006, which appeared to be as a result of local courts attempting to "clear up" cases before the Supreme People's Court review was introduced on 1 January 2007.

AN OPPORTUNITY FOR THE CHINESE GOVERNMENT

In violating the right to life and the prohibition of torture and cruel, inhuman and degrading treatment, the death penalty fundamentally undermines the "preservation of human dignity" which lies at the heart of the Olympic Charter. Amnesty International urges the Chinese authorities to put measures in place to significantly reduce the use of the death penalty in China as a step towards abolition of the death penalty. By the end of 2008, this should include:

- the regular publication of official statistics on the total number of death sentences and executions, consistently providing families and lawyers of those sentenced to death with access to them as well as administrative and procedural information
- reducing the number of capital offences with substantial reforms in regard to non-violent crimes.



THE CHALLENGE FOR CHINA

FACT SHEET

FAIR TRIALS AND AN END TO DETENTION WITHOUT TRIAL

Administrative detention covers forms of detention which in China are imposed by the police without charge, trial or judicial review, as forms of punishment. Such practices in China include:

- Re-education Through Labour, the most common form of administrative detention in China, imposed for periods up to four years for a wide variety of minor offences not considered serious enough to be punished under the Criminal Law.
- Enforced Drug Rehabilitation, used to punish alleged drug addicts with terms of up to three to six months, often in harsh conditions. Beijing police have declared an intention to extend this to one year in an attempt to force drug addicts to give up their addictions before the Olympics.
- Custody and Education, used to punish alleged prostitutes and their clients with sentences of between six months and two years.

In May 2006, the Beijing city authorities announced their intention to extend the use of Re-education Through Labour as a way to control what they considered to be offending behaviour and to “clean up” the city's image ahead of the Olympics. Commentators in China have noted that this is the first time since mid-2003 that officials have specifically invoked the use of “controversial measures” like Re-education Through Labour at the local level in order to address public order issues in the cities.

Hundreds of thousands of people are believed to be held in Re-education Through Labour facilities across China, many in harsh conditions. These include petty criminals, critics of the government or followers of banned beliefs.

- Those assigned to Re-education Through Labour are forced to work for long hours as part of their “re-education” in a manner similar to compulsory labour in prisons.
- Detainees are at high risk of torture or ill-treatment, particularly if they refuse to recant their “offending behaviour” or attempt to appeal against their sentence.
- China's application of administrative detention is incompatible with key provisions of the International Covenant on Civil and Political Rights, such as those on the rights of detainees to be brought promptly before a judge (Article 9); the right to fair trial (Article 14); and the prohibition of forced or compulsory labour (Article 8). China has signed the International Covenant on Civil and Political Rights and has stated its desire to ratify it in the near future.
- On 1 March 2007, the *China Daily* newspaper reported that the draft new law proposed to replace Re-education Through Labour, the Illegal Behaviour Correction Law, is included in the National Peoples' Congress legislative plan for discussion in 2007. The report noted that the reform process had stalled for two years because of disagreements.



HUMAN RIGHTS OPPORTUNITIES

FAIR TRIALS AND AN END TO DETENTION WITHOUT TRIAL

A positive Olympic legacy will mean fair trials according to international standards and an end to arbitrary police detention. As a first step, China must renounce any use of Re-education Through Labour and Enforced Drug Rehabilitation to clean up Beijing ahead of the Olympics.

“As the Olympic Games approach, it is an important political duty to provide a secure, clean and ordered city environment to ensure that the Olympics runs smoothly [...] However, what has shocked many legal experts is that Re-education Through Labour will be used as an important tool in the clean-up efforts, and that its scope will be enlarged.”

– Lü Minghe, Chinese writer and journalist

Beijing police have used China’s hosting of the Olympics as a pretext to extend the use of abusive forms of administrative detention, such as Re-education Through Labour and Enforced Drug Rehabilitation, in the name of “cleaning up” the city in the run-up to the Games. Such systems of detention, imposed by the police without charge, trial or judicial review, violate international fair trial standards and have been on China’s reform agenda for many years.

RE-EDUCATION THROUGH LABOUR



Re-education Through Labour facility
© thebeijingnews.com

Re-education Through Labour is an abusive form of administrative detention imposed without charge, trial or judicial review. It has been used in China since the mid-1950s as a

system of detention and punishment imposed on those who are deemed to have committed minor offences but are not legally considered to be criminals. It was once described in an official legal newspaper as punishment for actions which fall somewhere between crime and error. Under the current system, people can be detained in a Re-education Through Labour facility for up to three years, which can be extended by a further year when necessary.

The offending behaviour referred to by the Beijing authorities as subject to Re-education Through Labour prior to the Beijing Games includes serious cases of unlawful advertising or leafleting, unlicensed taxis, unlicensed businesses, vagrancy and begging. However, the vague language defining types of offending behaviour also enables the authorities to detain those engaged in peaceful acts of protest or dissent.

A lack of effective constraints on police powers to impose Re-education Through Labour and a lack of safeguards to prevent abuses against those held in Re-education Through Labour facilities continue to result in a range of human rights violations. For example, police often avoid pressing formal criminal charges if they think there is not enough evidence to secure a conviction of suspects but send them to Re-education Through Labour instead. Some people found innocent of a crime and acquitted by the courts have reportedly been immediately detained by the police and sent to Re-education Through Labour. Although a person can in theory appeal against a decision to send them to Re-education Through Labour, it is common for their period of detention to then be extended, often because the authorities consider such appeals demonstrate a poor attitude to reform. For the same reasons, those who appeal may also put themselves at risk of beatings or other forms of torture or ill-treatment.

Attempts to substantially reform or abolish Re-education Through Labour now appear to be back on the legislative agenda after being stalled within the legislature for over two years. A new law, the Illegal Behaviour Correction Law, designed as a replacement to Re-education Through Labour, remains at a draft stage and has not yet been passed. While it is believed to contain some improvements, Chinese legal commentary suggests that certain provisions are still likely to violate international fair trial standards.





Bu Dongwei © Private

Bu Dongwei (also known as David Bu) was assigned to two-and-a-half years' Re-education Through Labour on 19 June 2006 in Beijing for "resisting the implementation of national law and disturbing social order" after police discovered Falun Gong literature at his home. The authorities initially refused to disclose his place of detention to his family for three months. He is held

at Tuanhe Re-education Through Labour facility in Beijing, where he is reportedly forced to do packing work. Officials from Tuanhe Re-education Through Labour facility have reportedly asked Bu Dongwei's family to contribute money towards his living expenses – around 400 Yuan per month (approx. US\$52). Amnesty International considers Bu Dongwei to be a prisoner of conscience, detained in violation of his fundamental human rights to freedom of expression, association and religion, and continues to call for his immediate and unconditional release.

ENFORCED DRUG REHABILITATION AND CUSTODY AND EDUCATION

"We do not rule out the possibility of compelling all drug abusers in the capital to give up their addictions before the Olympics"

– Fu Zhenghua, deputy director of the Beijing Public Security Bureau

In addition to Re-education Through Labour, Chinese officials continue to use two other forms of punitive administrative detention. Custody and Education is used to punish alleged prostitutes and their clients with between six months' and two years' detention, and Enforced Drug Rehabilitation enables the police to detain suspected drug addicts.

On 7 February 2007, the Beijing Public Security Bureau announced that during the coming year the police would shift the focus of its anti-drugs efforts from public entertainment venues towards targeting individual users and extend terms of

Enforced Drug Rehabilitation from six months to one year. This move heightens the concerns that the Olympics may be used as a pretext to expand the use of abusive administrative detention.

As an important step towards bringing detention practices in line with the International Covenant on Civil and Political Rights, which China has signed and declared an intention to ratify in the near future, Amnesty International continues to urge the authorities to abolish all forms of punitive administrative detention ensuring that decisions on detention are not solely in the hands of the police.

AN OPPORTUNITY FOR THE CHINESE GOVERNMENT

Amnesty International considers that China's ongoing use of detention without trial contravenes core principles of the Olympic Charter on "respect for universal, fundamental ethical principles" and "the preservation of human dignity". The extension of Re-education Through Labour as a pretext to "clean-up" Beijing in the run-up to the Olympics would seriously tarnish the legacy of the Olympics for China, particularly in view of long-standing efforts by Chinese reformists to substantially reform or abolish the Re-education Through Labour system.

In line with the Chinese government's human rights promises made in the run-up to the Olympics and their declared intentions to ratify the International Covenant on Civil and Political Rights, Amnesty International calls on the Chinese authorities to ensure that all forms of detention in China are in accordance with international human rights law and standards, including measures to uphold the rights to fair trial and to prevent torture. By the end of 2008, these should include:

- abolishing Re-education Through Labour, Enforced Drug Rehabilitation and Custody and Education, ensuring that decisions on detention are no longer exclusively in the hands of the police;
- ensuring that these systems are not used in relation to the hosting of the Beijing Olympics as a method of "cleaning" the city before and during the Games.



THE CHALLENGE FOR CHINA

RESPECT AND PROTECT THE RIGHTS OF HUMAN RIGHTS DEFENDERS

Human rights defenders 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 profession or title.

In March 2004, China amended its Constitution to include the clause: “the State respects and protects human rights”. Amnesty International welcomed this as a sign of increased willingness to address human rights violations, but noted that it must be backed up by further legal and institutional reforms to ensure the protection of human rights in practice.

China’s Ministry of Public Security announced that there were 87,000 protests, demonstrations and other public disturbances in 2005, up from 74,000 in 2004.

Two thousand or more petitioners and activists were reportedly detained prior to and during the annual meeting of China’s Legislative, the National People’s Congress, held between 5 and 16 March 2007 in Beijing.

Certain provisions of the Criminal Law continue to be used as a political tool to suppress dissent. Broadly defined categories of crimes, such as separatism, subversion, disturbing public order, and stealing state secrets, are used to prosecute people engaging in legitimate and peaceful human rights activities.

A “Guiding Opinion on Lawyers Handling Mass Cases”, announced by the All China Lawyers Association in May 2006, tightens controls on lawyers representing groups of victims who file lawsuits. It states that such lawyers should report to the All China Lawyers Association for “supervision and guidance” and warns them not to encourage or participate in mass petitions.

The All China Lawyers Association has pushed for lawyers to have prompt, guaranteed and unfettered access to clients in police detention. Currently, under the Criminal Procedure Law, access to a lawyer during the investigation stage of pre-trial detention is not a guaranteed right of all suspects. Prominent lawyer Mo Shaoping states that only 30 per cent of criminal suspects are currently represented by a lawyer in China.

According to Jiang Yu, Spokesperson for China’s Foreign Ministry, as of June 2007 some 6,000 families have been displaced by preparations for the Olympics Games since 2002. Unofficial estimates of forced evictions are much higher, but note that it is extremely difficult to confirm exactly how many people affected have been subjected to forced evictions, in violation of their right to housing under international human rights standards.

Housing rights activist **Ye Guozhu** continues to serve four years in prison for “picking quarrels and stirring up trouble” after he tried to organize a demonstration against alleged forced evictions in Beijing in connection with preparations for the Olympics. Amnesty International remains seriously concerned for his safety, particularly following reports that he was beaten by guards with electro-shock batons towards the end of 2006.



Ye Guozhu, who was sentenced to four years’ imprisonment in 2004 after campaigning against Olympics-related forced evictions. He was tortured in detention in Beijing. © Boxun



HUMAN RIGHTS OPPORTUNITIES

RESPECT AND PROTECT THE RIGHTS OF HUMAN RIGHTS DEFENDERS

A positive human rights legacy will mean that human rights defenders and activists are free to highlight issues of legitimate concern, including in the media, without fear of penalty or harassment. As a first step, China must cease arbitrary detention, intimidation or harassment of activists and human rights defenders, and release those currently imprisoned. It must review and reform articles of the Criminal Law and the Criminal Procedure Law.

Human rights defenders play an essential role in all countries in drawing attention to violations of fundamental human rights and helping victims of such abuses to gain redress. This role is recognised in the UN Declaration on Human Rights Defenders, which affirms the duty of states to ensure specific protection for the peaceful activities of human rights defenders.

Human rights defenders in China continue to face severe obstacles in their attempts to draw attention to ongoing abuses, some of which are directly related to the 2008 Olympics and the host city, Beijing. Moreover, the authorities have taken no measures to reform or abolish articles of the Criminal Law, such as provisions on “inciting subversion” or “leaking state secrets abroad” which are frequently used to detain and imprison human rights defenders and others in violation of their rights to freedom of expression, association and assembly.

STOP THE ARBITRARY DETENTION, HARASSMENT AND SURVEILLANCE OF HUMAN RIGHTS DEFENDERS

Human rights defenders 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 profession or title.

Human rights defenders in China who attempt to report on human rights violations, challenge policies which are deemed politically sensitive, or try to rally others to their cause, face serious risk of abuse. Several activists based in Beijing have faced growing harassment and surveillance as the Olympics approach. Abuses against human rights defenders in other parts of China also appear to be rising as attention is focused on Beijing ahead of the Olympics.

Many activists continue to be charged and imprisoned as prisoners of conscience after politically motivated trials, while others have been detained as prisoners in their own homes by the police conducting intrusive surveillance and standing guard outside their home. Of particular concern is the growing use of forms of “house arrest” or “residential surveillance” against human rights activists. While China’s Criminal Procedure Law lists “residential surveillance” as one of a number of measure that may be used by the police against criminal suspects, in practice activists are rarely shown any official notice explaining the reasons for their detention, and periods often exceed the maximum limit of six months as prescribed by law.

Such patterns of police control, surveillance and arbitrary detention are increasingly being employed against activists in China and members of their families, particularly during significant public events. It is likely, therefore, that the Chinese authorities will employ similar tactics at the time of the Olympics in 2008. Whether activists are held as detainees in police stations or as prisoners in their own homes, such detention without charge is inherently arbitrary and in violation of international human rights standards.



RIGHTS LAWYERS AT RISK

Blind human rights activist and legal adviser **Chen Guangcheng** had been assisting Linyi villagers in a lawsuit against local authorities who had carried out a campaign of forced sterilizations and abortions in pursuit of birth quotas. After months of arbitrary detention, he was tried on 18 August 2006 for “damaging public property and gathering people to block traffic” and is serving a sentence of four years and three months. According to reports, Chen Guangcheng was severely kicked and beaten by fellow inmates on the orders of prison guards on 16 June 2007 after he refused to have his head shaved. Amnesty International considers Chen Guangcheng a prisoner of conscience, imprisoned for his legitimate activities as a human rights defender, and calls for his immediate and unconditional release.



Chen Guangcheng
interviewing villagers in
Linyi, Shandong Province
© Boxun

FORCED EVICTIONS

“The Olympics is good for China, it shows that we have the ability, the strength, the wealth to hold such an international event. But it should not be used as an excuse to hurt ordinary citizens, to drive people from their homes.”

– unnamed Beijing resident, “Hutong gone – historic homes reduced to rubble to free up prime land,” *The Straits Times* website, 12 August 2006.

“We don’t want Olympics – we want human rights”

– An open letter to local authorities by villagers who said they had not received adequate compensation for their land in Fujin city, Heilongjiang province.

Forced eviction has become an issue nationwide in China, but is also closely linked with preparation for the Olympics. In many areas of Beijing, families are engaged in disputes with the Chinese authorities over land seizures and in adequate levels of compensation for their property. Some residents have been detained for taking part in demonstrations protesting against their treatment at the hands of Chinese officials.

Housing rights activist **Ye Guozhu** continues to serve a four-year prison sentence in connection with his efforts to organize

a demonstration against alleged forced evictions in Beijing in connection with preparations for the Olympics. He has reportedly been beaten with electro-shock batons in prison and “disciplined” for attempting to appeal against his conviction. Amnesty International considers Ye Guozhu to be a prisoner of conscience, detained solely for his legitimate activities as a human rights defender, and urges the Chinese authorities to release him immediately and unconditionally.

Gao Zhisheng, a defence lawyer and rights activist, was convicted of “inciting subversion” in December 2006 in connection with his activism, including his organization of a hunger strike in Beijing in February 2006 to draw attention to the plight of several other activists who had been subjected to human rights violations. The authorities had already suspended the operations of his law firm and revoked his law licence in late 2005 after he published an open letter calling for religious freedom and an end to the “barbaric” persecution of the Falun Gong spiritual movement. Unusually, the court ruled that his three-year prison sentence should be suspended for five years, meaning that he would not be imprisoned unless he committed criminal offences during the five-year period.

AN OPPORTUNITY FOR THE CHINESE GOVERNMENT

Amnesty International considers that China’s ongoing arbitrary detention, intimidation, house arrest and harassment of human rights defenders contravenes core principles of the Olympic Charter on “respect for universal, fundamental ethical principles” and “the preservation of human dignity”. The continued persecution of human rights defenders would seriously tarnish the legacy of the Olympics for China.

In line with human rights promises made in the run-up to the Olympics and declared intentions to ratify the International Covenant on Civil and Political Rights, Amnesty International calls on the Chinese authorities to ensure that human rights defenders are free to carry out their peaceful activities in accordance with the UN Declaration on Human Rights Defenders.

By the end of 2008 this should include:

- ensuring that human rights defenders are not subjected to house arrest; are able to communicate with foreign and national journalists without penalty or harassment; and are able to highlight legitimate issues of concern without penalty or harassment at any time;
- releasing human rights defenders who are currently detained as prisoners of conscience.



THE CHALLENGE FOR CHINA

FACT SHEET

COMPLETE MEDIA FREEDOM FOR JOURNALISTS AND FREEDOM FROM INTERNET CENSORSHIP

The Beijing Organizing Committee for the Olympic Games has reportedly accredited 16,000 broadcast journalists and 5,000 print journalists and photographers as of August 2007. China has pledged full media access for all accredited journalists without distinguishing between Chinese and foreign reporters.

In an International Olympic Committee Evaluation Commission report on 3 April 2001, the Chinese government promised that there would be “no restrictions on media reporting and movement of journalists up to and including the Olympic Games.”

In China’s bid to host the Games, Wang Wei, Secretary General of the Beijing Olympic Bid Committee, quoted in 2001 in the *China Daily*, said, “We will give the media complete freedom to report when they come to China [...] We are confident that the Games coming to China not only promotes our economy but also enhances all social conditions, including education, health and human rights.”

With around 30 journalists and 50 internet users known to be behind bars, media freedom organizations have branded China “the world’s leading jailer of journalists”. According to the US-based Committee to Protect Journalists, at least 29 journalists are in prison as a direct result of their work which typically involves reporting and commentary that is deemed to promote democracy or embarrass Chinese Communist Party leaders.

Domestic censorship remains in full force across the whole country and, according to the Committee to Protect Journalists, all media face bans on covering stories about military ethnic conflicts, unofficial religion, particularly Falun Gong, and the internal workings of the Chinese Communist Party and government.

On 1 January 2007, new temporary regulations for foreign journalists took effect in China. The new regulations make it

clear that “to interview organizations or individuals in China, foreign journalists need only to obtain their prior consent.” These regulations, however, will expire in October 2008 and it is uncertain whether they also apply to the autonomous regions of Tibet and Xinjiang. They do not apply to national journalists.

In 2007, foreign journalists reported several cases of being harassed, threatened, detained and assaulted while attempting to work in areas outside Beijing. National journalists report ongoing harassment and intimidation, and several publications have been ordered to close down following their reports on issues deemed politically sensitive.

In 1994 China joined the global internet, which became commercially available there in 1995. Since 1995 more than 60 rules and regulations have been introduced covering the use of the internet.

According to the China Internet Network Information Center, there were 162 million internet users in China as of 30 June 2007.

The “Golden Shield” or “Great Firewall of China” is a censorship and surveillance project that allows the government to block and filter internet content and monitor internet users. Recent research suggests that the censorship system put in place by the Chinese government often failed to consistently block and filter internet content but that the idea of the firewall led to self censorship by internet users.

Observers estimate a 30,000-strong internet police force which, with the aid of Western-provided technology, is dedicated to monitoring websites and emails.

In March 2002, the Chinese authorities introduced a voluntary pledge, entitled “A Public Pledge on Self-Discipline for the China Internet Industry”, to reinforce existing regulations controlling the use of the internet in China. Over 300 internet business users have reportedly signed the public pledge, including the US-based search engine, Yahoo!.

A popular website, “Century China”, which had hosted eight online forums for intellectual exchange and had attracted many prominent Chinese intellectuals within and outside China, was



closed by the authorities in July 2006. In response, a group of 103 Chinese scholars, writers and lawyers published an open letter in early August 2006 calling for an end to internet censorship in China.

On 24 January 2007, President Hu Jintao reportedly ordered officials to regulate the internet better and “purify the online environment” ensuring that online information is “healthy” and “ethically inspiring”. This has been followed by censoring of certain websites, blogs and online articles.

Search results are filtered, with many websites censored, including those using words like “freedom”, “human rights”, “Tibet” and “Amnesty International”.

Tests have shown that Microsoft prohibits users of MSN spaces in China from using certain terms such as “human rights”, “Falun Gong” or “Tibet independence” in their account name or blog title.

Google announced in January 2006 the launch of www.google.cn, a self-censoring search engine as an alternative to its existing search engine based outside China, www.google.com.

Yahoo! has provided the Chinese authorities with private and confidential information about its users. This included personal data that has led to the conviction of at least two journalists, considered by Amnesty International to be prisoners of conscience.



HUMAN RIGHTS OPPORTUNITIES

COMPLETE MEDIA FREEDOM FOR JOURNALISTS AND FREEDOM FROM INTERNET CENSORSHIP

A positive Olympic legacy will be full media freedom for all journalists, be they foreign or national. As a first step, freedom of speech and the ability to report must be respected without fear of house arrest, imprisonment or harassment.

For internet users, a positive Olympic legacy will be the fulfilment of the promise of true cultural and social exchange by ending unwarranted censorship of the internet. As a first step China must release all those imprisoned for legitimate use of the internet.

“We will give the media complete freedom to report when they come to China... We are confident that the Games coming to China not only promotes our economy but also enhances all social conditions, including education, health and human rights.”

– Wang Wei, Secretary General of the Beijing Olympic Bid Committee, *China Daily*, 2001.

In an International Olympic Committee Evaluation Commission report of 3 April 2001, the Chinese government promised that there would be “no restrictions on media reporting and movement of journalists up to and including the Olympic Games.”

Despite a recent relaxation for foreign journalists, China’s commitment to “complete media freedom” continues to be

compromised by an ongoing crackdown on individual journalists, newspapers and websites.

China has the opportunity to cease the unwarranted censorship of broadcast, print and online media and take urgent measures to prevent the arbitrary detention, harassment and unfair dismissal of reporters and journalists in violation of their rights to freedom of expression.

FULFIL THE PROMISE OF COMPLETE MEDIA FREEDOM

On 1 January 2007, new temporary regulations for foreign journalists took effect in China. Whereas in the past foreign journalists formally had to request permission from local authorities before conducting investigations and interviews outside Beijing, the new regulations make it clear that “to interview organizations or individuals in China, foreign journalists need only to obtain their prior consent.” Amnesty International welcomes the new regulations to the extent that they facilitate foreign media reporting in China. However, uncertainty remains as to whether they also apply to the autonomous regions of Tibet and Xinjiang. They do not apply to national journalists.

Despite promising “complete media freedom” during the Olympics, the government is applying double standards for foreign and national journalists. Chinese audiences are likely to be denied access to foreign news reports on sensitive topics, particularly after regulations were introduced in September 2006 that strengthen official controls over domestic distribution of news from foreign agencies within China.



COMPLETE MEDIA FREEDOM

CASE STUDIES

PART 1

Several months after the new regulations for foreign journalists came into effect, BBC reporter Dan Griffiths travelled to Shengyou, three hours south of Beijing, to investigate reports of unrest. In 2005, Shengyou was the site of a land dispute protest during which six people were killed and many injured. State media reported that the residents had been resisting the takeover of their property by an electricity company which had wanted to build a power plant. Dan Griffiths was detained and questioned for several hours and prevented from entering Shengyou. He was instead taken to neighbouring Dingszhou where he was again questioned by officials. When he asked “Is this how you will treat journalists when China hosts the Olympics?” The official answered, “Oh, everything will be different then.” – “Venturing into unreported China”, Dan Griffiths, 10 September 2007, BBC News

In March 2007, two BBC journalists were detained, strip searched and expelled from Zhushan, Hunan province, after they tried to investigate reports of the death of a student during a large-scale protest about an increase in public transport costs.

On 12 September 2007, two Agence France-Presse reporters were detained for five hours when they attempted to enter Shengyou. The reporters were accused of working in secret and were asked to give the names of their local contacts to officials. – “Arrests and incidents involving foreign journalists show government is not keeping Olympic Games promises” 14 September 2007, Reporters Without Borders.

Despite the promises of “complete media freedom” during the Olympics, the government is applying double standards for foreign and national journalists. Chinese audiences are likely to be denied access to foreign news reports on sensitive topics, particularly after regulations were introduced in September 2006 that strengthen official controls over domestic distribution of news from foreign agencies within China. It appears that while foreign journalists may have more freedom to cover some sensitive issues, their reports run a high risk of being censored from a domestic audience by the state-run news agency, Xinhua.

National journalists and publications face tougher restrictions and:

- Have to obtain permission before reporting on sensitive historical events;
- Are banned from broadcasting news on specific issues, including judicial corruption and campaigns to protect human rights;
- Are subjected to a new penalty points system, where they may be closed down if they lose all of their points over “wrongdoings”. The system is aimed at a “peaceful social environment” ahead of the Olympic Games, according to a state media executive quoted in the *South China Morning Post*.

Domestic journalists are also regulated by a salary system where they are paid a low base salary and are paid a commission or bonus for articles that are published. Only articles that satisfy the censors are published. – “Falling Short: China Falters on Press Freedom”, Committee to Protect Journalists, 2007.



PART 2



Writer and journalist Huang Jinqiu, who was detained in 2003 © Independent Chinese Pen Center



Yang Tongyan (pen-name: Yang Tianshui), a freelance writer. © Independent Chinese Pen Center

Huang Jinqiu, a writer and journalist, continues to serve a 12-year sentence for “subversion” in Pukou Prison near Nanjing city, Jiangsu province, in connection with political essays he posted on the internet, including plans to establish a China Patriotic Democracy Party. **Yang Tongyan**, another freelance writer, was sentenced to 12 years in prison in May 2006 for “subversion” based on his writings in support of political and democratic change in China.

In January 2007 reporter **Lan Chengzhang** was beaten to death after he tried to investigate the operations of an illegal coal mine in Hunyuan county, Shanxi province. He died of a brain haemorrhage after allegedly being beaten by thugs hired by the owner of the mine. Local authorities initially suggested that he was not an accredited reporter and may have been trying to seek payoffs from the mine owner in return for not reporting problems at the mine. These claims were disputed in some Chinese newspapers, but local police reportedly obstructed the activities of journalists who went to Hunyuan to investigate Lan Chengzhang’s death. Following the intervention of central officials, including President Hu Jintao, the Shanxi authorities reportedly assigned 70 police officers to investigate the case.

CLOSURES AND CRACKDOWNS

At around the same time that local authorities in Shanxi province launched a criminal investigation, a Beijing-based newspaper which covered the Lan Chengzhang case, *Democracy and Legal Times* was reportedly forced to dismiss eight of its staff simultaneously. A Chinese journalist reported that officials had ordered websites not to post any *Democracy and Legal Times* reports in a prominent position. The reasons for the crackdown on the newspaper, a well-established and influential legal weekly, are unclear, but other journalists fear it is connected with its reporting on sensitive issues, possibly including the Lan Chengzhang case and its recent coverage of alleged court corruption in Shenyang, Liaoning province.

The media faced further harassment with the closure of several publications. On 4 July 2007, Beijing officials closed down publication of the *China Development Brief*. Read widely by Chinese civil society groups and international aid donors, it had been established in 1995 as an independent publication reporting on topics related to development and civil society in China. Its editor and founder, Nick Young, a UK citizen, stated that he had been accused of conducting “unauthorized surveys” in contravention of the 1983 Statistics Law.

In the same month, the authorities reportedly took measures to restrict distribution of another civil society publication, *Minjian*, a Chinese-language quarterly published by Zhongshan University in Guangzhou city, Guangdong province.

On 17 July 2007, the official newspaper *China Daily* printed a report warning that the number of overseas organizations and individuals conducting “illegal surveys” in China is increasing, “threatening to reveal State secrets and jeopardizing national security”. The report focused on the potential war-time use of geographical data on China by other countries and did not make a specific reference to measures taken against the *China Development Brief*, *Minjian* or similar publications.



FREEDOM FROM INTERNET CENSORSHIP

In February 2006, a group of veteran Chinese Communist Party cadres sent a joint statement to President Hu Jintao and Premier Wen Jiabao to denounce the tight control of information in reaction to the closure by the authorities of the publication, *Bing Dian* (Freezing Point), and the dismissal, arrest, and imprisonment of journalists, editors and internet users.

Since the introduction of the internet in China in 1994, the Chinese government has sought to control its content and to censor information it deems sensitive. With over 162 million internet users, China operates the most extensive, technologically sophisticated and far-reaching system of internet filtering in the world. The “Golden Shield” or “Great Firewall of China” is a censorship and surveillance project that allows the government to block and filter internet content.

There are thousands of internet police monitoring cyberspace in China and words and phrases that have been targeted for online censorship include “human rights”, “democracy” and “freedom”. Many websites run by non-governmental organizations and political groups overseas remain banned in China. Amnesty International has documented around 50 Chinese internet users it believes are presently imprisoned for such acts as signing petitions, calling for an end to corruption, disseminating health information and planning to establish pro-democracy groups.

One of these is **Shi Tao**, a journalist who continues to serve a 10-year sentence for sending an email summarizing a Chinese Central Propaganda Department communiqué on how journalists should handle the 15th anniversary of the 1989 Tiananmen Square crackdown. Amnesty International considers him to be a prisoner of conscience and is calling for his immediate and unconditional release. The organization is also deeply concerned about the role of Yahoo! in helping the authorities to secure Shi Tao’s conviction, and more generally about the involvement of global internet companies in government censorship in China.



Shi Tao, a Chinese journalist, who is serving a 10-year prison sentence in China for sending an email about a communiqué by the Chinese Communist Party. He sent the email to the USA using his Yahoo account. The Chinese authorities accused him of “illegally providing state secrets to foreign entities”. © Independent Chinese Pen Center

In March 2007, the State Administration of Radio, Film and Television reportedly ordered the closure of www.ccztv.com, a website providing news broadcasts over the internet. The move reportedly followed a crackdown on eight web TV companies in December 2006 in an attempt to stop unauthorized news broadcasts.

In the same month, the director of General Administration of Press and Publication, Long Xinmin, announced that new rules were being developed to further regulate internet publishing. Singling out bloggers and webcasting as a key challenge, he said: “We must recognize that in an era when the internet is developing at a breakneck pace, government oversight and control measures and means are facing new tests.”

One target has apparently been Beijing lawyer, Pu Zhiqiang, who recently discovered that three of his blogs were removed from the popular Chinese internet gateway, sohu.com. The only explanation he received was a message from the administrator that it was “ordered by the authorities from above.” He had used his blogs to discuss legal topics and issues related to freedom of speech and expression.

On 6 March 2007, the authorities announced a ban on any more internet cafés opening during the year. This was reinforced later in the month when Xinhua reported that the authorities would crack down on any attempts to sell new licences for internet cafés. Tuo Zuhai, an official from the Ministry of Culture, explained that the almost 120,000 internet cafés in China already met the demand of the market and that a further increase would lead to “negative competition”.





Celebrations in Beijing following the announcement that China is to host the 2008 Olympics © Greg Baker/AP/PA Photos

AN OPPORTUNITY FOR THE CHINESE GOVERNMENT

Amnesty International considers that China's ongoing restrictions and harassment of media and censorship of the internet contravenes core principles of the Olympic Charter on "respect for universal, fundamental ethical principles" and "the preservation of human dignity". The continuation of these restrictions, harassment and censorship would seriously tarnish the legacy of the Olympics for China, particularly in view of recent efforts by the Chinese authorities to introduce reforms for foreign journalists.

In line with human rights promises made in the run-up to the Olympics and declared intentions to ratify the International Covenant on Civil and Political Rights, Amnesty International calls on the Chinese authorities to ensure that there is an end to unwarranted internet censorship and that urgent measures are

taken to prevent the arbitrary detention, harassment or unfair dismissal of reporters and journalists in violation of their rights to freedom of expression.

By the end of 2008, these should include:

- Ensuring that no one is arrested and/or tried for the legitimate use of the internet, including human rights defenders and journalists;
- Ensuring the immediate and unconditional release of those detained or imprisoned for using the internet, including the activists, journalists and internet users Shi Tao, Yang Tongyan and Huang Jinqi;
- Ensuring the greater reporting freedom given to foreign journalists is extended equally to the domestic media.



USEFUL ORGANIZATIONS

The **Olympic Charter**, which includes the Fundamental Principles of Olympism, is found at multimedia.olympic.org/pdf/en_report_122.pdf for the English-language version, and at multimedia.olympic.org/pdf/fr_report_122.pdf for the French-language version.

Universal Declaration of Human Rights:
un.org/Overview/rights.html

AMNESTY INTERNATIONAL

amnesty.org

The Olympics countdown – one year left to fulfil human rights promises (AI Index: ASA 17/024/2007) 6 August 2007
web.amnesty.org/library/Index/ENGASA170242007?open&of=ENG-2AS

The Olympics countdown – repression of activists overshadows death penalty and media reforms (AI Index: ASA 17/015/2007) 30 April 2007
web.amnesty.org/library/Index/ENGASA170152007?open&of=ENG-2AS

The Olympics countdown – failing to keep human rights promises (AI Index: ASA 17/046/2006) 21 September 2006
web.amnesty.org/library/Index/ENGASA170462006

The Olympics countdown – three years of human rights reform? (AI Index: ASA 17/021/2005) 5 August 2005
web.amnesty.org/library/index/ENGASA170212005

Amnesty International's campaign against internet censorship: irrepressible.info

OLYMPIC MOVEMENT

International Olympic Committee: olympic.org

Official website of the Beijing 2008 Olympic Games: en.beijing2008.cn

Official website of the Olympic Movement:
olympic.org/uk/index_uk.asp

ORGANIZATIONS WORKING FOR FREEDOM OF EXPRESSION AND INFORMATION

Article 19: article19.org

Committee to Protect Journalists:
cpj.org

Independent Chinese PEN Center:
penchinese.net/en/enindex.htm

International PEN: internationalpen.org

International Federation of Journalists: ifj.org

Index on Censorship: indexonline.org

OpenNet Initiative: opennet.net

Reporters Without Borders: rsf.org

The China media project: (Hong Kong University)
cmp.hku.hk

ORGANIZATIONS WORKING ON HUMAN RIGHTS IN CHINA

China Development Brief:
chinadevelopmentbrief.com

China Labour Bulletin (Hong Kong-based NGO):
clb.org.hk

Chinese Human Rights Defenders: crd-net.org

CSR Asia (Information and advice on corporate social responsibility): csr-asia.com

Human Rights in China: hrchina.org

Human Rights in China Incorporating Responsibility Campaign Beijing 2008: ir2008.org

Human Rights Watch in China: china.hrw.org/press

International Campaign for Tibet: savetibet.org

Labour Action China (Hong Kong-based NGO):
lac.org.hk

Olympic Watch: olympicwatch.org

Play Fair 2008: playfair2008.org

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