

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE

pour la Protection des Défenseurs des Droits de
l'Homme

EL OBSERVATORIO

para la Protección de los Defensores
de Derechos Humanos

COMPILATION OF URGENT ACTIONS ISSUED BY THE OBSERVATORY CONCERNING HUMAN RIGHTS DEFENDERS ARBITRARILY DETAINED OR UNDER HOUSE ARREST

CHINA - Arbitrary detention / Torture and ill-treatment July 5, 2007 - CHN 004 / 0406 / OBS 044.4

On May 15, 2007, Ms. **Mao Hengfeng**, an activist who has been active in opposing the Chinese family planning policy as well as forced evictions in Shanghai, was transferred from the police detention centre to prison, in particularly degrading circumstances, as she was only given one very thin and loose shirt to wear, which could hardly cover her body. When she protested, police beat her up and upon arrival at the prison, she was immediately put in solitary confinement. Ms. Mao subsequently started a hunger strike to protest against her situation. On three occasions, prison guards forced her to eat, tying her hands and opening her mouth by force, and inserting a tube into her throat. Prison guards also assigned several inmates to watch and insult her. Moreover, Ms. Mao suffers from high blood pressure and arthritis with painful joints, and her detention conditions are extremely harsh: with no chairs or bed provided to her, she has to sit or lie on the cold and wet floor.

On June 28, 2007, her husband visited her, and requested that the prison authorities allow her lawyer to visit her and help her prepare for an appeal against her sentence, as well as to improve her conditions of detention.

On April 16, 2007, the Shanghai Municipal No. 2 Intermediate People's Court had upheld on appeal the sentencing of Ms. Mao Hengfeng to two and a half years' imprisonment for "intentional damage of property", after she had broken a lamp in the room where she had been arbitrarily placed under "soft detention" from May 23 to June 30, 2006.

CHINA - Sentencing / Arbitrary detention / Ill-treatments August 20, 2007 - CHN 002 / 0807 / OBS 094

On August 10, 2007, the Yixing City Court sentenced Mr. **Wu Lihong**, an environmentalist and a farmer from Zhoutie Township, Yixing city, Jiangsu province, to three years' imprisonment and a 500 RMB (about 48 euros) fine for "money extortion", following a 7-hour long trial. Mr. Wu said he would appeal this sentence.

Mr. Wu had been arrested on April 13, 2007 on suspicion of "extortion" by the Yixing City police. He had then been placed in a detention centre in Yixing. During a visit, Mr Wu's lawyer, Ms. Zhu Xiaoyan, had noticed that he had been injured. Mr. Wu confirmed that he had been subjected to acts of violence. The lawyer requested a physical examination by a doctor, but it is unclear whether the medical examination ever took place.

Since 1991, Mr. Wu has regularly reported cases of industrial waste dumping into Tai Hu (Tai Lake) to government authorities, which was considered as offending local officials and polluting industries.

CHINA - Enforced disappearance / Harassment August 29, 2007 - CHN 004 / 0807 / OBS 102

On August 21, 2007, a large number of Lithang County Public Security Bureau (PSB) officials and members of the People's Armed Police (PAP) stormed into the Yonru Kharshul Village (Ponkar Township, Lithang County, Kardze "Tibetan Autonomous Prefecture" (TAP) Sichuan Province), and arrested Mr. **Adruk Lopoe**, a 45-year old monk and human rights activist along with Messrs. Adruk Gyatso and Adruk Nyima, two of his brothers, after they had called for the release of their uncle, Mr. Ronggye A'drak¹.

Whereas Messrs. Adruk Gyatso and Adruk Nyima were released six hours after their detention, Mr. Adruk Lopoe was transferred to an unknown location shortly after his arrest. It is therefore to be feared that Mr. Adruk Lopoe would be currently detained as a mean to sanction his human rights activities. Indeed, Mr. Adruk Lopoe is a very strong proponent of the need of education for the youth and a leading advocate against deforestation, lumbering and wildlife hunting in Kardze.

CHINA - Enforced disappearance / Harassment September 27, 2007 - CHN 009 / 1106 / OBS 136.2

On September 22, 2007, Mr. **Gao Zhisheng**, a human rights lawyer and the director of the Beijing-based Shengzhi Law Office, which has taken on high-profile human rights cases, was reportedly driven away from his home by ten

¹ Mr. Ronggye A'drak was arrested on August 1, 2007, and detained at the Lithang PSB Detention Centre after speaking about the importance of the Dalai Lama's return to Tibet to a large Tibetan crowd gathered for the horse-race festival earlier in August.

plainclothes State Security Protection officers. Since then, his whereabouts have remained unknown, as all attempts undertaken by his family to contact him or to know more about the place of his detention have failed.

On September 13, 2007, Mr. Gao had written an open letter calling upon US Congressmen to express their concern about China's human rights' situation in the lead-up to the 2008 Olympic Games. On September 16, 2007, a group of police from the Security Unit of the Beijing Public Security Bureau (PSB) searched his flat and declared that a "supervision and modification" committee was to be formed in order to closely monitor his activities by requiring that some officials live in the flat with him and his family for an undefined period.

As a criminal defence lawyer, Mr. Gao Zhisheng has been involved in sensitive cases relative to human rights violations, such as torture of members of the Falun Gong and Christian house church leaders, as well as cases of arbitrary detention of petitioners seeking official accountability for acts of corruption and negligence. Arrested without a warrant in August 2006, Mr. Gao had been convicted on December 22, 2006 of "inciting the subversion of State power" and sentenced to three year's imprisonment, commuted into five years parole and to the privation of his political rights during one year. Following this sentencing, Mr. Gao had been released and placed under house arrest.

**CHINA - Sentencing / Arbitrary detention / Ill-treatment
November 14, 2007 - CHN 001 / 0206 / OBS 018.3**

According to the information received, on November 14, 2007, Mr. **Yang Maodong**, *alias Guo Feixiong*, legal adviser with the Beijing-based Shengzhi law firm, was sentenced to five years' imprisonment and a fine of 40,000 *yuan* by the Tianhe District Court of Guangzhou City for "illegal business activity", in connection with the publication of *Shenyang Political Earthquake*, which exposed government corruption in Shenyang City, Liaoning Province, Liaoning Province, following a trial marked with serious procedural irregularities. In particular, Mr. Guo's lawyers were not present at the sentencing hearing. Mr. Guo is currently detained at Guangzhou City No. 3 Detention Centre.

The Observatory recalls that Mr. Guo has been arbitrarily detained since September 14, 2006 (See background information) and expresses its deep concern about his sentencing, which seems to aim at sanctioning his human rights activities. Indeed, the Observatory believes that Mr. Guo's detention and sentencing is related to the legal assistance he had provided since July 2005 to the peasants of the village of Taishu (Guangdong), who have been trying to obtain a court ruling to dismiss the head of the village committee, suspected of corruption.

**CHINA - Arbitrary detention / Fear for physical integrity
December 12, 2007 - CHN 012 / 1207 / OBS 164**

Mr. **Zhang Jianhong**, *alias Li Hong*, founder and editor-in-chief of the website *The Aegean Sea (Aiqinhai)*, which was closed down in March 2006, and a member of the independent writers' association PEN, arbitrarily detained since September 2006, was diagnosed in late May 2007 with a form of muscular dystrophy that could lead to paralysis and even death. However, he was denied any medical treatment until October 20, 2007. In addition, despite his family's repeated calls for his release for medical treatment, the authorities have denied his application for release. Likewise, Mr. Zhang has written to the Zhejiang Province Prison Management Bureau, as well as to the Zhejiang Qiaosi Prison and the Zhejiang Prison General Hospital to request release for medical treatment but has received no reply.

**CHINA – Sentencing / Arbitrary detention
February 5, 2008 - CHN 003 / 0807 / OBS 099.1**

On February 5, 2008, the Hangzhou City Intermediate People's Court sentenced Mr. **Lü Gengsong**, a free-lance writer and human rights defender of Hangzhou, to four years in prison and one year of deprivation of his political rights for "inciting subversion of state power", during a court session that lasted 15 minutes.

On August 24, 2007, police officers from the Hangzhou's Xihu District Cuiyuan Dispatch Station called Mr. Lü Gengsong, "for a talk" but he never came home. Subsequently, several state security police carried out a search of Mr. Lü's home and took away his computer hard drive, along with his daughter's one. Mr. Lü's wife was also taken to the detention centre for related paperwork.

Mr. Lü Gengsong would have been arrested on charges of "incitement to subvert state power" and "illegally possessing state secrets". He is reportedly being held in Hangzhou's Xihu Public Security Bureau Detention Centre.

Furthermore, police reportedly prevented Mr. Lü's wife from going to Beijing to petition on his husband's behalf, and threatened that if she proceeded, she would be dismissed from her job, and her daughter's schooling would also be affected.

In the past, Mr. Lü has been reporting on the sentencing of Hangzhou eviction protester Mr. Yang Yunbiao. He also wrote a number of articles on corruption, organised crime and related topics.

**CHINA - Arbitrary arrest / Ill-treatments / Ongoing harassment
February 21, 2008 - CHN 001 / 0803 / OBS 041.12**

on February 16 and 17, 2008, Mr. **Zheng Enchong**, a Shanghai human rights lawyer, was reportedly beaten by police officers who were following him and his wife Ms. Jiang Meili. Later on February 17, 2008, he was summoned to the police station and was kept in detention for over 12 hours. The police asked him about the recent legal aid he provided to petitioners and victims of land grabs, as well as the interviews he gave to the Epoch Times on February 12, 2008, in which he talked about the corruption case of Shanghai tycoon Zhou Zhengyi and the possible involvement of former Chinese Communist Party leader Huang Ju. While in detention, he was beaten by unidentified men.

On February 19, 2008, the interview to the Epoch Times went to press and on February 20, 2008, Mr. Zheng was again arrested, before being released in the evening. He was once more beaten by an unidentified person while in detention.

As a consequence, he was wounded and bleeding. He would allegedly plan to sue the authorities.

The Observatory recalls that Mr. Zheng Enchong was released on June 5, 2006 after serving a three-year prison term for “illegally providing state secrets overseas”. Since his release, Mr. Zheng and his family have been under effective house arrest and constant surveillance by police.

CHINA - Sentencing / Arbitrary detention / Ill-treatment
February 22, 2008 - CHN 007 / 1007 / OBS 129..3

On February 19, 2008, Heilongjiang Re-education through Labour (RTL) Management Committee rejected the application of Mrs. **Liu Jie**, an activist for the rights to complain and to seek justice, demanding an administrative review of the decision to send her to the RTL camp. Ms. Liu has decided to appeal this decision.

On November 12, 2007, the husband of Mrs. Liu Jie had been informed by the Beian Nongken Detention Centre that his wife was sentenced to 18 months of Re-Education Through Labour (RTL) by the Public Security Bureau (PSB) of the Beian City Military Farm Bureau (*Nongken*) in Heilongjiang Province. RTL is an administrative detention measure according to which, without any proper legal procedures or court proceedings, the PSB can send individuals to detention facilities for a maximum of four years. Detainees sent to RTL are deprived of their rights to legal counsel and appeal.

On October 13, 2007, Mrs. Liu Jie was officially detained for suspicion of “instigating trouble” and “gathering crowds to disturb social order”, on the basis of Article 61 of the Criminal Procedure Law, which pertains to the initial detention of “major suspects” or “active offenders”. Her family obtained her formal detention order from the PSB of the Beian City Military Farm Bureau (*Nongken*). Mrs. Liu was the lead organiser of a public letter signed by 12,150 petitioners calling on the Chinese Communist Party leaders to implement political and legal reforms on the eve of the 17th Party Congress.

CHINA – Arbitrary detention / Judicial proceedings
March 19, 2008 - CHN 009 / 1107 / OBS 141.4

On March 18, 2008, Mr. **Hu Jia**, a Beijing-based HIV/AIDS activist, co-founder and former director of the Beijing Aizhixing Institute for Health Education, a grassroots organisation that aims at educating the public about HIV/AIDS and at advocating for the rights of persons suffering from AIDS, underwent an unfair trial before the Beijing Municipal N°1 Intermediate People’s Court. The verdict is to be issued at a later date.

On January 28, 2008, Mr. Hu had been notified his arrest warrant and subsequently charged with “inciting subversion of state power” by the Beijing Municipal Public Security Bureau (PSB). He has been arbitrarily detained since December 27, 2007 and is currently detained at the Beijing Municipal Detention Centre at Dougezhuang.

Since his arrest, the Beijing PSB has denied repeated requests by Mr. Hu’s lawyers to visit him, citing that the case was involving “state secrets”. Furthermore, more than 20 police officers are permanently stationed around the residence of Mr. Hu’s wife and daughter, they have been prevented from receiving visitors, and the phone line and internet connection have been cut off.

CHINA – Sentencing / Arbitrary detention / Ill-treatments
March 25, 2008 - CHN 001 / 0208 / OBS 024.1

On March 24, 2008, Mr. **Yang Chunlin**, a young farmers’ representative in Heilongjiang detained since July 6, 2007 for having collected signatures in the framework of the “We Want Human Rights, not the Olympics” campaign, was sentenced by the Jiamusi City Intermediate People’s Court, Heilongjiang Province, to five years’ imprisonment and two years’ deprivation of political rights for “inciting subversion of state power”. Mr. Yang’s conviction was related to his collecting of more than 10,000 signatures endorsing the open letter “We Want Human Rights, not the Olympics”. Mr. Yang was sentenced on the same day the Olympic flame was lit in Olympia, Greece.

At the end of the 20-minute hearing, the court police hit Mr. Yang several times with electric batons when he attempted to speak with his relatives who were present. Mr. Yang insisted that he was innocent and refused to recognise the legitimacy of the court, adding that he would not appeal the sentence.