

Progress with the “8 Requirements for Beijing”

Requirement 1 – free the Tiananmen prisoners and all prisoners of conscience

During the last few months, the government’s repression policy has systematically been applied to citizens who criticised the government or advocated for the freedom and rights of the Chinese people. There have been numerous cases of arbitrary detentions, house arrest, police surveillance, sentencing, disappearances and testimonies of torture.

In March, demonstrations in Tibet were violently repressed. Foreigners and journalists have not been allowed to enter the region for over three months. Thousands of Tibetans have been imprisoned during that time. At least 1000 monks are still being detained for expressing support for the Dalai Lama.

In April, human rights activists Yang Chunlin and Hu Jia were sentenced, respectively, to five years and over three years in prison for denunciation of human rights abuses that can be traced to the preparations of the Olympic Games.



In June, activists, lawyers, and families of the 1989 victims, including, “Tiananmen Mothers” were not allowed to commemorate the 19th anniversary of the Tiananmen massacre. They were harassed, taken back to their homes and put under tight surveillance. Some have even been detained.

However, examples also include some good news: on 1 April, the sentence of Hu Shigen, who was sentenced to 20 years in prison for trying to organise a ceremony to commemorate the 1989 massacre, was reduced. Now, after 16 years in prison, he is to be released from Beijing prison No. 2, on 26 August, two days after the end of the Olympic Games.

Requirement 2 – end control of the media, including the Internet

Two weeks before the Olympic Games China still does not guarantee freedom of the press, despite efforts made by certain media to push the limits imposed by the Department of Propaganda. The Chinese media still have to work under the heavy hand of State censorship. As recent events in Tibet have shown, on sensitive subjects, the government has a monopoly on information.

The Tibet crisis and the international demonstrations when the Olympic torch was travelling aroused the demons of Chinese nationalism. With government blessing, Internet surfers, certain journalists and Chinese citizens went to war against the “Tibetan separatists” and their supporters, especially the international media. Journalists working for liberal newspapers, in particular *Nanfang Dushi Bao*, were harassed for their editorials, judged too unassertive.

At least 50 cyber-dissidents and Internet surfers are locked up for having exercised the right to freedom of speech on the Web. In June, Huang Qi, founder of an Internet site dedicated to human rights was arrested, together with three other people, for their articles on the situation in the south-western province of Sichuan. The Chinese authorities have closed the web sites on Tibet, especially the most popular forum among Tibetan students: (<http://www.tibet123.com>).

At the request of the International Olympics Committee and certain European governments, some Internet sites, especially English-language versions of Wikipedia, YouTube and Blogspot were unlocked on 1 April. But the Chinese versions of these and a vast majority of the foreign-based information sites in Chinese are still not accessible.

Requirement 3 – abolition of the death penalty

regarding the death penalty, China has shown some good will and taken big steps in the right direction but the results, unfortunately, are still inadequate.

In principle, since 1 January 2007, no person can be executed without the approval of the Supreme People's Court. According to the Chinese authorities the number of executions has been reduced by close to 25% since this law entered into force. Figures must not be taken point blank since the Chinese authorities have classified the death penalty as a "State secret", thus avoiding any at all verification. There are three elements that generate doubt about the effectiveness of this law: the Supreme Court only has one month to send its decision to the provincial courts but only has two offices with meager resources, while there are thousands of people on death row.



Des
condamnés à mort lors d'un procès public à Zhuzhou
(Chine, décembre 2006).

A new law that entered into force on 1 May 2007 forbids trade in organs and recalls the principle of the person's voluntary consent before the extraction of his or her organs. Even though this law does not specifically mention people on death row, it does represent considerable progress. But there are no monitoring tools to check the prisoner's free consent prior to his/her execution. Special monitoring is required because of the high financial profits obtained from the sale of organs extracted from people condemned to death. A liver transplant costs 160,000€ for rich (often Western) patients and a kidney transplant costs 64,000€.

In October 2007, the Chinese Medical Association (gathering 430,000 members) opposed the extraction of organs from executed prisoners and stipulated that organs, if extracted, should be reserved, first and foremost, for the family of the deceased. This was a courageous position to take, scouting that Chinese society is changing and questioning present practices. This is a positive sign.

Requirement 4 – abolition of the practice of administrative detention

The eight requirements of the *Collective OG 2008* include abolition of administrative detention. In Chinese *laojiao*, or "re-education through labour" is the penalty for minor offences not serious enough to be taken to court. Human rights organisations have been calling for the abolition of this arbitrary method for over ten years. When Mrs. Mary Robinson was the U.N. High Commissioner for Human Rights, she made this one of her main subjects of protest during her visits to China at the end of the 1990s.

However, the system still exists. China Rights Defenders repeated this demand on 1 July 2008 by writing to the Standing Committee of the National People's Assembly, stipulating that *laojiao* was against the Chinese Constitution and was used especially to persecute human rights defenders, petitioners and members of various religions. The public security authorities of the city of Canton, moreover, have published a new directive regarding individuals accused of mock suicide. Such individuals even risk a few years of *laojiao* in case of a second offense.

Requirement no 5 – end the routine use of torture

During the last few months, we have received reports and testimonies on torture inflicted during detention. In Tibet, families have reported inhuman treatment inflicted on their relatives who were arrested as a result of the March 2008 uprisings. One of the victims was Mao Hengfend, an activist who was tortured for several weeks last June, and Yang Chunlin who wrote the petition "we want human rights not Olympics" and was badly beaten in prison. In November 2006, Wang Zhenchuan, one of the seven Deputy Procurators at the People's Supreme Procuratorate admitted that "almost all wrongful convictions handed down in recent years

resulted from the use of illegal interrogation methods”. The United Nations Special Rapporteur also felt that torture was a common practice in China. Several factors contribute to the continued use of torture, in particular the rules on evidence which encourage investigators to seek confessions under torture, excessively long police custody, the absence of a legal culture based on the presumption of innocence, limited access to a defence lawyer and obligations to complete the investigations as promptly as possible.

Requirement 6 – freedom of association and collective bargaining rights for trade unions

The existence of a new, more protective law (2008) that makes labour contracts mandatory has done little to put an end to the denial of the most elementary rights because the law will not be effective without the appropriate negotiating mechanisms and genuine trade union actions. Out of fear of losing power, the Communist Party refuses to support the independence of the trade unions.

Requirement 7 – repeal of Article 306 of the Penal Code exposing lawyers to repression

Article 306 of the 1997 Penal Code places lawyers under serious threat of being accused of false testimony. They can be imprisoned when the local authorities decide so. Over 500 lawyers apparently are currently in prison on the pretext of false testimony in favour of the defence.

Not only are the high profile lawyers, who are in prison on some pretext or other, still being held, but the news we receive about them is more and more alarming. Further, the wife of the blind lawyer Chen Guangcheng is still under house arrest. The lawyer Jiao Guobiao is still being brutally treated in prison and his two children have not been able to enroll in primary school, according to a statement by Guobiao’s wife on 1 July 2008.



Teng Biao

Teng Biao, one of the lawyers who offered to defend the Tibetans who were arrested after the demonstrations in March, had his licence withdrawn on 31 May. This measure, just like Article 306, discourages the handful of lawyers who accept to defend the “sensitive” cases. Present-day practices, thus, still seem to provide little guarantee for the independence of judges and lawyers.

Requirement 8 – end forced evictions in China

Unfortunately, the number of evictions has risen during the last year. Close to 1.5 million people have been displaced during the preparations for the Games.

Property demolition and evictions took place hastily without prior consultation with the resident populations, without any possible recourse to the law and without adequate compensation to obtain equivalent housing. Families were forced to move far away if they wanted affordable housing, places that often were far from their place of work, their relatives, satisfactory schools and health care centres.

The Yu family was forcibly removed from their home in the centre of Beijing city. There is no trace of their home left. This family refused to move because the compensation offered was too small to cover any accommodation of the same standing. A statement on a government-managed site recognised they the family had to be forcibly removed because “they made unreasonable requests and refused to move”.

According to the information received, security forces continue to use harassment, repression, imprisonment and even violence against the inhabitants and the housing rights defenders to remove the last families that resist eviction.

Some cities have even applied “re-education through labour” for homeless street vendors.

Members of *Collectif Chine JO 2008*

Action des chrétiens pour l’abolition de la torture (ACAT-France),

Agir pour les droits de l’Homme (ADH),

Amnesty International (AI-France),

Comité de soutien au peuple tibétain (CSPT),
Ensemble contre la peine de mort (ECPM),
International Federation for Human Rights (FIDH),
Ligue des droits de l'Homme (LDH),
Reporters Without Borders (RSF),
Solidarité Chine.

More information is available at: <http://pekin2008.rsfblog.org>