

CHINESE URGENT ACTION WORKING GROUP

人权卫士紧急救援协会

OLYMPIAN REPRISALS:

THE CHINESE GOVERNMENT'S RESPONSE
TO DOMESTIC CRITICISM OF THE 2008
OLYMPIC GAMES

ABOUT THE CHINESE URGENT ACTION WORKING GROUP

The Chinese Urgent Action Working Group (人权卫士紧急救援协会) undertakes direct interventions on behalf of Human Rights defenders in distress through investigations, public advocacy, communication with international institutions and organizations, and through providing legal aid. The group is located inside mainland China, and was formed as a response to increased persecution of Human Rights defenders during 2008 and 2009. The organization also regularly releases reports and background briefs on issues concerning Human Rights, and especially Human Rights defenders, in China.

关于人权卫士紧急救援协会

人权卫士紧急救援会从事的是代表置身于危难中的人权卫士而进行的研究调查，公共宣传，与国际机构和组织交流，提供法律援助等的直接干预。该组织位于中国大陆，其成立的初衷是对2008年北京奥运会的举办而造成的对人权维护者更多迫害的一个回应。该组织还定期就中国人权问题的调查报告和背景要。

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OLYMPIAN REPRISALS:

The Chinese Government's response to domestic criticism of the 2008 Olympic Games

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INTRODUCTION

2007 and 2008 saw a number of campaigns of varying form mount in China. The campaigns, whether it was the underground *Human Rights Torch* relay, or the “*We want Human Rights, not Olympics*”, addressed the need for improvement of Human Rights protection in China before hosting the Olympic Games. This brief report shows the response of the Chinese government against the participants of these campaigns, who through peaceful, fully legal and constitutionally protected means addressed to the government what it saw as its representatives focusing more on impressing the world through hosting the Olympic Games than on developing effective mechanisms for protecting the Chinese people's fundamental Human Rights. The governments response to such criticism, which is be presented below, was torture, imprisonments, and sending citizens to labor camps.

For this purpose stated above, this brief report presents information on the persecution of two groups, The Human Rights Torch campaign in Guangdong province, and the “*We want Human Rights, Not Olympics*” campaign in Heilongjiang province.

The Human Rights Torch relay, which went from Athens, Greece, to Hong Kong SAR, China, traveled around six continents and 150 cities over the 10 months preceding the 2008 Beijing Games, but had little known counterpart within China. Its purpose was to spread the message that what China needed was not to host the Olympic Games, but to improve its protection of Human Rights. Many felt that, while entitled to celebrate the great honor and pride in playing host to the Games, the government should not do so in the absence of adequate Human Rights provisions. The Human Rights Torch within China, which had none of the official speeches and marches, instead consisted of an underground movement of people, some organized, some not, spreading the word of the Human Rights Torch.

2008 saw several campaigns around China with the same message. The “*We want Human Rights, not the Olympic Games*” in Shanghai, comprised of 800 people, many who had had their homes demolished, signed an online petition; in Heilongjiang province in the northeast, a few activists and lawyers collected over 12,500 signatures from workers and farmers with essentially the same message. Activists, as well as underground political parties, in different parts of China, went out to

support these campaigns, stating the need for change in China's current system of handling and protecting Human Rights.

Many of the people involved in these campaigns suffered harsh persecution, and with the exception of the activists in Heilongjiang province, this persecution has largely gone unnoticed by the international community. This report will present some cases of persecution against participants of the Human Rights Torch and the "We want Human Rights, not Olympics" campaigns.



CAMPAIGNS

The Human Rights Torch relay and the "We Want Human Rights, not Olympics" campaigns both aimed at raising awareness of the lack of Human Rights protection in China, and both undertook this through forms of public advocacy, while the tactic for the two campaigns were largely different. One campaign undertook public advocacy through collection of signatures and open information dissemination, while the other worked largely underground to spread its message through posters, banners and word of mouth.

HUMAN RIGHT TORCH RELAY

The Human Rights Torch relay was an extension of an International campaign launched by a *Falun Dafa* related group, although participants were far from limited to Falun Dafa adherents. The Chinese leg of the relay, like the International one, encompassed Falun Dafa adherents, Human Rights defenders and others. The relay itself was a public advocacy drive, to represent the need for Human Rights protection in China and as a way to put pressure on the government to meet this need.

The campaign went through many of China's largest cities, and the relay coming through a city was not marked by public speeches nor marches, but quiet, underground actions often carried out during nighttime. Participants would put up posters, hand out fliers, tie yellow ribbons around posts and

street signs, and put up the torch logo to mark that the Human Rights Torch had passed through the city or town.

The Torch participants were not always organized and no central command had full control of how the Torch spread. The Human Rights Torch was thus an underground movement. The cases of persecution presented below, are all related to the relay in Guangdong province, a campaign initiated without any consultation with, or organization from, any central command. The Guangdong campaign was a spontaneous movement, consisting mainly of Guangdong based activists and Falun Dafa adherents working together.



“WE WANT HUMAN RIGHTS, NOT OLYMPICS”

The “We want Human Rights, not Olympics” slogan has been used by several different groups. In Heilongjiang province in China's northeast, it was initiated and carried out by a small group of legal activists. The campaigners collected signatures around Heilongjiang province, especially among groups such as laborers at the Didao mine in Jixi city who have lost their pensions and farmers in Fujin city whose land has been taken from them without due compensation. The campaign started small, among a handful of activists, but quickly gained new activists campaigners, and at the end had collected over 12,500 signatures from Heilongjiang province. The petition has since been submitted to the United Nations and the International Olympic Committee amongst others, in an attempt to put pressure on China to take steps to increase respect and protection of Human Rights.

PERSECUTION

The organizers of the Heilongjiang based “We want Human Rights, not Olympics” have suffered relatively harsher persecution than that of the Human Rights Torch relay, including several counts of charges and convictions of “Inciting to Subvert State Power”, as well as “Forging Official Documents”, “Disturbing Social Order” and “Illegal Assembly”. The consequence has been convictions of up to five years in prison, sentencing to long periods in Reeducation Through Labor, and in one case forced

psychiatric treatment.

The harsh persecution is likely tied to two factors; that the organizers were all active Human Rights defenders, many of them lawyers, and that the campaign received widespread attention by the international media. Many of the activists involved have also been involved in other activities that have attracted attention by state and police.

The Human Rights Torch has neither during its campaigning, nor during the subsequent persecution against the campaigners, attracted much attention from neither the media nor Human Rights groups, leaving their fate largely unknown to outsiders. The organizers of the campaign were often not experienced activists, like in Heilongjiang, which is likely to have both have limited the interest of media and Human Rights groups, as well as led to less harsh persecution.

PERSECUTED HUMAN RIGHTS TORCH CAMPAIGNERS

- Liang Mantang (梁满堂)

Liang, 46, male, activist from Zhaoqing city, Huaiji county, Guangdong province. Worked together with Wen Tianxuan (below) and two other people on the Human Rights Torch in his home province. Between April 18 and 27, 2008, Liang traveled around and put up Human Rights torch posters in Guangzhou, Foshan, and Zhaoqing.

Liang was apprehended by Police of the Shunde district, Foshan city Public Security Bureau, and put in criminal detention at 11 am on June 20 according to article 61 of the Criminal Procedure Law. Liang was sentenced on July 21 to one and half years in a Reeducation Through Labor camp in Zhaoqing, the punishment being based on articles 10.4 and 13 of the Reeducation Through Labor Temporary Regulation, and on the basis of taking advantage of a cult organization to undermine the implementation of laws.

- Wen Tianxuan (温天宣)

Wen, 43, male, also from Zhaoqing city, Haiji county in Guangdong province. Wen worked with Liang and two other to put up Human Rights torch posters in Guangzhou, Foshan, and Zhaoqing, and advocating for greater Human Rights protection.

Wen was apprehended by the same Police four days after Liang's detention (June 24). Wen was sentenced on July 22 to one year of Reeducation Through Labor, based on the same articles as Liang, and at the same facility in Zhaoqing city, and on the basis of taking advantage of a cult organization to undermine the implementation of laws.

- Ms Deng (pseudonym)

Ms Deng is a Guangdong-based longtime Human Rights activist who worked with the Human Rights Torch, acting as a coordinator for activities carried out in Guangdong. Deng was notified that she was sought after by the Police in June, and managed to escape Guangdong. She has been living in hiding outside of Guangdong ever since. Ms Deng has been persecuted for her Human Rights work several times during the last few years, and has been forced to flee her home province a few years earlier as well. Ms Deng is legally under criminal detention in her absence.

- Mr Hu (pseudonym)

Mr Hu, a longtime Human Rights defender, went to Guangdong province to help organize the Human Rights Torch activities, working with Ms Deng, and like Ms Deng, was quickly sought after by the Police shortly after commencing campaigning. Mr Hu had to flee the province in July, and is under criminal detention in his absence. Hu is still hiding outside of Guangdong, unable to resume his Human Rights work.

- Ms Song (pseudonym)

Ms Song, a Beijing resident and long time Human Rights defender, was abducted by plainclothes Police officers of the State Protection agency one night while sitting in a restaurant in Beijing in late May. Ms Song was hooded, dragged into a van and taken to an undisclosed prison. Ms Song had assisted in organizing the activities in Guangdong province, and as a result, she was forced to spend the greater part of the early summer in a jail, where Police tried to intimidate her into naming names of Human Rights Torch campaigners. After Ms Song was released, all her possessions had been confiscated. Ms Song was forced to live in hiding until the Olympic Games was concluded. No legal documentation or justification has been provided for any of the actions by the Police.

- Guo Quan (郭泉)

Guo, 40, male, Nanjing, Jiangsu Province, is currently under arrest on charges of “Inciting to subvert state power”, awaiting trial in Kangshou detention facility, Nanjing city. Guo was an associate professor of Literature at Nanjing Normal University until December 2007 when he was dismissed for advocating democratic reform and writing open letters calling for change. Guo is also the founder of the “New People's Party”. On March 23, Guo had a pre-recorded message played out to a Human Rights Torch assembly in Hong Kong, stating his and his party's supported the Human Rights Torch and their intention to assist in spreading the Human Rights Torch's message in China as the torch made its way through China. Guo's current indictment is also related to founding of a political party, undertaking public advocacy for political reform, and involvement in providing assistance to Wenchuan earthquake victims.

PERSECUTED “WE WANT HUMAN RIGHTS, NOT OLYMPICS” CAMPAIGNERS

- Yang Chunlin (杨春林)

Yang, male, born 1954, is a human rights defender from Jiamusi city, Heilongjiang Province. In 2006 Yang was detained four times for his involvement in farmer's compensation, for his participation in legal actions brought by more than 40,000 Heilongjiang farmers whose land had been confiscated without proper payment. He participated in a hunger strike with Beijing lawyer Gao Zhisheng. Yang has also published numerous articles about land rights. On July 6, 2007 Yang was detained for his involvement with the open letter, “One World, One Dream and Universal Human Rights.” In June 2007 Yang Chunlin, with Yu Changwu and Wang Guilin, launched the “We Want Human Rights, not the Olympics,” campaign which was signed by more than 10,000 people. Amnesty International reported that Yang was tortured during his detention as the police tried to coerce him into a confession. He refused to acquiesce. Twice for six days at a time, at the Heitong Police Station in Jiamusi, his arms and legs were chained to the corners of his iron bed, so that he was immobilized, and forced to eat, drink and defecate in this position. He was formally arrested on the 3rd of August on charges of 'Inciting Subversion of State Power.' During his eight months of detention Yang was denied any contact with his family and allowed only extremely limited communication with his lawyers.

On February 19, 2008 Yang was tried in Jiamusi, Heilongjiang. During the trial he was subjected to humiliating and inhumane treatment, he was black hooded, shackled and kept in leg irons, he was allegedly tortured further. Court police hit him with electric batons both when he attempted to speak with his family during the hearing and again after the trial had concluded. On March 24, he was sentenced to five years of imprisonment and two years deprivation of political rights on the aforementioned charges. During the retrial on September 19, 2008, the Jiamusi Municipal Intermediate People's Court upheld the decision of the first court hearing and on September 25 Yang was transferred to Xianglan Prison to serve his sentence.

- Yu Changwu (于長武)

Yu, born 1955, male, is a villager representative and Human Rights defender from Fujin city in Heilongjiang province. He has worked extensively with land rights issues. In collaboration with Yang Chunlin and Wang Guilin, in June 2007, he launched the “We Want Human Rights not the Olympics” campaign. In meetings with foreign journalists Yu has stated, “We want our land, not the Olympics.” He has published several articles condemning China's system of land seizure. He has been involved in a number of long running land rights legal actions over a ten year period, representing more than 40,000 villagers, accusing the local government of illegally commandeering over 100,000 hectares of village land over a 15 year period. He led a campaign to recover seized farmland. Throughout 2007 Yu was frequently detained, questioned and released under surveillance. Yu was arrested on December 11, 2007. On January 17, 2008 Yu was charged in a closed trial with 'Endangering State Security,' for speaking with foreign journalists and 'Disrupting Public Order.' He was sentenced to two years of Re-education Through Labor.

- Wang Guilin (王桂林)

Wang, male, is a Human Rights defender in Heilongjiang province. After his land in Xing Hu city was expropriated by the local government in 1996 he has worked as a village representative for other landless farmers, mostly in Fujin city. With Yang Chunlin and Yu Changwu, Wang Guilin helped start the “We Want Human Rights, Not the Olympics” campaign. During 2007 Wang was often questioned and periodically detained, he also faced constant public surveillance. He has worked closely with Yu Changwu in relation to a long-running legal action against the local government for the illegal seizure

of over 100,000 hectares of land. Wang freely spoke about the situation of illegal land seizure with foreign journalists. He worked with Yu Changwu to issue a notice on foreign websites documenting the abuses. This led to several similar actions across China which were later termed by some as 'China's second agrarian revolution'. He was detained for 27 days after his involvement with the foreign media.

On January 10, 2008 Wang received a phone call from Fujin city officials, purportedly inviting him to discuss the situation of land acquisition. When he arrived at the agreed location he was taken into custody and held in detention until February. On February 28, 2008, Wang Guilin was arrested in Beijing, and held in detention until August 28, when he was sentenced to eighteen months of Re-education Through Labor for 'Disturbing Social Order'. He was sent to a labor camp in Jiamusi city.

- Yuan Xianchen (袁显臣)

Yuan, born 1964, male, lawyer and Human Rights defender, he and his wife have worked to provide legal protection and aid to workers in Heilongjiang province, and gained his fame as an activist assisting workers at the Didao Mine in Jixi City, who claimed compensation when their state-owned mining company was privatized, which resulted in them losing their pensions. Yuan has also written articles speaking up for labor rights and protection and written about the need for democratic reforms to protect people's rights.

Despite being harassed by the government for his work and outspokenness about the need for democratic reform, Yuan decided to work with Yang Chunlin to collect signatures for the "We Want Human Rights, Not the Olympics". After Yang was arrested and later sentenced, Police started following Yuan's work closely. When Yuan heard Police were coming to detain him, he fled to Beijing, only to be detained there on May 24, 2008, and then formally detained on May 29. His wife, Zhang Zhi, was also taken into custody at this time, but was released on bail pending trial on July 2.

While in detention in Beijing, Yuan was badly beaten and tortured, and was forced to confess, after which he was arrested and sent to the Jixi City Detention Center, Heilongjiang province. On June 30, Yuan was charged with "Inciting to Subvert State Power", a charge commonly used against Human Rights defenders. Yuan was in detention throughout 2008, and his trial, beginning on January 12, 2009 at the Jixi City's Intermediate People's Court, resulted in a conviction, with sentencing to four years of imprisonment on March 4.

- Ji Sizun (纪斯尊)

Ji, 58, male, is a grassroots legal activist from Fujian Province. On August 8, 2008, at the Deshengmenwai police station in the Xicheng District of Beijing, Ji filed for permission to protest during the Olympic Summer games. His stated aim was to call for greater participation of Chinese citizens in political processes and it included general denouncement of endemic corruption and abuse of power. Ji was responding to an announcement on July 23 by Liu Shaowu, the Beijing Organizing Committee for the Olympic Games security director, that stated, "people or protesters who want to express their personal opinions can." Of the 149 people that filed applications for protest, not a single one had been approved. Ji's three page application was denied on his first try. Ji made plans to pursue the issue with Tang Xuexheng, 44, but Tang received a distressed message from his partner who stated he was being detained at the police station. That was the last time he heard from Tang.

On his second attempt to file his application, Ji brought a group of journalists with him to the Police Station. They were abused and forced out of the station while Ji was held for several hours of questioning. The police denied having ever met with Tang. Although Ji was released at this time, when he returned the following Monday he was detained. On August 11, 2008 Ji was arrested on charges of 'forging official documents and faking official seals.' Ji was held at the Fuzhou No.2 Detention Center and on January 7th, Ji Sizun was sentenced by the Taijiang District People's Court to three years' imprisonment.

- Zhang Wenhe (张文和)

Zhang, 55, male, legal defense activist, was abducted by eight agents, presumably from the Beijing Tongzhou sub-district police in October 2007, while waiting for some other legal activists. Zhang is suspected of "illegal assembly" and "damaging public property", and was sent to Beijing Tongzhou Ankang Hospital, a psychiatric institution where he is being held still.

Zhang put up a banner in Beijing stating that Human Rights should go before the Olympics, and was abducted shortly thereafter. Zhang is a longtime Human Rights defender, active in the 1978/79

Democracy Wall movement, and one of the founders of the Chinese Human Rights League, which led to his arrest in 1979.

ALSO FROM THE CHINESE URGENT ACTION WORKING GROUP**"DEATHS IN CUSTODY – The Police's free rein to abuse power in detention centers"**

A 34 page report on the lack of clear and effective legal framework to properly manage China's 6000 detention centers, and how this has led to a string of most unusual deaths of detainees. The report focuses on the fact that Police are largely responsible for investigating their own crimes against detainees, and how the current laws fail to provide clear guidance for the Procuratorate to investigate crimes committed by detention center staff and police. The report also presents information on 26 cases of unnatural deaths, in most cases obvious murders of detainees by Police. The report also looks at the calls made from both politicians, the media and academia in how the system need be reformed to ensure that the rights of detainees are protected. [January 19, 2011]

**"THOUGHT CRIMES - China's use of psychiatric institutions as detention centers"**

The report details the use and misuse of China's psychiatric institutions by public security officials, and how the lack of clear regulations concerning placing people in psychiatric custody leaves little space for redress concerning these abuses. It provides an in-depth legal analysis of the legal framework concerning these institutions, as well as on 'Ankang' centers, special custodial institutions where politically unwanted people can be locked up. 'Ankang' centers are part of the administrative penalties system, and little external oversight, from for example the Procuratorate, exist. Misuse of the 'Ankang' institutions, which exists in major cities across China, is widespread and no national regulation or law exist governing these centers. [June 16, 2010]

**"PAPERING OVER THE CRACKS - Reform of the forced eviction regime in China"**

An extensive report on the current situation concerning forced evictions and demolitions, and how the proposed new law is falling short of providing remedies for what is one of the most widespread human rights violations in China today. The report also details how people are fighting back against unlawful land confiscation, and what role 'barefoot' lawyers play in this fight. Finally, the report uses case studies to highlight different aspects of the problems related to forced evictions and demolitions. [March 29, 2010]

**"NO END IN SIGHT - Sustained persecution of human rights defenders in China"**

A report detailing how the persecution of human rights defenders has continued unabated at the same high level as during 2008. The report highlights different methods of persecution employed by central and local governments, and how the application of such methods differs between different groups of activists. The report furthermore presents information on key cases of human rights defenders currently being persecuted for their peaceful expression and use of basic rights enshrined in Chinese law. [January 25, 2010]



“MANIPULATION AS INSULATION - The non-renewal of *weiquan* lawyers’ licenses in China”

This report provides information on the situation for lawyers and law firms in China, with focus on the abuse of non-renewal of lawyers’ licenses. It further analyzes frightening new developments concerning the communist party and the state’s growing control of independent lawyers and law firms in China. It also provides an analysis of the hazardous situation lawyers in China face when taking on politically sensitive cases, and how the administrative authorities use the annual re-registration to effectively disbar any lawyers it feels provokes the status quo. [October 21, 2009]



“OLYMPIAN REPRISALS – The Chinese government's response to domestic criticism of the 2008 Olympic Games”

A report outlining how human rights defenders who publicly opposed the 2008 Olympic Games were persecuted by the Chinese state. The report focuses on participants in two campaigns, both advocating for prioritizing better protection of Human Rights over the hosting of the Olympic Games. The report provides information on the technique used by the government to silence these groups, and how it differed between the two groups. [April 23, 2009]



“A BRIEFING ON BLACK HOUSES – System, facilities, victims”

This brief report provides information on the nationwide system of illegal, but government run and funded, jails. The black jails, or black houses, are used to detain petitioners who seek redress for perceived wrongs. The report outlines how the system functions, how the facilities operate, who detains the petitioners, and how the police and central government aids and assist in the operation of the system, as well as a legal analysis. The report was released ahead of the 2009 UN Universal Periodic Review of China. [February 1, 2009]