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Report submitted by the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani

Addendum

Summary of cases transmitted to Governments *

* The present document is being circulated in the languages of submission only, as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

China (People's Republic of)

Urgent appeal

239. On 21 December 2006, the Special Representative, together with the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal concerning Mr **Chen Guangcheng**, a 34 year old blind self-taught human rights lawyer in Linyi, Shandong province, and his wife Ms **Yuan Weijing**, his lawyers Mr **Li Jinsong** and Mr **Li Fangping**, a member of his defence team, Dr **Teng Biao**, and witnesses to his trial, - Mr **Chen Gengjiang**, Mr **Chen Guangdong**, Mr **Chen Guangyu** and Mr **Chen Guanghe**.

240. Mr Chen Guangcheng has a long history of campaigning for the rights of farmers and the disabled. He assisted villagers in solving drinking water pollution problems when he was attending Najing Chinese Medicine University in 2000. He created and ran the “Rights Defence Project for the Disabled” under the auspices of the Chinese Legal Studies Association between 2000 and 2001. Since 1996, he has provided free legal consultation to farmers and the disabled in rural areas. In 2004, he ran a “Citizen Awareness and Law for the Disabled Project”. In April 2005, Mr Chen Guangcheng and Ms Yuan Weijing began to investigate villagers’ claims that Linyi City authorities were employing extensive violence in implementing Government birth quotas. The first report was published by them on 10 June 2005 through the Citizens Rights Defence Network (gongmin weiquan wang) and they brought law suits against officials involved.

241. Mr Chen Guangcheng has been the subject of four previous communications to your Government, the most recent of which were sent by the Special Rapporteur on

the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders dated 1 December 2006, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture and the Special Representative of the Secretary-General on the situation of human rights defenders on 14 July 2006. Previous communications were also sent on 7 April 2006 by the Special Representative on the situation of human rights defenders, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the question of torture, on 31 October 2005 by the Special Rapporteur on the question of torture, the Special Rapporteur on violence against women, its causes and consequences and Special Representative of the Secretary-General on the situation of human rights defenders, and on 19 September 2005 by the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on violence against women, its causes and consequences and the Special Representative of the Secretary-General on the situation of human rights defenders.

242. We are also in receipt of your Government's replies dated 12 December 2005, 14 June 2006 and 3 October 2006 (awaiting translation). Your Excellency's Government states that "(i)n dealing with Chen and his associates, the public security authorities acted in compliance with the law, in remanding them in custody or holding them for questioning. Throughout this period their lawful rights were fully protected and there is no substance to the allegation that Chen Guangcheng was subjected to beatings and placed under house arrest." While we welcome your Government's observations, we are afraid that they do not alleviate our concerns with respect to this case, particularly so in the light of consistent reports that a number of individuals involved in his trial have allegedly been targeted by the security forces including his wife, his lawyers, a member of his defence team and witnesses to his trial.

243. According to the new information received, on 27 November 2006, Chen Guangcheng's retrial before the Yinan County People's Court lasted approximately 10 hours. It is reported that on 1 December 2006, he was sentenced to four years and three months' imprisonment for "gathering crowds to disrupt traffic" and "intentional destruction of property".

244. According to reports, Chen Guangcheng's wife, Yuan Weijing, has been under de facto house arrest from 12 August 2005 until 25 November 2006. Since then, she had been continuously followed by local security personnel and persons in civilian clothes believed to have been hired by the police. On 28 November 2006, around midday, she was arrested by members of the Yinan County Public Security Bureau and detained for questioning. Their one-year-old child was also taken but was sent home later that day. Approximately eight hours later, Yuan Weijing, was dragged out of police car and left in a barely conscious state on the side of the road near her village. She was taken to the Mengyin County Menglianggu Hospital where she was treated for extreme trauma however she was accompanied by up to 20 policemen as an order of "residential surveillance" had been issued while she was in detention. She

is also suspected of committing “gathering crowds to disrupt traffic” and for “intentional destruction of property”.

245. Furthermore it is reported that the local authorities have intimidated witnesses and allegedly withheld evidence in order to prejudice Chen Guangcheng’s retrial.

246. It was further reported that four other key witnesses in the aforementioned trial have been subject to police harassment in relation to the most recent trial and were subjected to torture in order to provide false testimony against Mr Chen Guangcheng in his previous trial. According to reports, Mr Chen Gengjiang was detained on 26 November 2006 and held until after the hearing had taken place. He was allegedly forced to sign papers in which he agreed not to participate in the case. On the same day, Mr Chen Guangdong and Mr Chen Guangyu reportedly disappeared after they had agreed to testify on behalf of the defence. Later the same evening, Mr Chen Guanghe was allegedly abducted by undercover police officers as he was on his way to meet with Mr Li Fanping regarding the upcoming trial in which he was scheduled to testify the following day. He was reportedly formally arrested on 28 November but his family was not informed of his arrest or his whereabouts until 3 December 2006. Previously, it is alleged that Mr Chen Guanghe was detained and tortured before the first trial by members of the Yinan police in order to procure a false confession and to testify against Mr Chen Guangcheng. He was convicted on the basis of the false confession but granted a suspended sentence. It is feared that his recent detention may be related to the fact that he has submitted written testimony stating that his prior evidence had been coerced through torture.

247. Members of Chen Guangcheng’s defence team have also allegedly been harassed, including his lawyers Mr Li Jinsong, Mr Li Fangping and Dr Teng Biao. The two lawyers were apparently prevented from interviewing witnesses and obtaining further evidence for the retrial. On 27 November 2006, as the trial was taking place, Dr Teng Biao was reportedly detained for five hours during which he was allegedly pushed to the ground by six or seven policemen who held him down while they searched him. They also apparently searched his bags and computer and confiscated his mobile phone.

248. Previously it had been reported: on 12 August 2005, Mr Chen Guangcheng and his wife Yuan were put under de facto house arrest. On 25 August 2005, Chen Guangcheng evaded the police surrounding his village and went to Shanghai and Nanjing, then Beijing to seek help from lawyers. On 6 September 2005 he was detained at the house of a friend in Beijing by six men who said they were public security bureau (PSB) officers. He was held overnight in a hotel and the head of the Linyi PSB and the Deputy Mayor of Linyi came to see him in the morning. The Linyi PSB head told Mr Guangcheng he was suspected of violating Article 111 of the CCC (illegally providing intelligence to foreign countries), for which the maximum sentence is life. However, no one produced an arrest warrant justifying his detention and the Linyi PSB men coercively took Chen Guangcheng back home.

249. Mr Guangcheng was placed under house arrest without any order to that effect. On 9 September 2005 his landline and mobile phone services were cut off, and his computer was seized. On 23 September 2005, PSB officials searched his house without producing a search warrant.

250. On 4 October 2005, Beijing law lecturer Xu Zhiyong and lawyers Li Fangping and Li Subin attempted to visit Chen Guangcheng but they were stopped on their way to his house. Mr Guangcheng reportedly managed to leave his house and spoke with them briefly but was then forcibly returned and beaten by men surrounding his house. The lawyers tried to approach Chen Guangcheng's house but were physically prevented. Xu Zhiyong and Li Fangping were also beaten. The three lawyers were then taken to Shuanghou Township Police station where they were interrogated until the following morning. They were advised that Chen Guangcheng's case involved "State secrets" and were escorted back to Beijing.

251. On 24 October 2005, two other friends of Chen Guangcheng from Beijing went to visit him. As Mr Guangcheng tried to greet them, he was stopped and beaten by around 20 men surrounding his house. They beat Chen Guangcheng with fists and sticks, knocked him down several times and kicked him. Chen Guangcheng's request to seek medical attention was denied by the men who beat him and surveil his house. There were a number of eye witnesses on the scene. The visitors were escorted away.

252. Chen Guangcheng's wife, Ms Yuan Weijing, had also been prevented from leaving the house. It is also reported that she was beaten when she left the house to greet visitors on 27 December 2005.

253. On 30 October 2005, Chen Guangcheng's lawyer filed a lawsuit on his behalf at the People's Court of Yinan County against two Shuanghou Township officials with intentional injury for their involvement in beating him outside his house on 24 October 2005. The two officials are alleged to head the group of more than 20 men who surveil Chen Guangcheng and Yuan Weijing's house. It is reported that to date the court has ignored Mr Guangcheng's suit.

254. With respect to the 'traffic' incident about for Chen Guangcheng was eventually charged, on 11 March 2006, Chen Guangcheng reportedly marched with other villagers to protest the beating of a villager. Several dozen police blocked their way and surrounded them on national highway 205, thereby causing a traffic disruption. Chen Guangcheng was taken by Yinan County police from his house to the Yinyan Detention Centre without an arrest warrant. There he was held incommunicado for 89 days until 10 June 2006.

255. According to reports, Chen Guangcheng's lawyers collected written testimonies from village witnesses, who were also detained and then released on bail. These villagers were reportedly forced to confess or provide incriminating false information against Chen Guangcheng. They have stated that police used various torture methods at the detention centre in order to elicit confessions, such as tying them up to chairs with chains, depriving them of sleep for up to 15 days and withholding food and water.

256. On 10 June 2006, Chen Guangcheng was formally detained on suspicion for "gathering crowds to disrupt traffic" and "intentional destruction of property". On 21 June 2006, the Yinan PSB issued an arrest warrant for Chen Guangcheng No. 193 (2006). On the same day, Chen Guangcheng's lawyers were allowed to visit him for the first time in three months. However, when they asked where he had been detained

during those three months, the prison guards interrupted their discussion, preventing Mr Guangcheng from answering the question. His family has not been allowed to visit. His wife remained under house arrest.

257. On 22 June 2006, one of Mr Guangcheng's lawyers, Mr Li Jinsong, was taken into police custody for questioning. On 24 June 2006, two lawyers, Li Jinsong and Li Subin tried to visit Ms Yuan but were stopped outside their house and beaten by men enforcing the residential detention of Ms Yuan Weijing.

258. On 27 June 2006, lawyers Mr Li Jinsong and Mr Li Subin attempted again to see Ms Yuan Weijing (to seek medical parole for Chen Guangcheng), but were also harassed by persons in the village, while the police refused to intervene. Around 20 men turned over their car (while Mr Li Jinsong was still inside) and smashed their cameras. Li Jinsong was then taken to the police station for questioning. He resigned as Chief Counsel for Mr Chen's case.

259. On 18 August 2006, the day before Mr Guangcheng's trial, his lawyers were detained by police. Xu Zhiyong who replaced Li Jinsong was allegedly beaten and taken into police custody and not released until 22 hours later after Chen Guangcheng's trial had ended. Similarly, it is alleged that Li Jinsong and another lawyer, Mr Zhang Lilhui were detained by police the night before the trial then released after the trial without charge.

260. On 24 August 2006, the Yinan County People's Court convicted Chen Guangcheng under Article 291 of the Chinese Criminal Code (CCC) for "gathering crowds to disrupt traffic" and "intentional destruction of property". Article 291 CCC provides that "[w]here people are gathered to disturb order at railway stations or bus terminals, ferry landings, civil airports, market places, parks, theatres and cinemas, exhibition halls, sports grounds or other public places, or to block traffic or disrupt the movement of traffic, or to resist or obstruct public security officials from carrying out their duties according to law, if the resulting situation is serious, the ringleaders shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or surveillance." Chen Guangcheng was sentenced to four years and three months imprisonment.

261. However, the Linyi City Intermediate People's Court, when reviewing the appeal by Chen Guangcheng's lawyers, overturned this verdict on 30 October 2006 on the basis of insufficient evidence for convicting Chen Guangcheng for the offence under Article 291 CCC. Instead of declaring Chen Guangcheng to be innocent and releasing him, the Intermediate Court referred the case back to the lower court for re-trial. He continued to be held in detention at the Yinan County Detention Centre.

262. Grave concerns were expressed that the charges against Chen Guangcheng and his wife Yuan Weijing are fabricated and are solely related to their legitimate activities in defence of human rights, in particular their defending villagers' rights. Serious concern was expressed that Chen Guangcheng did not receive a fair trial as his lawyers were obstructed in all aspects of their work from collecting evidence from witnesses to meeting with their client. Concern is also expressed by the allegations his lawyers were subjected to physical abuse and detention to prevent them from representing their client at trial. Similar concerns were then expressed for the fate of

his wife, Yuan. Further concern was expressed for the physical and psychological integrity of any witnesses for the defence as it is feared that they have been subjected to acts of torture or brutality by the Yinin County PSB

Urgent appeal

269. On 5 January 2007, the Special Representative, together with the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning Mr **Li Jinsong and Mr Li Fangping**, the **lawyers of Mr Chen Guangcheng**, a 34 year old blind self-taught human rights lawyer in Linyi, Shandong province.

270. Mr Li Jinsong and Mr Li Fangping have been the subject of three previous communications to your Government, the most recent of which were sent by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, the Special Rapporteur

on violence against women, its causes and consequences and the the Special Representative of the Secretary-General on the situation of human rights defenders dated 21 December 2006. Previous communications were sent on behalf of Mr Li Fangping on 7 April 2006 by the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the question of torture and Special Representative on the situation of human rights defenders and on behalf of Mr Li Jinsong on 1 December 2006 by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders.

271. We are also in receipt of your Government's reply dated 14 June 2006. While we appreciate Your Government's reply, we regret that it does not contain any information regarding Mr Li Fangping.

272. According to the new information received, on 26 to 27 December 2006, Mr Li Fangping and Mr Li Jinsong were travelling on an overnight bus from Beijing to Linyi. On the highway in Linyi, Shandong, in the early morning, around 4:30 am, on 27 December 2006, the bus was stopped by unmarked cars. Unidentified men pulled Mr Li Jinsong out off the bus and attacked him. When Mr Li Fangping went off the bus trying to stop the attack, the men attacked him as well.

273. Mr Li Fangping was hit on the head and has received emergency care. Initial diagnosis shows that he suffers from a 3cm-long wound on his head, but x-ray does not show any fracture on the skull. Mr Li Jinsong has swollen bruises on his left eye and left arm.

274. The attack occurred when the lawyers were on their way to a meeting with Mr Chen Guangcheng. This meeting was supposed to take place at the Yinan County detention center, where Mr Chen Guangcheng is being detained.

275. On 8 December 2006, Mr Li Jinsong handed in Mr Chen Guangcheng's appeal against the decision rendered by the Yinan County People's Court to the Linyi Municipal Court. The Yinan County People's Court reportedly sentenced Mr Chen Guangcheng to four years and three months' imprisonment for "gathering crowds to disrupt traffic" and "intentional destruction of property". Mr Li Jinsong also visited Mr Chen Guangcheng at the Yinan detention center that day. In addition, on 6 December 2006, Mr Li Jinsong and Mr Li Fangping filed administrative and civil lawsuits against the Linyi Municipal Public Security Bureau including its chief Mr Liu Jie and other Government bodies. These lawsuits were also submitted to the Linyi Court on 8 December 2006.

276. Mr Li Fangping and Mr Li Jinsong were informed by a judge at the Linyi Municipal Court handling Mr Cheng Guangcheng's appeal of Mr Chen Guangcheng's request for the meeting with his lawyers on 27 December 2006 at the Yinan County detention center. It is unclear whether Mr Chen Guangcheng had actually requested the meeting with his lawyers.

277. Concern was expressed that the attack against Mr Li Jinsong and Mr Li Fangping might be directly related to their legitimate work acting on behalf of Mr Chen Guangcheng's appeal. Further concern was expressed that this attack might intimidate or deter current or future lawyers from representing clients in cases dealing with human rights issues.

Urgent appeal

278. On 12 January 2007, the Special Representative, together with the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment on human rights, sent an urgent appeal concerning Mr **Sun Xiaodi**, a Gansu-based activist who has spent more than a decade petitioning the central authorities over radioactive contamination from the No. 792 Uranium Mine in the Gannan Tibetan Autonomous Prefecture in Gansu Province. On 1 December 2006, Mr Sun Xiaodi had received the Nuclear-Free Future Award delivered by a jury of international environmentalists, activists, scholars and journalists.

279. According to the information received, since the receiving of his award, Mr Sun Xiaodi's home had reportedly been raided at night by unknown persons throwing stones at his door and windows. It is alleged that Mr Sun Xiaodi reported the attacks to local state security officers who did not take any action, instead telling him: "You're free to leave if you want to!". Moreover, since being detained briefly in early 2006, Mr Sun Xiaodi has reportedly had his water and electricity shut off numerous times for no apparent reason. It is further reported that Mr Sun was under residential surveillance for an unspecified period. Although he is no longer officially under surveillance, in practice each of his movements is allegedly monitored, and if he leaves the area for any reason, he is followed and interviewed by security personnel upon his return.

280. Mr Sun Xiaodi has also been unable to obtain official permission to seek medical treatment in Beijing for a tumor, a potentially life-threatening health condition. It is reported that residents of the area where Mr Sun Xiaodi lives suffer an unusually high rate of cancer and other health conditions which may be associated with radioactive contamination. Given the limitations of local medical facilities, Mr Sun Xiaodi put in a request with local public security officials for permission to go to Beijing for further diagnosis and treatment, but after nearly two months he has received no reply. Mr Sun Xiaodi is reportedly currently experiencing such physical discomfort that he has difficulty sleeping, and in addition to the tumor, he suffers from gall stones and coronary heart disease.

281. Concerns were expressed that the harassment against Mr Sun Xiaodi and the absence of response from local authorities to allow him to seek medical treatment in Beijing might be in retaliation for his legitimate activities in the defence of human rights, i.e. his work denouncing radioactive contamination in Gansu Province, and for his acceptance of an international environmental award.

Urgent appeal

283. On 10 January 2007, the Special Representative, together with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, sent an urgent appeal concerning restrictions on events and human rights defenders promoting human rights in the context of HIV/AIDS, and to information concerning **access to treatment for haemophiliacs infected with HIV through blood products**.

284. According to information received, a number of activists have recently been detained in relation to activities to promote human rights in the context of HIV/AIDS. On 24 October 2006, three haemophiliacs, Mr. Zhao Chenyang, Mr. Wang Xinyang and Mr. Yang Shoufu were reportedly arrested in front of a hospital in Shanghai. The following day, the leader of the Chinese Haemophilia Association, Mr. Kong Delin, was detained by the Shanghai authorities. Each of these individuals had recently raised issues regarding the protection of the human rights of haemophiliacs. While Kong Delin was released on 30 November, the remaining three haemophiliacs are reportedly still detained, and there has been no update on their condition and whereabouts.

285. Furthermore, on 24 November 2006, Dr Wan Yanhai, founding member and director of the Beijing ZHIAIXING Information and Counselling Centre (commonly known as the AIZHIXING Institute), an organization which promotes and defends the rights of individuals living with HIV/AIDS, was questioned by four individuals claiming to be members of the Beijing Public Security Bureau (PSB) in relation to the activities of the AIZHIXING Institute, specifically a workshop on “Blood Safety, AIDS, Law and Human Rights”, scheduled to take place on 25 November 2006. It is reported that Dr Wan was initially interrogated at the AIZHIXING Institute’s office where, in the presence of the police, he instructed staff members to cancel the workshop. He was then reportedly taken into police custody in an undisclosed location. On 27 November 2006, Dr Wan was reportedly released after having remained in detention without being charged, for more than 48 hours, in breach of both the PRC Public Order Management Punishment Law and the Regulations on Procedures of Processing Administrative Detention by Public Security Authorities under which an individual cannot be held for more than 8 hours or in more complicated cases, 24 hours. The detainee’s family or employer must be informed of the reason for the detention and the location where the detainee is held.

286. Furthermore, it is reported that Dr Wan has been threatened on previous occasions in relation to his work on HIV/AIDS and health rights. In August 2002 he was reportedly detained for a month on suspicion of “illegally leaking state secrets”

after he electronically distributed a Government document online to the organization's mailing list which dealt with the HIV/AIDS epidemic in Henan Province. The AIZHIXING Institute was allegedly prevented from registering as a non-profit non-Governmental organization and was required to register as a for-profit business.

287. We would like to express our concern about the detention of these individuals in relation to their activities in defence of human rights, in particular the right to the highest attainable standard of health, in the context of HIV/AIDS and haemophilia.

288. Concern was expressed regarding the information received which alleges that haemophiliacs infected with HIV/AIDS and hepatitis do not receive satisfactory treatment and compensation. The free medication and treatment made available to HIV/AIDS patients by the Government since 2003 is reportedly not suitable to haemophiliacs. Haemophiliacs are prone to develop various syndromes such as malformation, impaired mobility and bleeding. Free and appropriate treatment for these conditions is not available. This means that the burden of those haemophiliacs is greater than that of the average person living with HIV/AIDS.

Letter of allegations

307. On 10 May 2007, the Special Representative, together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the Special Rapporteur on the independence of judges and lawyers, sent a letter of allegations concerning Mr **Liu Dehuo**, Mr **Cui Yongfa**, Ms **Shao Xiaobing**, Mr **Chen Ningbiao**, Mr **Chen Zhibiao**, Mr **Shao Xixia** and Mr **Guo Jianhua**, human rights defenders working to protect their land from forced annexation.

308. According to the information received, on 10 April 2007, the District Court of Sanshan, in Nanhai County, Guangdong province sentenced Mr Dehuo, Mr Ningbiao and Mr Zhibiao to four years in prison, Mr Yongfa, Mr Xixia and Mr Jianhua received a sentence of three years and six months, whilst Ms Xiaobing was sentenced to two years and six months in prison. They were all charged with illegally obstructing an approved construction project in Sanshan District. Upon hearing the verdict all of the defendants announced that they would appeal the sentence.

309. According to reports, the seven defendants were detained by Nanhai police in June 2006 and have been in detention since then. They were charged with extortion and blackmailing the Yingshun Tank Farm, a gas and petrochemical company, which had reportedly taken over 1 hectare of land in Sanshan without official approval for use as a construction site. The company was reportedly requested by villagers to hand over 50,000-yuan to compensate them or the plan to develop a construction site on the land would be exposed. However the company filed a complaint for blackmail against the defendants before making any payment.

310. Mr Liu Dehuo, Ms Shao Xiaobing, Mr Chen Ningbiao, Mr Chen Zhibiao, Mr Shao Xixia and Mr Guo Jianhua were tried on 6 December 2006 without legal counsel. Mr Yongfa's wife acted as his legal representative.

311. Concern was expressed that the aforementioned events might form part of an ongoing campaign against human rights defenders in China. Concern was also expressed at reports that Mr Liu Dehuo, Mr Cui Yongfa, Ms Shao Xiaobing, Mr Chen Ningbiao, Mr Chen Zhibiao, Mr Shao Xixia and Mr Guo Jianhua did not receive a fair trial.

three men still gathered round the school bus and started making a commotion, pushing and shoving Liang Mingji and demanding that he pay the compensation, and also blocking the path of the traffic police who had come to investigate the incident. Following this, the owners of the bus, Zhao Jiandong and Zhao Jiannan, made their way to the scene, to find out what was going on. At this point, Chen Ningbiao let the air out of the bus's tyres, to prevent it from proceeding into Sanshan, and threatened to smash it up, demanding 5,000 yuan in damages from the bus owners, while Chen Zhibiao and Liu Dehuo noisily repeated his threats. Under duress, Zhao Jiandong and Zhao Jiannan agreed to pay 3,500 yuan in compensation. On the suggestion of Chen Zhibiao and Liu Dehuo, Chen Ningbiao used a false name, "Chen Yidong", on the receipt slip.

314. The plot of land situated in the area called "Meichong" in Pingzhounan village on Guacheng Street in the Nanhai district of Foshan city had been expropriated as State land on December 1997 by the Guangdong province cadastral office and was managed by the Nanhai district land resource centre. At a later date, because the land was not yet developed, it was allocated to the Nanhai farmer Li Bin for his use. In April 2006, Li Bin was granted permission to rent the piece of land to the Shunying fuel depot in Nanhai district. The general manager of the depot, Chen Zhujia, hired a digger to excavate a pond on the land for use as a fish farm.

315. At about 9 a.m. on 20 May 2006, Chen Ningbiao, Chen Zhibiao, Cui Yongfa, Liu Dehuo, Guo Jianhua and other villagers from Sanshan, numbering more than 10 in all, gathered at the fuel depot and started creating a disturbance, claiming that damage had been caused to the piece of land in "Meichong", threatening to set fire to the digger and demanding compensation from the person who had rented it for the excavation of a fish-pond. The defendant Zhao Xiaobing then went up to a motor vehicle parked in front of the depot gates and threatened to let the air out of its tyres. Chen Zhujia was worried that the villagers might damage the fuel depot, so he pretended that the piece of land in question had been leased to someone else and undertook to go and call that person. All 10 and more of the defendants, Chen Ningbiao, Chen Dehuo, Cui Yongfa, Guo Jianhua and the other villagers from Sanshan, forced their way on three separate occasions into the fuel depot and urged Chen Zhujia to go and fetch the person who had rented the land for use as a fish-farm.

316. At about 3 p.m. that afternoon, Chen Zhujia realized that the safety of the fuel depot was under threat and was therefore constrained to try and find the depot's legal adviser, Lin Jiaqing, and ask him to masquerade as the person who had rented the land for use as a fish farm and to enter into discussions with the villagers. Chen Zhibiao, Liu Dehuo, Cui Yongfa, Shao Xixia and other persons, claiming to be acting on behalf of the village, went up to Lin Jiaqing, standing on the embankment nearby, and demanded payment of damages. Basing the claim on the damage which Lin Jiaqing had allegedly caused to the plot of land, Liu Dehuo demanded that he pay 150,000 yuan in compensation. Chen Zhibiao and the other persons took up the same demands, but were met with refusal from Lin Jiaqing. Undeterred, Liu Duhuo, Cui Yongfa and the others, arguing that Lin had allegedly signed an "illegal agreement", demanded that he pay them at least 75,000 yuan. In the meantime, Shao Xiaobing and a group of villagers dragged over some water pipes which they found lying around in the vicinity and used them to block the main gate into the fuel depot. They then continued creating a disturbance, shouting and threatening. Chen Ningbiao and Guo Jianhua

then joined the other villagers on the embankment, demanding payment of damages. Chen Zhujia realized what consequences all this might have for the safety of the fuel depot and its operation and, under duress, suggested to Lin Jiaqing that he pay 50,000 yuan in compensation. After Chen Zhibiao and the other persons had received the payment of 50,000 yuan, the villagers present at the scene were each paid out an amount of 200 yuan by Shao Xixia.

317. It has been ascertained in addition that, before this piece of land in “Meichong” was expropriated, it had been the property of the Nanshan village collective and none of the seven defendants belong to that village collective.

318. The Nanhai district people’s court in Foshan city, Guangzhou province, determined that Chen Ningbiao, Chen Zhibiao and Liu Dehuo had engaged in two acts of extortion, to an amount of 53,500 yuan; that the defendants Cui Yongfa, Shao Xixia, Guo Jianhua and Shao Xiaobing had engaged in one act of extortion, to an amount of 50,000 yuan, and that the amounts obtained by extortion were substantial. In the course of jointly committing the offence of extorting money from the Shunying fuel depot, Chen Ningbiao, Chen Zhibiao, Liu Dehuo, Cui Yongfa, Shao Xixia and Shao Jianhua had played the main role and were therefore the primary culprits: they should be punished in a manner commensurate with the commission of the full offence; Shao Xiaobing had played a secondary role and was an accessory to the offence: in accordance with the law she should receive a lighter punishment. In accordance with the provisions of article 274, article 26, paragraphs 1, 3 and 4, and article 27 of the Criminal Code of the People’s Republic of China, for the offence of extortion the defendants Chen Ningbiao, Chen Zhibiao and Liu Dehuo were sentenced to four years’ fixed-term imprisonment, the defendants Cui Yongfa, Shao Xixia and Shao Jianhua were sentenced to three years’ and six months’ fixed-term imprisonment and the defendant Shao Xiaobing received a sentence of two years’ and six months’ fixed-term imprisonment.

319. In the course of these proceedings, the court, acting in accordance with the law, informed the defendants of their right to receive the services of court-assigned defence lawyers or to appoint their own defence lawyers. Of the seven defendants in the case, Liu Dehuo, Cui Yongfa and Shao Xiaobing separately appointed defence lawyers (Cui Yongfa appointed two defence lawyers). After being notified by the court as required by law, Zhang Jiankang and Wang Quanzhang, the lawyers appointed by Liu Dehuo and Cui Yongfa, respectively, still failed to appear in court. Huang Liuxiao, the other lawyer appointed by Cui Yongfa, and Zhu Daohua, the lawyer appointed by Shao Xiaobing, did appear in court and participated in the proceedings. The other defendants did not appoint their own defence lawyers but, in court, in accordance with the law, all fully exercised their right to conduct their own defence. Article 34 of the Code of Criminal Procedure of the People’s Republic of China stipulates as follows: “In the event that the defendant is blind, deaf or mute or is a minor, and has not appointed a defence lawyer” or “may incur the death penalty and has not appointed a defence lawyer, the people’s court shall designate a lawyer, who shall be duty-bound to provide legal assistance in that person’s defence”. The above-named defendants did not fall into the categories specified as necessitating the appointment or assignment by the court of defence lawyers.

320. After the Nanhai district people's court in Foshan city, Guangdong province, had passed sentence at first instance, the seven defendants lodged appeals within the time limit set by law. The case is currently being heard at second instance by Foshan city people's intermediate court in Guangdong province.

Letter of allegations

325. On 10 May 2007, the Special Representative, together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the question of torture, sent a letter of allegations concerning Ms **Mao Hengfeng**, a well-known petitioner against family planning policies and forced evictions in Shanghai since 1989. Ms Hengfeng was the subject of a letter of allegations sent by the Special Rapporteur on the question of torture together with the Special Representative to the Secretary-General on the situation of human rights defenders on 9 June 2005.

326. According to information received, on 16 April 2007, Ms Hengfeng was informed by the Municipal No.2 Intermediate People's Court in Shanghai that her original sentence of two and half years was to be upheld. The court session lasted 10 minutes during which time the judgment was read out. Neither Ms Hengfeng nor her lawyer was authorized to present an argument in her defence and only family members were allowed to attend the hearing.

327. On 12 January 2007, Ms Hengfeng was sentenced to two and a half years in prison by Shanghai Yangpu District Court for allegedly damaging hotel property whilst in detention by Shanghai's Yangpu Public Security Bureau at a guest house in Beijing. It was alleged that Ms Hengfeng had broken two table lamps in the guesthouse and she was subsequently arrested on 30 June 2006 on charges of 'intentionally destroying property'. During the trial Ms Hengfeng was prevented by prison guards, from verbally protesting against the mistreatment and abuse which she was subjected to whilst in detention.

328. According to reports, prior to her trial on 16 April Ms Hengfeng was detained in a small cell in which the floor was covered with excrement with the smell preventing her from sleeping. Reports also claim that prison guards had covered the only window in the cell. Ms Hengfeng's current conditions of detention are unknown.

329. Concerns were expressed that the arrest and detention of Ms Hengfeng were directly related to her work in defence of human rights in China and might form part of an ongoing campaign against human rights defenders in the country. Further concern was expressed at reports that Ms Hengfeng is being detained in poor conditions which might prove detrimental to her health.

Letter of allegations

330. On 31 May 2007, the Special Representative sent a letter of allegations concerning Mr **Hu Jia**, a pro-democracy campaigner and HIV-Aids activist. Mr Jia is co-founder of the Beijing Aizhixing Institute of Health Education and an outspoken

advocate for people with HIV/AIDS; he has publicly criticised the authorities over their treatment of people with AIDS and other issues. According to reports received:

331. On 18 May 2007, Mr Jia was detained by police as he prepared to take a flight from Hong Kong to Europe. He was informed by domestic security officials at the airport that he was forbidden from leaving the country. Mr Jia and his wife were then interrogated by officials and told they were suspected of threatening state security. Mr Jia had been invited by organisations in several European countries to speak about human rights violations in China. Reports claim that Mr Jia's home is currently under police surveillance.

332. According to reports, in 2006 Mr Jia was kept under house arrest for a period of 168 days and was allegedly interrogated for 41 days. In 2004, Mr Jia was detained as he attempted to lay a wreath on Tiananmen square in memory of the victims of the 1989 massacre.

333. Concern was expressed that the decision by the Chinese authorities to prevent Mr Jia from travelling abroad might form part of an ongoing campaign against human rights defenders in China.

Urgent appeal

334. On 27 June 2007, the Special Representative, together with the Special Rapporteur on the question of torture and the Special Rapporteur on the independence of judges and lawyers sent an urgent appeal concerning Mr **Chen Guangcheng**, a human rights lawyer who was sentenced to four years and three months of imprisonment after taking legal action against Linyi city authorities for their practice of forcing women to have abortions in order to meet the national birth quotas. Mr Chen Guangcheng has previously been the subject of the following communications sent by Special Procedures: a joint urgent appeal sent on 19 September 2005 by the Chairperson of the Working Group on Arbitrary Detention, the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Rapporteur on Violence against Women, its causes and consequences and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, a joint allegations letter sent on 31 October 2005 by the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Rapporteur on Violence against Women, its causes and consequences and the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, a joint urgent appeal sent by the Chairperson of the Working Group on Arbitrary Detention, the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Rapporteur on the Independence of judges and lawyers and the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment on 7 April 2006, a joint urgent appeal by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Rapporteur on the Independence of judges and lawyers and the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment sent on 14 July 2006 and a joint urgent appeal by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of

human rights defenders, the Special Rapporteur on the Independence of judges and lawyers, and the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on Violence against Women, its causes and consequences sent on 21 December 2006.

335. According to the information received, on 16 June 2007, several fellow prisoners of Mr Chen Guangcheng were ordered by the prison guards to beat him. As a result of the beatings, one of his ribs broke and he suffered from severe pain in the area of his thorax. However, he was denied medical treatment. That same day, he began a hunger strike to protest against the beatings and the lack of medical treatment.

336. The beatings presumably aimed at punishing him for having requested to file an appeal with the provincial high court. Being blind from birth, Mr Chen Guangcheng needs the assistance of a lawyer to draft an appeal, but is now unable to do so, since he has not been allowed to meet with him for more than 30 minutes per month.

337. Serious concern was expressed with regard to the alleged denial of medical treatment and the insufficient amount of time Mr Chen Guangcheng is allowed to meet with his legal counsel. Concern was also expressed in relation to the unfair trial that led to his prison sentence, allegedly for his peaceful activities in defence of human rights.

Urgent appeal

338. On 12 July 2007, the Special Representative, together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the question of torture, the Special Rapporteur on violence against women, sent an urgent appeal concerning Ms **Mao Hengfeng**, a well-known petitioner against family planning policies and forced evictions in Shanghai since 1989. Ms Mao Hengfeng was the subject of joint appeals sent on 10 May 2007, 1 February 2006 and on 5 January 2006. We note Government responses received in this regard, including those dated 18 April and 14 June 2006.

339. According to recent information received, on 15 May 2007 at approximately 6am, Ms Mao Hengfeng was transferred from the police detention centre to prison. She was given inadequate clothing which left her virtually naked. When protesting at this treatment, she was beaten by police officers and placed in solitary confinement upon her arrival at the prison. Ms Mao Hengfeng embarked upon a hunger strike as a gesture of protest against her situation. She was subsequently subjected to forced feeding on three occasions by prison guards who tied her hands and forced a tube down her throat. She was placed under constant surveillance by inmates that had been assigned the task by prison guards. These prisoners seem to have also been ordered to harass Ms Mao Hengfeng and they proceeded to verbally abuse her.

340. Ms Mao Hengfeng is currently in poor health, suffering from high blood pressure and arthritis. These conditions are further aggravated by her inadequate living conditions. She has neither been provided with chairs, nor a bed. As such, she has no choice but to lie on the floor, often in cold and damp conditions. Ms Mao Hengfeng was visited by her husband on 28 June 2007. At this time her husband

reported her ill-treatment and requested that the prison officials grant Ms Mao Hengfeng's lawyers access to visit her in order to prepare for her upcoming appeal.

341. Serious concern was expressed at reports that Ms Hengfeng is being detained in poor conditions which may prove detrimental to her health. Further concern was expressed that the reported ill-treatment of Ms Mao Hengfeng in prison might be directly related to her peaceful work in defence of human rights in China, and might form part of a pattern of harassment of human rights defenders in the country.

Urgent appeal

343. On 27 July 2007, the Special Representative, together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and the Special Rapporteur on the question of torture, sent an urgent appeal concerning Mr **Zheng Enchong** and his wife Mrs **Jiang Meili**. Mr Zheng Enchong is a human rights lawyer in Shanghai. Mr Enchong was sentenced to three years' imprisonment on charges of 'illegally providing state secrets overseas'. He was released on 5 June 2006 and has been under house arrest and subject to police surveillance ever since.

344. On 5 July 2007, Mr Enchong signed a petition, along with 100 other evicted house-owners from the neighbourhood of Dongbakuai. The petition called for a public trial of Mr Zhou Zhengyi, the former president of Nongkai, a property development firm in Shanghai, who has been detained and faces charges of fraud and bribery. The petition also called for evictees to be allowed to attend the trial and testify as affected parties. Mr Enchong was the subject of two communications sent respectively by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders on 16 March 2004 and by the Special Rapporteur on the

independence of judges and lawyers and Special Representative of the Secretary-General on the situation of human rights defenders on 20 July 2006.

345. According to information received, on 24 July 2007 at approximately 7.30am, Mr Zheng Enchong went to the Shanghai Municipal Higher People's Court with his wife, Mrs Jiang Meili, in order to register to attend the trial of Mr Zhou Zhengyi, to be held at the end of July 2007.

346. On their arrival at the courthouse Mr Zheng Enchong and Mrs Jiang Meili were reportedly surrounded by six police officers, namely Mr Tang Wei, Mr Wu Yanan, Mr Qian Guoqiang, Mr Wang Zhenlin, Mr Li Wei and Mr Feng Jianping. Mr Tang Wei and Mr Wu Yanan, with the help of the other officers, then proceeded to knock Mr Enchong to the ground. They dragged Mr Enchong along the ground for a distance of almost 200m while they subjected him to an assault which lasted for an hour. Mr Enchong sustained injuries to his left hand in the course of the assault which was observed by hundreds of residents in the vicinity.

347. The police officers then allegedly forced Mr Zheng Enchong and Mrs Jiang Meili into a taxi. They went directly to the home of Ms Jiang Zhongli, the sister of Mrs Jiang Meili, on the Baochang Road. Here they were met by five police vehicles and more than 30 police officers who prevented them from leaving. That same day, at approximately 9.00am, more than 50 displaced residents from the neighborhood of Dongbakuai presented themselves at the Shanghai Municipal Higher People's Court in order to register to attend the trial of Mr Zhou Zhengyi. Security guards and police officers prevented them from entering the building.

348. Concern was expressed that the aforementioned alleged harassment of Mr Zheng Enchong might be as a result of his peaceful and legitimate human rights activities as a human rights lawyer in Shanghai. Further concern was expressed for the physical and psychological integrity of Mr Zheng Enchong and Mrs Jiang Meili.

Urgent appeal

354. On 23 August 2007, the Special Representative, together with the special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment on human rights, sent an urgent appeal concerning Mr **Wu Lihong**, an environmental activist and human rights defender from the Zhoutie Township, Yixing City, in the province of Jiangsu. Mr Wu Lihong regularly reports to the authorities cases of environmental violations in the form of illegal dumping of industrial waste into the Tai Hu (Tai Lake). According to information received:

355. On 10 August 2007, the Yixing City Court sentenced Mr Wu Lihong to three years' imprisonment and a fine of 500 RMB for the crime of extortion. Mr Wu Lihong has reportedly stated his intention to appeal this sentence. It is alleged that only four of Mr Wu Lihong's family members were allowed entry to the courtroom to be present at the trial, while other supporters and members of the press were denied entry.

356. Mr Wu Lihong was arrested on 13 April 2007 by the Yixing City police on suspicion of extortion. He was transferred to a detention centre in Yixing where he was allegedly subject to violent treatment, resulting in injury. His lawyer requested that a physical examination be conducted by a doctor. It is as yet unconfirmed whether or not an examination was carried out.

357. Concern was expressed that the aforementioned sentence imposed upon Mr Wu Lihong might be related to his peaceful and legitimate activities in the defence of human rights, in particular his work to report environmental violations in the form of illegal dumping of industrial waste. Further concern was expressed for the physical and psychological integrity of Mr Wu Lihong while imprisoned.

Letter of allegations

359. On 30 August 2007, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegations concerning the **Asia Catalyst Group**, a New York-based non-Governmental organisation collaborating with local partners to foster respect for human rights and social justice; the China Orchid AIDS Project (COAP), a Beijing-based support group for those suffering from HIV/ AIDS as well as the families and orphans of those killed by HIV/ AIDS; human rights defender Mr Zhu Zhaowu, director of the COAP's office in Kaifeng in Henan province; Yirenping, an Information and Counselling Centre for those suffering from HIV/AIDS based in Beijing; the Alliance of People Living with HIV/AIDS; CAP+, a network of organisations of people living with HIV, and Mr Duan Jun, Head of the Henan Zhumadian PLWHA Self-Help Group,

360. According to information received, Chinese authorities allegedly called for the cancellation of a meeting organised by the Asia Catalyst Group and the China Orchid

AIDS Project (COAP) to be held at the beginning of August 2007 in the city of Guangzhou in Guangdong province. The meeting was to involve a discussion with Chinese and foreign experts on how people living with HIV can best exercise their legal rights. The authorities reportedly said that they considered such issues to be too sensitive for public discussion.

361. In addition, on 15 August 2007, officers of the Kaifeng Public Security Bureau ordered the temporary closure for two provincial offices of COAP in Henan province. On 16 August 2007, Mr Zhu Zhaowu, the director of COAP's Kaifeng office, was allegedly instructed to clear out the office by midday of the following day or risk his own personal safety. The authorities in Henan are reportedly acting as an obstacle to Mr Zhu Zhaowu's attempts to secure alternative premises for COAP offices.

362. Yirenping was reportedly informed by local authorities that it could not hold a meeting planned for 4 August 2007 in Guangzhou. A meeting organised by the China Alliance of People Living with HIV/ AIDS to be held on August 19-20 2007 in Kaifeng was also cancelled by members of Kaifeng police, on the grounds that the organisation was unregistered and therefore illegal.

363. Similarly, CAP+ planned to hold a training in August for organisations of people living with HIV in Henan in collaboration with among others Henan Zhumadian PLWHA Self-Help Group. The organisations were given the permission to organise the meeting by the health authorities. However, the organisations were contacted by the Bureau of Public Security and summoned to cancel the meeting. As a result, Mr Duan Jun, who was supposed to participate in the training, is reportedly under constant police surveillance.

364. Concern was expressed that the aforementioned incidents might have been directly related to the peaceful and legitimate activities carried out by the aforementioned organisations in the defence of human rights of people living with HIV and their relatives.

Urgent appeal

366. On 30 August 2007 the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegations concerning Mr. **Lu Gengsong**, a well-known writer who has published several pro-democracy articles on the internet and books on political reform.

367. According to the information received, on 24 August 2007, Mr. Lu was arrested at his home by members of the security forces. These agents also carried out a search in Mr. Lu's home and questioned his family. Mr. Lu was taken to the Detention Center of the Hangzhou Public Security Bureau's branch in the West Lake

district. The charges against him were “inciting subversion of state power” and “illegal possession of state secrets”. According to reports, the police informed Mr. Lu’s family that the main reason for his detention had been his articles attacking the Chinese Communist Party.

368. Concern was expressed that the arrest and detention of Mr. Lu may be related to his peaceful work in defence of human rights in China.

Urgent appeal

371. On 5 September 2007, the Special Representative, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent an urgent appeal concerning the situation of Mr **Yang Chunlin**, a resident of Jiamusi City, Heilongjiang Province.

372. According to the information received, on 6 July 2007, Mr Yang was arrested, and on 3 August was charged with "subversion of state power" following an apparent order of the Ministry of Public Security. Mr Yang is reportedly detained at Heitong Detention Center in Heilongjiang with no access to his family. It is not clear whether he has access to a lawyer.

373. It is believed that Mr Yang was arrested because of his campaign in collecting signatures to support an open letter entitled “We want human rights, not the Olympics” in villages where he had been helping farmers who lost their land to seek legal redress. Mr Yang had reportedly collected more than 10,000 signatures, mostly by Heilongjiang farmers who reportedly were forcedly evicted and sympathized with victims of land loss in urban areas where officials allegedly evicted them for hosting the Olympics without providing adequate compensation.

374. Concern was expressed that the arrest and detention of Mr Yang under the charge of “subversion of state power” might be related to his peaceful work in defence of human rights, in particular housing rights of affected populations in China.

Urgent appeal

376. On 28 September 2007, the Special Representative, together with the Special Rapporteur on the question of torture and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning Mr. **Gao Zhisheng**, a human rights lawyer. Mr. Gao was the subject of a joint allegations letter sent by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Representative of the Secretary-General on the situation of human rights defenders on 1st December 2006; a joint urgent appeal sent by the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture, the Special Rapporteur on violence against women, its causes and consequences and the Special Representative of the Secretary-General on the situation of human rights defenders on 30 November 2006; a joint allegation letter sent by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the question of torture and the Special Representative of the Secretary-General on the situation of human rights defenders on 21 December 2005 and a joint urgent appeal sent by the Special Rapporteur on the independence of judges and lawyers and the Special Representative of the Secretary-General on the situation of human rights defenders on 25 November 2005. According to the information received:

377. On 22 September 2007, Mr. Gao Zhisheng was taken from his apartment in Beijing by plain-clothes policemen, and his whereabouts remain unknown as of today. Reportedly, Mr. Gao's arrest is directly related to an open letter he sent to the United States Congress last week expressing his deep concerns over the worsening deterioration of human rights in China ahead of the 2008 Beijing Olympics. It has also been reported that prior to that letter, the police had threatened Mr. Gao with jail if he released any more open letters or statements.

378. Concern was expressed that the arrest of Mr. Gao might be related to his peaceful activities in defence of human rights. Further concern was expressed for his physical and mental integrity in view of his incommunicado detention.

Urgent appeal

380. On 5 October 2007, the Special Representative, together with the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal concerning Mr **Li Heping**, a human rights lawyer practicing at the Gaobo Longhua law firm in Beijing.

381. According to information received, on 29 September 2007, at approximately 5.30pm, Mr Li was abducted in the car park of the offices of his law firm by twelve men in civilian clothes. The men allegedly put a hood over his head and forced him into an unregistered car. After about an hour's drive, the men stopped at an unknown location and took Mr Li to a basement where they beat him and tortured him using electric rods. While torturing Mr. Li the men demanded that he promise to stop practising law and leave Beijing. If he refused, they threatened him with systematic attacks. At approximately midnight, they drove Mr. Li to the woods at Xiao Tang mountain in the suburbs of Beijing and left him there. Mr Li managed to get a taxi to the Beijing hospital where he was treated for his injuries.

382. Days prior to his abduction and assault, Mr Li was reportedly approached by policemen from the National Security Protection Unit of the Beijing Public Security Bureau and instructed that he and his family were to leave Beijing. When Mr Li refused to leave the city, the policemen proceeded to follow him, keeping him under constant surveillance. According to Mr Li, the policemen who followed him witnessed his abduction as he had just talked to them.

383. Upon his return home, Mr Li discovered that his lawyer's identification card as well as some other personal belongings had been taken. In addition, all of the files saved on his computer had been erased.

384. Concern was expressed that the aforementioned abduction and assault of Mr Li might be related to his peaceful human rights activities, in particular his work as a human rights lawyer to defend those suffering human rights violations in China. Further concern was expressed for the physical and psychological integrity of Mr Li and his family.

Urgent appeal

385. On 9 October 2007, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, sent an urgent appeal concerning Mr **Zheng Dajing**, a petitioner and human rights defender.

386. According to the information received, Mr Zheng Dajing was arrested and detained on 9 September 2007 by officials of the Public Security Bureau of Shiyan City, Yunxi County, Hubei Province, on criminal charges of "petitioning leading to disturbance of social order." Mr Zheng was believed to be held at the Yunxi Detention Centre, however, on 18 September 2007 it appeared that Mr Zheng is being detained at Yanco Station in Hongtai Yuansigou Village, where he has been beaten and subjected to other forms of ill-treatment. Yanco Station is an unofficial detention facility established by local authorities for the purpose of detaining petitioners. Local

Government authorities allege that Yanco Station is in fact merely a “class for petitioners who have adopted unusual means to petition” and was set up following directives of the Central Government.

387. Before Mr Zheng was arrested he had been forcibly returned from Beijing to his hometown on 7 September 2007 by unidentified officials believed to be from the Hubei Province. In Beijing he had met with other petitioners and received information about the destruction of a village where other petitioners were living.

388. Local Government officials in Beijing also attempted to forcibly return Mr Zheng’s wife, Ms Cao Xiangzhen, to the Hubei Province. Earlier, on 5 September 2007, Mr Zheng published a letter addressing leaders at the Asia-Pacific Economic Cooperation (APEC) meeting on 8 and 9 September 2007 about the human rights situation in the People’s Republic of China. His seven year old daughter and his wife were previously detained for 65 days in July 2006.

389. Mr Zheng has been petitioning for several years because his house was seized by the local Government. Since early 2007, Mr Zheng has also actively helped hundreds of other petitioners and defended their rights.

390. Concern was expressed that the arrest and detention of Mr Zheng might solely be connected to his reportedly peaceful activities in defense of human rights. In view of his custody at a reportedly unofficial place of detention, further concern was expressed as regards his physical and psychological integrity.

Urgent appeal

392. On 25 October 2007, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning Ms Liu Jie, human rights defender and pro-democracy activist, and Mr. Fu Jingjiang, her husband.

393. According to information received, on 11 October 2007, Ms Liu Jie was reportedly arrested by members of the Beijing police in the area of the Beijing Zhong Ding Village. From there, she was taken to You-an Men police station.

394. On 13 October, Ms Liu Jie was charged with “suspicion of gathering crowds to disturb social order” on the basis of Article 61 of the PRC Criminal Procedure Law regarding the initial detention of “major suspects” or “active offenders”. Ms Liu Jie is currently detained at the Beian Nongken Detention Centre.

395. Prior to her arrest, Ms Liu Jie had been the main coordinator in the presentation of a public letter, signed by over 12,000 petitioners, to the Chinese Communist Party leaders when they are to meet at the 17th Party Congress on 27

October 2007. The letter calls on party leaders to enact political and legal reforms and has been signed by victims of alleged harassment and brutality at the hands of the police and other state officials. Ms Liu Jie has been involved in such petitions to official Chinese Communist Party meetings since 2003. The other coordinators of the public letter have reportedly gone into hiding.

396. It is believed that Mr Fu Jingjiang has also been arrested by police forces as he has not been seen since petitioners witnessed his arrest in Harbin on 15 October 2007.

397. Concern was expressed that the arrest and detention of Ms Liu Jie might be directly related to her non-violent human rights activities, in particular her work to campaign for democracy and the rule of law in China. Further concern was expressed that the arrest and detention of Mr Fu Jingjiang might be linked to the aforementioned work of his wife. Finally, concern was expressed for the physical and psychological integrity of both of them while in detention.

Urgent appeal

398. On 5 November 2007, the Special Representative, together with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the question of torture, and the Special Rapporteur on violence against women, its causes and consequences, sent an urgent appeal concerning Ms **Mao Hengfeng**, a well-known petitioner against family planning policies and forced evictions in Shanghai since 1989. Ms Hengfeng was the subject of previously transmitted communications. According to information received, on 13 September 2007, prison authorities reportedly ordered a fellow inmate to beat Ms Mao Hengfeng in punishment for revealing that she had been held in solitary confinement for 70 days in July and August 2007. This was in violation of Article 15 of the Chinese Prison Law which stipulates a maximum of 15 days for the solitary confinement of prisoners. Ms Mao was badly bruised as a result of the beating.

399. On 24 September 2007, prison authorities allegedly sent Ms Mao to the Nanhui Prison Hospital. She had previously refused to undergo a medical examination for fear that she would be forcibly injected with drugs, as had happened when she was held in a psychiatric institution in the 1980s. At the Nanhui Prison Hospital Ms Mao's clothes were removed and she was tied to a bed and force-fed by other inmates.

400. Ms Mao's husband, Mr Wu Xuwei, was prevented from visiting her at the Shanghai Women's Prison until 26 October 2007. During his supervised visit Ms Mao was repeatedly silenced by prison guards when she attempted to inform him of having been force-fed.

401. Concerns were expressed that the arrest, detention and aforementioned ill-treatment of Ms Mao Hengfeng might be directly related to her peaceful work in defense of human rights in China, and might form part of an ongoing campaign against human rights defenders in the country. Further concern was expressed for the physical and psychological integrity of Ms Mao whilst she is in detention.

Urgent appeal

408. On 30 November 2007, the Special Representative, together with Special Rapporteur on the human rights of migrants, sent an urgent appeal concerning the Dagongzhe Centre for Migrant Workers (DGZ) and Mr Huang Qingnan. The DGZ is a non-Governmental organisation that provides migrant workers in Shenzhen with free legal advice. Mr Huang Qingnan is the license-holder of the organisation.

409. According to information received, on 20 November 2007, at about 3.30pm, Mr Huang Qingnan was walking in Longhu New Village when he was attacked from behind by two men armed with knives. He was repeatedly stabbed, particularly in the

back and legs. The men escaped on a motorbike. Mr Huang Qingnan was taken to hospital and remains in a serious condition.

410. On 14 November 2007, at approximately 4.30pm, four men armed with steel water pipes broke the doors of the Dagongzhe Centre and proceeded to destroy equipment inside the offices, including the furniture and the water machine. The men escaped in a white mini-van, its registration plates were obscured, with only “Guangdong BMXXXX” visible. According to staff members, there were three policemen on patrol outside the offices at the time of the attack who looked on without taking any action against the attackers. Staff members then reported the attack to the local Tongle police station. When they inquired about the CCTV on the street outside the offices, they were informed by the police that it did not have a “recording function”.

411. On 11 October 2007 at approximately 7.00pm, a similar attack occurred when the Dagongzhe Centre’s glass doors were broken by several men armed with steel water pipes while staff members were inside the offices. After they broke the doors, the men reportedly left on motorcycles parked outside.

412. Concern was expressed that the aforementioned attacks against Mr Huang Qingnan and the offices of the Dagongzhe (DGZ) Centre for Migrant Workers might be directly related to the human rights activities of the Centre, in particular their work to defend workers’ rights and their recent promotion of labour law reform in China. Further concern was expressed for the physical and psychological integrity of Mr Huang Qingnan and rest of the staff of DGZ.

Letter of allegations

413. On 30 November 2007, the Special Representative, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a letter of allegations concerning Mr. **Yang Maodong** (a.k.a Mr. Guo Feixiong). Mr. Yang Maodong is a legal adviser with the Shengzhi law firm in Beijing. Mr Yang Maodong has been the subject of other communications sent by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers on 6 March and 19 October 2006.

414. According to information received, on 14 November 2007, Mr. Yang Maodong was convicted by the Tianhe District Court of Guangzhou City of having conducted “illegal business activity” through the publication of Political Earthquake, which exposed Government corruption in Shenyang City, Liaoning Province. Mr. Yang Maodong was sentenced to five years’ imprisonment and a fine of 40,000 Yuan and is being detained at Guangzhou City No. 3 Detention Centre. The trial reportedly featured irregularities in legal procedure, such as the absence of Mr. Yang Maodong’s lawyers at the sentencing.

415. Mr. Yang Maodong has been detained since 14 September 2006 and has reportedly been subject to ill-treatment during his detention. Prior to his detention he had provided legal assistance to peasants from the village of Taishu in Guangdong in

their campaign to obtain a court ruling to dismiss the head of the village committee, who has been suspected of corruption.

416. Concern was expressed that the aforementioned sentence against Mr. Yang Maodong might be directly related to his human rights activities, in particular his work to apply his legal expertise to the fight against corruption in China. Further concern was expressed for the physical and mental integrity of Mr. Yang Maodong while imprisoned.

Letter of allegations

418. On 30 November 2007, the Special Representative sent a letter of allegations concerning **Mr Hu Jia**. Mr Hu Jia is a pro-democracy campaigner and HIV-Aids activist. He is co-founder of the Beijing Aizhixing Institute of Health Education and an outspoken advocate for people with HIV/AIDS. Mr Hu Jia was the subject of an allegation letter sent by the Special Representative of the Secretary-General on the situation of human rights defenders on 31 May 2007.

419. According to information received, on 9 November 2007, Mr Hu Jia, on his way to visit his pregnant wife at Zhaoyang Hospital, was reportedly beaten by officers of the National Security Unit (Guo Bao) of the Beijing Public Security Bureau (PSB) in the building where he lives. The officers, who were dressed in plain clothes, had been assigned to conduct surveillance on Mr Hu Jia since 18 May 2007. Mr Hu Jia suffered injuries to his mouth. Following the beating, the officers permitted him to visit his wife. They reportedly followed him there and remained outside the hospital room during his visit.

420. Concern was expressed that the aforementioned surveillance and physical abuse of Mr Hu Jia might be directly related to his human rights activities, in particular his work to defend the rights of those living with HIV/AIDS in China.

Urgent appeal

421. On 4 December 2007, the Special Representative, together with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers sent an urgent appeal concerning **Mr Li Guohong**. Mr Li Guohong is a representative of former workers of the Zhongyuan Oil Field.

422. According to information received, on 31 October 2007, Mr Li Guohong went to Puyang City, Henan Province, where the headquarters of the Zhongyuan Oil Field are located, in order to gain information with regard to a lawsuit being taken by dismissed workers against the oil field company. When Mr Li Guohong went to Zhongyuan Oil Field Public Security Bureau (PSB) to investigate the detention of Zhongyuan Oil Field workers, he was placed in administrative detention for fifteen

days. On 16 November 2007, when he was due to be released, he was instead sent to a “Re-education Through Labor” (RTL) camp for one and a half years by the Zhongyuan Oil Field PSB.

423. Since 2001, the Zhongyuan Oil Field has reportedly unfairly carried out the dismissal of 10,000 workers without providing them with adequate compensation.

424. According to the regulations in place for RTL camps, there is no the right to have the decision ordering the transfer to such a camp be reviewed by a judicial body.

425. Concern was expressed that the aforementioned treatment of Mr Li Guohong may be related to his peaceful human rights activities, in particular, his work to defend workers’ rights. Further concern was expressed for Mr Li Guohong physical and psychological integrity while in the RTL camp.

Observations

434. The Special Representative thanks the Government of China for responding to most of her 29 communications which indicates the Government's continuous willingness to cooperate with the mandate. She looks forward to receiving the remaining responses. She regrets that at time of finalizing the report, a number of replies are being translated.

435. However, in the light of the responses received, the Special Representative reiterates the observations she made in her 2007 communications report, i.e. that the Government has consistently challenged the alleged facts in every communication, especially those concerning allegations of beatings or torture, which the Government say are unfounded. From the very detailed responses provided by the Government and the heavy reliance on Chinese law, the Government concludes in every case there is no connection between the criminal charges imposed on the alleged victims because of their human rights activities. It would also seem that Chinese human rights

defenders often attract traffic offenses for disturbing the peace, assembling crowds, disrupting movement of traffic, and at times hinder officials in the discharge of their duties. According to the Government, these defenders are detained, arrested and charged because they manifest criminal behaviour in breach of Chinese law and not because of their human rights activities. In every case, the Chinese judicial authorities and the public security bureau have acted in strict compliance with the Chinese Criminal Code, the Chinese Code of Criminal Procedure and other laws and regulations and in every case, the alleged victim's lawful rights are said to have been upheld.

436. The Special Representative notes that saying a person's lawful rights were upheld is not the same as saying a person's human rights were upheld, and the question is really one of whether the Chinese Criminal Code, the Chinese Code of Criminal Procedure and other laws and regulations such as the Chinese Lawyers Act are compatible with international human rights norms and standards such as those on the right to freedom of opinion and expression and the Declaration on Human Rights Defenders. The Special Representative would be more willing to accept the Government's explanation that human rights defenders tend to be traffic offenders, if she was aware of any examples of human rights defenders being granted legal permission by the authorities to hold a peaceful demonstration that might challenge or question the Government. She would welcome further information from the Government of China that demonstrates that human rights defenders are able to freely conduct their work, disseminate information, present a petition, criticize the Government publicly or conduct other peaceful activities without the likelihood of attracting criminal charges.