People's Republic of China
The Olympics countdown – crackdown on activists threatens Olympics legacy

Introduction

With little more than four months to go before the Beijing Olympics, few substantial reforms have been introduced that will have a significant, positive impact on human rights in China.[1] This is particularly apparent in the plight of individual activists and journalists, who have bravely sought to expose ongoing human rights abuses and call on the government to address them. Recent measures taken by the authorities to detain, prosecute and imprison those who raise human rights concerns suggest that, to date, the Olympic Games has failed to act as a catalyst for reform. Unless the Chinese authorities take steps to redress the situation urgently, a positive human rights legacy for the Beijing Olympics looks increasingly beyond reach.

It is increasingly clear that much of the current wave of repression is occurring not *in spite of* the Olympics, but actually *because of* the Olympics. Peaceful human rights activists, and others who have publicly criticised official government policy, have been targeted in the official pre-Olympics 'clean up', in an apparent attempt to portray a 'stable' or 'harmonious' image to the world by August 2008. Recent official assertions of a 'terrorist' plot to attack the Olympic Games have given prominence to potential security threats to the Olympics, but a failure to back up such assertions with concrete evidence increases suspicions that the authorities are overstating such threats in an attempt to justify the current crackdown.

Several peaceful activists, including those profiled in this series of reports, remain imprisoned or held under tight police surveillance. Despite some high profile releases, many more have been detained over the last six months for doing nothing more than petitioning the authorities to address their grievances or drawing international attention to ongoing human rights violations. Several of those detained have reportedly been subjected to beatings and other forms of torture or other ill-treatment. Those who have linked China's human rights responsibilities to its hosting of the Olympics have been among the most harshly treated.

Foreign journalists continue to be obstructed from reporting on issues deemed sensitive by the authorities despite the introduction of new regulations last year, ostensibly aimed at increasing their freedom to cover news stories in China. Chinese journalists continue to work under conditions of tight control and censorship and those that publish articles critical of the authorities or official policy risk prosecution and imprisonment. Over recent months, new measures have also been introduced to increase official controls over the Internet, with several HIV/AIDS news websites among those most recently targeted in Beijing. Reports suggest that information controls are also being extended to cover SMS text messaging in Beijing.

[1] This briefing updates four previous "Olympics Countdown" reports published by Amnesty International: "People's Republic of China: The Olympics countdown – three years of human rights reform?", August 2005 (AI Index: ASA 17/021/2005), "People's Republic of China: The Olympics countdown – failing to keep human rights promises", September 2006 (AI Index: ASA 17/046/2006); and "People's Republic of China: The Olympics countdown – repression of activists overshadows death penalty and media reforms," April 2007 (AI Index: ASA 17/015/2007); and "People's Republic of China: The Olympics countdown – one year left to fulfil human rights promises" August 2007 (ASA 17/024/2007).

Despite long-standing efforts to substantially reform or abolish "Re-education through Labour" (RTL), the system remains intact and available for use by the Beijing police as a tool to sweep 'undesirables' off the streets. Recent targets have included activists and petitioners, some of whom have reportedly been assigned to RTL after being detained in Beijing and forcibly returned to their home provinces. Recent reports of round-ups of petitioners in Beijing suggest that the authorities are resorting to methods similar to 'Custody and Repatriation' (C&R) - an abusive system of administrative detention the abolition of which in 2003 was presented by the authorities as a major human rights improvement.

While the authorities have claimed that the restoration of Supreme People's Court (SPC) review led to a significant reduction in the number of executions in 2007, they have failed to support their assertions by publishing full national statistics and other detailed information on the application of the death penalty in China. Such information is essential to allow Chinese and other independent observers to accurately assess the impact of SPC review, and to allow the Chinese public at large to debate and come to informed opinions on the death penalty. Recent reports indicate that the review process itself is beset by significant problems, including a lack of clarity on procedures for defence lawyers to access the SPC. No efforts have been made to reduce the large number crimes punishable by death, and two recent SPC judicial interpretations on damage to electric power facilities and the production or sale of fake medicine may actually encourage lower courts to impose the death penalty, even if crimes have non-lethal consequences.

Time is running out for the Chinese authorities to steer a new course prior to the Olympics based on respect for fundamental human rights – in particular rights to freedom of expression, movement and liberty and security of the person, which apply as much to those who may *disagree* with government policy as those who agree. It is crucial that the international community, including those with a stake in the Olympics, such as the International Olympic Committee (IOC) and world leaders who will attend the Games, take a stronger stance with the Chinese authorities to bring an end to such abuses.

Activists silenced in the name of the Olympics

The crackdown on human rights activists has intensified since the publication of the last Olympics Countdown update in August 2007.[2] Those seeking to draw connections between ongoing human rights violations and China's hosting of the Olympics have been among the most harshly treated, yet many continue to publicise their concerns despite the risks. Scores of activists were reportedly detained or placed under tight police surveillance in the run-up to the 17th Chinese Communist Party (CCP) Congress in October 2007, apparently because the Congress was "a very important meeting and a good environment needed to be ensured."[3] The crackdown also included broad police sweeps of petitioners, vagrants, beggars and other 'undesirables' in

[2] See Amnesty International, *People's Republic of China: The Olympics Countdown – one year left to fulfil human rights promises*, August 2007, AI Index: ASA 17/024/2007.
[3] Chinese Foreign Ministry Spokesman, Liu Jianchao, quoted in 'Blitz on dissent is legal, says Beijing', *Agence France Presse (AFP)*, 17 October 2007.

Beijing in a pattern which broadly continued in the run-up to the National People's Congress held in Beijing between 5-16 March 2008.

In addition to the crackdown on domestic activists, recent reports indicate that the Chinese authorities are compiling lists of foreign NGOs and activists in an attempt to prevent protests and demonstrations during the Olympics.[4] On 1 November 2007, the Ministry of Public Security held a news conference to emphasize that anyone wishing to hold assemblies, parades and demonstrations during the Olympics would have to comply with the law, including an obligation to apply for permission in advance.[5] This was reinforced on 12 March 2008 when Beijing vice-mayor Liu Jingmin warned that anyone planning to protest during the Games must get police permission and obey local laws.[6] As the case of Ye Guozhu below indicates, such permission is almost never granted in China, particularly for demonstrations which criticise official policy or draw attention to human rights concerns.

Concerns over restrictions on freedom of expression were reinforced in early 2008 by reports that several NOCs were to include 'gagging orders' in their contracts with athletes for the Beijing Olympics. These orders would prevent athletes from commenting on 'politically sensitive issues', potentially including speaking out against human rights violations, during the Games. At the centre of the controversy was the British Olympic Association [BOA], which eventually agreed not to restrict athletes' freedom of expression after widespread criticism in the national media.[7] The position of other NOCs remained unclear, though several responded by explicitly stating that their athletes would be free to speak their minds.

Chapter 51, Article 3 of the Olympic Charter specifies that 'no kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas'. Amnesty International considers that this provision must not be used as pretext to curtail the fundamental human rights to freedom of expression, association and assembly more generally in Beijing or China at the time of the Games. In the light of the 'gagging orders' controversy, the organization urges the IOC to publicly clarify how it interprets this provision in the context of the right to freedom of expression and publish any guidance it may have issued to NOCs in this regard.

[4] See 'China sees activists as Olympic threat', *Associated Press*, 23 July 2007.
[5] 'Ministry of Public Security: Any assembly, parade or demonstration during the Beijing Olympics must respect Chinese law' (公安部：北京奥运期间举行集会游行示威须遵守中国法律), *Xinhuawang*, 1 November 2007.
[6] 'Olympics: China says no protests without permission', *AFP*, 12 March 2008.
[7] See for example, 'Olympics: British riding boss supports Olympic gag', *AFP*, 22 February 2008; 'Athletes Face Olympic Ban for Criticizing China', *Daily Telegraph*, 10 February 2008.

Use of 'security' as a pretext to crackdown on peaceful activists

As mentioned in previous Olympics Countdown reports, an overriding preoccupation with ensuring 'harmony' and 'stability' has featured heavily in China's preparations for hosting the Olympic Games in August 2008.[8] Over recent months, official concerns over 'security' appear to have taken precedence. On 9 March 2008, the authorities claimed to have thwarted a 'terrorist' plot to attack the Olympics involving so-called 'three evil forces' of 'separatists, terrorists and religious extremists' from the Xinjiang Uighur Autonomous Region (XUAR).[9] This was based on a raid conducted on a so-called 'terrorist gang' in the XUAR in January 2008 in which, according to official sources, Chinese police killed two members of the gang and arrested 15 others. It is unclear why the authorities only disclosed their alleged plans for an attack on the Olympics two months later. As yet, they have provided no concrete evidence to support these assertions.[10]

Three days later, on 12 March 2008, the *Beijing News* reported that the authorities had established an 'emergency group' of 25 lawyers to provide legal services to 'respond rapidly to any sudden incidents' and 'protect social stability' during the Olympics.[11] On the same day, Liu Jinmen, executive vice-president of the Beijing Organizing Committee for the Olympics Games (BOCOG) announced that it had set up a 'state level headquarters', grouping the Ministry of State Security, the Ministry of Public Security and the armed forces, to ensure the security of the Olympics.[12]

Amnesty International recognizes the responsibility of governments to take appropriate security measures and precautions against threats of terrorism or other acts of violence. However, the Chinese authorities have long lumped peaceful acts of dissent, including peaceful support for independence or cultural autonomy, together with alleged acts of violence, branding them all as state security crimes. Repressive policies targeted at the mainly Muslim Uighur community in the XUAR have resulted in the detention of numerous peaceful activists, including academics, writers and journalists.[13] This approach appears to be mirrored in the current crackdown in the run-up to the Olympics, with several peaceful journalists and human rights activists charged with 'subversion' and other state security offences. In this context, concerns remain that the authorities may be overstating the 'terrorist' threat in an attempt to justify their tough security stance in Beijing, or even divert international attention away from the ongoing crackdown on peaceful activists.

[8] See Olympics Countdown report, April 2007, ASA 17/015/2007.
[9] 'China says thwarted attack on Olympics: state media', *AFP*, 9 March 2008.
[10] The Chinese authorities have made similar claims of violent, 'terrorist' organization in the XUAR in the past. However, they have not been backed by publication of detailed evidence. Moreover, trials of alleged suspects are invariably held in camera under state security provisions that also further restrict defence lawyers access to the evidence. Such an approach shields such claims from public scrutiny and makes independent assessment by Amnesty International and other observers impossible. See Amnesty International, *People's Republic of China: Uighurs fleeing persecution as China wages its 'war on terror'*, ASA 17/021/2004.
[11] 'Government asks lawyers to help respond to sudden incidents during the Olympics' (应对奥运突发事件政府向律师借脑), *Beijing News (新京报)*, 12 March 2008.
[12] 'China sets up state-level security organization for Olympics', *Xinhua*, 12 March 2008.
[13] See ASA 17/021/2004 op cit.

Rights activists detained, prosecuted and harassed

The formal police detention of **Hu Jia** on 27 December 2007 illustrates broader patterns of repression of activists in China in the run-up to the Olympics. As detailed in previous Olympics Countdown reports, Hu Jia had been held under 'house arrest' or 'residential surveillance' for most of the time since he was released from a previous period of police detention on 28 March 2006. Police failed to provide formal documents clarifying the reasons for 'house arrest' and he was beaten on several occasions for trying to leave his home without permission.[14] Hu Jia had established numerous contacts with foreign journalists, embassy staff and other international figures and his formal detention just after Christmas appeared to be timed to minimise international publicity. The police formally charged him with 'inciting subversion' on 28 January 2008, an accusation which continues to be used regularly to silence and imprison peaceful activists in China.

© Hu Jia and Zeng Jinyan
Hu Jia wearing a t-shirt supporting Chen Guangcheng (see below), July 2004.

Hu Jia is currently detained at the Municipal Public Security Bureau (PSB) Detention Centre in Dougezhuang, Chaoyang district, Beijing. He was denied access to members of his family and lawyers for several weeks after his formal detention. He suffers from liver disease resulting from Hepatitis B infection and is in need of daily medication. The police reportedly allowed him to take medicine provided by his family after his first week in detention. On 4 January 2008, the police rejected an application from his lawyer to visit on the grounds that his case apparently involved 'state secrets', but such charges were not levelled at the time of trial. On 14 January 2008, his lawyer submitted an application for bail on medical grounds, but this was formally rejected by the police at the end of the month.

In apparent reaction to international concern on his case, Hu Jia was eventually given access to lawyers and members of his family. After their first meeting with him on 31 January 2008, monitored closely by the police, his family expressed concern that he seemed pale, under stress and speaking as if he were rehearsing a play. He later told his lawyers that he had been subjected to lengthy periods of interrogation 47 times during the first two months of his detention for periods of between 6-14 hours, usually at night. While there are concerns that he has been placed under considerable psychological pressure during under interrogation, he is not believed to have been physically abused by the police.

Police passed his files to the procurator ate (prosecuting authorities) on 19 February 2008, and the case was transferred to Beijing No.1 Intermediate People's Court on 10 March 2008. He was tried on 18 March 2008 on charges of 'inciting subversion' under Article 105 of the Chinese Criminal Law. While his mother was allowed to attend, his wife and father were prevented from attending the trial. Several other associates of Hu Jia, including fellow activists, were reportedly prevented from attending or forcibly moved out of Beijing at the time of his trial.

[14] See Amnesty International Urgent Action on Hu Jia and Zeng Jinyan, UA 01/08 (ASA 17/035/2008) and update, ASA 17/047/2008.

A diplomatic source told Amnesty International that on 14 March 2008, the day the trial date was announced, eight foreign government representatives had applied to attend the trial. They were told that all seats had been 'allocated' and there was no space. On 18 March 2008, the same morning of the trial, they were given the contradictory information that seats had been 'allocated' to those that had arrived earlier the same day. Many seats were reportedly filled by court officials and police officers.

Hu Jia's lawyers had previously expressed concern that they had only been given one week to prepare his defence with access to his case files.[15] During the trial, which lasted just over four hours, Hu Jia's lawyer was reportedly given less than 30 minutes to present his defence, and was repeatedly interrupted by the judge. The prosecution presented articles written by Hu Jia as 'evidence' for his 'crimes'. Hu Jia pleaded 'not guilty', but the trial concluded with no immediate verdict.

Amnesty International considers Hu Jia's trial to be unfair and politically motivated. The organization considers him to be a prisoner of conscience detained solely in violation of his fundamental human rights to freedom of opinion and expression. He should be released immediately and unconditionally.

As a co-founder of the Beijing Aizhixing Institute of Health Education, Hu Jia began as an activist on HIV/AIDS issues, but his focus has broadened over recent years to include a variety of other human rights concerns. Despite intrusive 'house arrest', he publicly expressed concerns over police abuses during their 'clean up' of Beijing in the run-up to the Olympics, including the arrest of petitioners and activists without the necessary legal procedures. In September 2007, he published an article together with fellow activist Teng Biao about human rights violations in the run-up to the Olympics (see below). In November 2007, Hu Jia participated via web-cam in a European Union parliamentary hearing in Brussels in which he stated that China had failed to fulfil its promises to improve human rights in the run-up to the Olympics.

Hu Jia was among a group of activists who had been showcased by many in the international media as evidence that official policy had changed and that the authorities were adopting a more enlightened approach by tolerating at least some degree of local human rights activism with global links, rather than resorting to immediate arrest and prosecution. However, his formal detention in December 2007 was clearly intended to put an end to his role in uncovering and exposing human rights violations, often through his contacts with the media,

[15] Under international fair trial standards, including Article 14 of the International Covenant on Civil and Political Rights (ICCPR) which China has signed and declared an intention to ratify, one essential criterion of a fair hearing is the principle of 'equality of arms', which must be observed throughout the trial process. In criminal trials, where the prosecution has all the machinery of the state behind it, the principle of 'equality of arms' is an essential guarantee of the right to defend oneself. Under this principle, both parties must be treated in a manner which ensures they have procedurally equal position during the course of the trial and are given equal opportunity to present their case. This includes ensuring that the defence has a reasonable opportunity to prepare and present its case on a footing equal to that of the prosecution. Its requirements include the right to adequate time and facilities to prepare a defence, including disclosure by the prosecution of material information, and the right to call and examine witnesses.

including foreign journalists. It also sends a clear message to others in China that they should not follow his lead. Such practices call into serious question official commitments to improve human rights and ensure 'complete media freedom' in the run up the Olympics.

In September 2007, Hu Jia and his wife **Zeng Jinyan** were nominated for the Sakharov prize for freedom of thought. Since her husband's detention, Zeng Jinyan has herself been placed under 'house arrest' together with their new-born baby daughter.[16] She is not permitted to leave their home without permission, and her telephone line and Internet connection have been cut. On 2 January 2008, dozens of municipal and district police officers in more than ten vehicles surrounded their home in the Tongzhou district of Beijing to prevent her from meeting visitors. The following month it was reported that the number of police officers guarding her home had increased to about fifty, including several who had moved into the apartment directly above hers to conduct surveillance.[17]

© Hu Jia and Zeng Jinyan
Zeng Jinyan under house arrest, wearing a "house arrested again" T-shirt on 22 July 2006.

One of the cases raised by Hu Jia in media interviews was that of land rights activist **Yang Chunlin** who was detained by police on 6 July 2007 after he spearheaded a petition campaign under the banner "We don't want the Olympics; we want human rights."[18] He was held at Heitong police station, Jiamusi city, Heilongjiang province and formally charged with 'inciting subversion' on 3 August 2007. He was denied access to lawyers for several weeks on grounds that his case apparently involved 'state secrets', although such charges were not leveled at the time of trial. Reports emerged that Yang Chunlin had been tortured in police detention. For six days in early August and one day in September 2007, his arms and legs were reportedly stretched and chained to the four corners of an iron bed so that he could not move. He was forced to eat, drink and defecate in that position. He was also reportedly forced to watch other detainees being subjected to similar treatment and to clean up their defecation. He was tried by the Jiamusi Intermediate People's Court on 19 February 2008, but was not given any opportunity to raise the torture allegations in court. Appearing in court with his feet shackled to his chair, he pleaded not guilty to the subversion charges. On 24 March 2008, the court delivered its verdict, finding him guilty of 'inciting subversion' and sentencing him to five years in prison. Court police reportedly beat him several times with electro-shock batons when he tried to speak to members of his family who attended the sentencing hearing.


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Yang Chunlin, land rights activist, was sentenced to five years in prison for 'inciting subversion'.

[16] Zeng Jinyan had previously been allowed to leave the home while being kept under tight police surveillance.
[17] See *China Human Rights Briefing: On eve of 6-month countdown to the Olympics, police stepped up harassment on Zeng Jinyan*, Chinese Human Rights Defenders (CHRD), 7 February 2008.
[18] His open letter was signed by thousands of villagers in Fujin city, Heilongjiang province who alleged that the local city authorities had forcibly expropriated their land for development without providing adequate compensation. See ASA 17/024/2007 p.11 as well as Amnesty International Urgent Action UA 240/07 (ASA 17/042/2007) and update, ASA 17/048/2007.

Rights lawyers targeted with arbitrary detention and beatings

Hu Jia had also provided information to the media and others about the plight of defence lawyer and rights activist **Gao Zhisheng** who continues to serve his three-year sentence under surveillance at home in Beijing after being convicted of 'inciting subversion' in December 2006. Gao Zhisheng was taken away from his home to an unknown location by at least ten men, believed to be police officers in plain clothes, on 22 September 2007.[19] This appeared to be linked to an open letter he had addressed to the U.S. Congress asking them to expose what he called 'China's ongoing human rights disaster' and criticizing China's hosting of the Olympics. The men reportedly beat and kicked him when they took him away. No further information emerged about his situation until he telephoned Hu Jia, apparently under duress, on 28 October 2007, saying that he had been in Shaanxi and Shanxi provinces and telling Hu Jia not to try to visit his family. There are serious concerns that Gao Zhisheng was subjected to torture or ill-treatment by those who had abducted him. He was reportedly taken back to his home in early November, but remains under tight surveillance and no further information has emerged about his situation. Amnesty International remains deeply concerned for his well-being and safety.

Gao Zhisheng is among several lawyers who have become a key target for repression as a result of their robust human rights advocacy:

- **Teng Biao,** a lawyer, academic and human rights activist, went missing on 6 March 2008. Eyewitnesses reportedly saw him being bundled into a black vehicle by a group of unknown individuals just after he arrived home at around 8.30pm. He was released two days later following considerable international concern for his situation.[20] He clarified that he was taken away by four men, who showed no identification but claimed to be officers from the Beijing Public Security Bureau. They put a bag over his head and took him to an unknown location. He was apparently questioned over articles he had written, including an article he had co-authored with Hu Jia entitled '*The real China and the Olympics*' which was published in September 2007.[21] He added that he was not harmed during his detention, but could not provide further details as he had been warned not to talk to foreign journalists.

© Jens Liebchen/AI
Teng Biao, December 2007.

[19] For further information, see Amnesty International Urgent Action on behalf of Gao Zhisheng, UA 252/07, 28 September 2007 (ASA 17/045/2007). This incident followed a previous abduction, when he was held at an unknown location between 24 June 2007 and 4 July 2007. See previous Amnesty International Olympics Countdown report (ASA 17/024/2007) p.13.

[20] See Amnesty International press release: 'China: Net tightens on Beijing activists as Olympic Games approach', 7 March 2008.

[21] This was published in September 2007. See: http://hujiachina.spaces.live.com/blog/cns!2E61195DD50A5E9A!327.entry. English translations have recently been published by Human Rights in China and Human Rights Watch. See: http://hrichina.org/public/PDFs/CRF.4.2007/CRF-2007-4_Situation.pdf and http://hrw.org/pub/2008/asia/teng_biao080220.pdf

- At around 7.20am on 7 March 2008, human rights lawyer **Li Heping**'s car was rammed by a police car while he was driving his son to school in Beijing. He and his son were jolted by the crash but did not suffer serious injuries. The police car had been following him from his home and had apparently accelerated before the crash which crushed the back of his car. Li Heping recognized the three officers in the car as those from his police district. He claims the driver of the car ignored him when he complained about the crash and traffic police refused to take up the case when he reported the incident to them later in the day.

  Li Heping had previously been abducted and assaulted by a group of unidentified men on 29 September 2007. They beat him with electro-shock batons and told him he should leave Beijing or risk further attack. He was released after about eight hours. The incident occurred shortly after police had told Li Heping to leave Beijing during the 17th Communist Party Congress, held in October 2007.[22]

  Li Heping had built a reputation for defending sensitive cases, including Christians arrested for unofficial house church activities, members of the banned Falun Gong spiritual movement, alleged victims of forced eviction and independent writers. He had also appealed to the authorities on behalf of lawyer Gao Zhisheng. As a result of such activities, he has been placed under tight police surveillance and his freedom of movement has been restricted.

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Zheng Enchong was sentenced to three years imprisonment on 28 October 2003 on charges of "supplying state secrets to foreign entities".

- **Zheng Enchong**, a Shanghai-based lawyer, who had defended those allegedly forced out of their homes as a result of construction in Shanghai, continues to be subjected to serious abuses following his release from prison on 5 June 2006.[23] On 24 July 2007, he was publicly beaten by a group of around six police officers outside the Shanghai Municipal Higher People's Court after he and his wife, Jiang Meili, tried to register to observe the trial of Zhou Zhengyi, a local property developer. He has since been kept under tight surveillance and blocked and often beaten when he tried to leave his home. He has repeatedly been summoned for questioning by the police about legal aid he had provided to petitioners, media interviews he has given and allegations of tax fraud. On 20 February 2008, he was reportedly beaten by an unidentified individual while being questioned in detention. The beatings resulted in wounds and bleeding.

[22] For further information, see Amnesty International Urgent Action, UA 253/07, ASA 17/046/2007, 3 October 2007 http://www.amnesty.org/en/library/info/ASA17/046/2007/en and update ASA 17/064/2007, 21 December 2007. http://www.amnesty.org/en/library/info/ASA17/064/2007/en

[23] For further information on his case, see previous Countdown report, (ASA 17/046/2006) p. 11.

Housing rights activists detained and imprisoned

© Ng Han Guan/AP/PA Photo
Ye Guozhu in Beijing, China, 11 April 2004.

Beijing-based housing rights activist, **Ye Guozhu**, continues to serve a four-year sentence after he applied for permission to hold a demonstration about forced evictions in Beijing. Amnesty International continues to call for his immediate and unconditional release, and remains concerned for his safety following reports that he has been tortured in prison. The Chinese authorities have failed to either confirm or deny these reports, but official sources have confirmed that he was receiving treatment for 'hypertension'. They have also confirmed that he was held in Chaobai prison and due for release on 26 July 2008.

Ye Guozhu's son, **Ye Mingjun** and brother, **Ye Guoqiang** were also detained on 29 September 2007 on suspicion of 'inciting subversion' after they engaged in a public protest against forced evictions reportedly carried out to clear space for Olympics-related construction. The police also searched Ye Guoqiang's home, confiscating 26 documents he had written and two computers. Ye Mingjun was released on bail on 30 October 2007, but warned not to speak to the media as this could have a 'negative impact' on his situation and that of his father. Ye Guoqiang was released on bail on 9 January 2008, but on condition that he did not contact anyone overseas or continue with his petitioning activities.

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Wang Ling, Qian Guoliang and Ye Guoqiang (left to right) protesting against house destruction for Olympic construction projects, Beijing, China, 2007.

Wang Ling, an associate of Ye Guozhu, who had also engaged in public campaigning activities after she lost her property as a result of Olympics-related construction, has recently been assigned to 15 months 'Re-education through Labour'. [See below for further details]

Increased use of politically-motivated prosecutions

As several of the above cases illustrate, a growing number of peaceful activists are being targeted for detention and prosecution on suspicion of committing state security offences such as 'revealing state secrets' or 'inciting subversion'. According to an analysis of *China Law Yearbook* data conducted by the US-based Dui Hua Foundation, the number of such cases handled by Chinese courts in 2006 increased by nearly 20 per cent compared with the previous year and arrests on state security charges rose to their highest level in eight years in 2007.[24]

[24] Based on data from the 2007 *China Law Yearbook* collected by Dui Hua, Chinese courts received 344 cases involving charges of 'endangering state security' (ESS) in 2006, compared with 288 cases received in 2005. Dui Hua claims that this is 'the highest number of ESS cases brought before Chinese courts since the category was

Amnesty International considers that the growing use of politically-motivated prosecutions against peaceful human rights defenders runs counter to official commitments to improve human rights in the run-up to the Olympics.

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Human rights activist Chen Guangcheng was sentenced to four years and three months in prison.

In other cases activists have been charged with 'ordinary' crimes in prosecutions which are nevertheless politically-motivated. One example is the case of blind legal advisor **Chen Guangcheng**, who continues to serve a sentence of four-years-and-three-months for 'damaging property and blocking the traffic' in Linyi city, Shandong province. However, the real reason for his conviction was his efforts to hold local authorities in Linyi to account for a campaign of forced abortions and sterilizations which affected thousands of local women. In the last update of August 2007, Amnesty International reported that he had been severely kicked and beaten by fellow inmates on the orders of prison guards on 16 June 2007 after he refused to have his head shaved. However official sources have since claimed that he is 'healthy and in good condition'. They have also confirmed that he was serving his sentence in Linyi prison, Shandong province, but have failed to confirm or deny the torture allegations.

Chen Guangcheng's wife **Yuan Weijing** continues to be held under tight police surveillance with two shifts of seven police guarding her home in Linyi city 24 hours a day. On 24 August 2007, she was intercepted by police at Beijing International Airport and prevented from travelling to the Philippines to receive the 2007 Ramon Magsayay Award for Emergent Leadership on behalf of her husband. In October 2007, six police officers physically prevented her from boarding a bus with her three-year-old daughter to seek dental treatment for severe toothache in nearby Linyi city: "*My teeth hurt, but they won't let me see a dentist…I'm in a lot of pain but I can't force my way past them. I'm just one woman with a child and they're seven men.*"[25] In January 2008, local officials prevented Yuan Weijing from meeting a German TV crew who wanted to interview her. Around a dozen unidentified individuals in plain clothes reportedly threatened the journalists with stones in their hands.[26]

Despite ongoing harassment, Yuan Weijing continues to campaign tirelessly on her husband's behalf. In a letter of 28 July 2007, she expressed her thanks for hundreds of solidarity cards she had received from Amnesty International members. She said she had told Chen

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introduced into the country's criminal law in 1997.' See 'More official statistics point to increasing crackdown on political dissent in China', *Dui Hua Foundation*, 4 December 2007. On 17 March 2008, Dui Hua published further analysis for 2007, noting that there had been 742 ESS arrests during the year, based on official statistics published by the Supreme People's Procuratorate. See: 'Statistics show Chinese political arrests rose again in 2007', *Dui Hua Foundation*, 17 March 2008.

[25] Yuan Weijing quoted in "Cost of Standing by your Man", *South China Morning Post (SCMP)*, 11 November 2007.

[26] See 'Thugs interfere with German TV crew in Shandong, throw stones', *Foreign Correspondents Club of China*, http://www.fccchina.org/harras.htm. The website also lists several other cases of obstruction and harassment, see below.

Guangcheng about the cards, and it made him very happy, although he had not received a single letter in prison. She said that she was worried he may develop psychological problems since he has no chance to read or write. She added that he was not allowed to receive Braille books or a pen for writing Braille, and the authorities had also turned down her request to provide him with a radio.

While lawyers and legal advisors who take on sensitive cases remain a target for repression, draft amendments to the Lawyers Law adopted by the Standing Committee of the National People's Congress in October 2007 appear to be aimed at strengthening the ability of lawyers in general to meet with clients and obtain evidence on their cases. Among other things, the amendment gives lawyers the right to meet criminal suspects after the initial interrogation by police (apart from cases involving 'state secrets'), and the right not to be monitored during meetings with clients. The amendment also specifies that remarks made by defence lawyers in court cannot lead to prosecution, provided they do not 'threaten national security or slander others.'[27]

While several Chinese lawyers have welcomed the amendments as a step in the right direction, some have expressed concern that they still fall short of international fair trial standards, in particular the failure to allow a lawyer to be present during all interviews. Others have noted conflicts between the Lawyers' Law and other laws, including Article 96 of the Criminal Procedure Law which gives police the right to be present during meetings with lawyers and clients.[28]

Censorship and obstruction betray Olympic pledge of 'complete media freedom'

Despite some high profile releases of journalists over recent months, including that of *NewYork Times* research assistant Zhao Yan on 15 September 2007 and Hong Kong journalist, Ching Cheong on 5 February 2008, other journalists continue to be detained and subjected to politically motivated prosecutions and the authorities have intensified their control over the media.

Zhao Yan was released after serving a three-year sentence for fraud after an unfair trial and in a prosecution which appeared to be politically motivated. While the authorities did not specify the reasons for Ching Cheong's early release on parole, it came after strong public criticism of his treatment, especially in Hong Kong, and, occurring on the eve of Chinese New Year, appeared to be calculated to enhance Beijing's approval ratings in Hong Kong in the run-up

[27] See 'China amends law to make life easier for lawyers', 29 October 2007, available on Supreme People's Court website at http://en.chinacourt.org/public/detail.php?id=4226 and 'China to amend law to help lawyers obtain evidence, open firms', *Xinhua*, 24 June 2007.

[28] See 'Revisions a step forward but not enough: lawyers', *SCMP*, 30 October 2007. See also 新修订《律师法》会和《刑诉法》打架吗 ('Are the newly amended Lawyers' Law and the Criminal Procedure Law incompatible?'), *China Youth Daily*, 29 January 2008.

to the Olympics. Sentenced on charges of spying for Taiwan, Ching Cheong claimed to have been subjected to mental pressure in police detention, adding that at times he had contemplated suicide.[29]

Amnesty International is deeply concerned that despite official promises of 'complete media freedom' made in July 2001 shortly after Beijing was awarded the Olympic Games, the authorities are continuing to use the crime of 'inciting subversion' and other state security offences to prosecute and imprison writers and journalists exercising their fundamental human rights to freedom of expression. For example:

- On 5 February 2008, the day of Ching Cheong's release, another writer **Lü Gengsong**, was sentenced to four years in prison for 'inciting subversion' by the Hangzhou City Intermediate People's Court in a closed trial. His conviction was linked to essays and news articles that he had posted on the Internet reporting on official corruption and forced evictions as well as books he had written calling for political reform. He is currently detained at Xihu Detention Centre in Hangzhou city, Zhejiang province. Amnesty International considers him to be a prisoner of conscience and calls for his immediate and unconditional release.

- Internet writer, **Wang Dejia** (pen-name: Jing Chu) from Guilin city in the Guangxi Zhuang Autonomous Region, was detained on suspicion of 'inciting subversion' on 14 December 2007. His detention appears to be linked to several articles he had written on political and human rights issues, including essays entitled: 'Illegal possession of state secrets – an important Chinese Communist Party invention that persecutes prisoners of conscience' and 'Handcuffed Olympics will only bring disaster to the people.' [30] Unusually for those facing such serious charges, he was released on bail one month later, but on condition that he would not publish further articles or grant interviews to foreign journalists. Amnesty International considers that such conditions continue to violate his right to freedom of expression and the spirit of new regulations passed last year intended to increase the freedom of foreign journalists to conduct interviews in China in the run-up to the Olympics.

© ICPC
Shi Tao is currently serving a 10-year prison sentence

- **Shi Tao** continues to serve a 10-year sentence for sending an email summarizing a Chinese Central Propaganda Department communiqué on how journalists should handle the 15th anniversary of the crackdown on the 1989 pro-democracy movement. At the end of June 2007, he was transferred to Deshan Prison in Changde city, Hunan province where his conditions of detention appear to have significantly improved. He is now allowed to receive regular visits from his mother, Gao Qinsheng. They are able

[29] 'Hong Kong journalist contemplated suicide in China jail', *AFP*, 21 February 2008.
[30] For further information, see 'Guangxi dissident writer Jing Chu detained for 'inciting subversion of state power'', *China Human Rights Defenders (CHRD)*, 15 December 2007.

to hold hands since they are no longer separated by a glass window. The Supreme People's Court has reportedly accepted an application to review his case, submitted by Gao Qinsheng, but there has been no further response. Amnesty International welcomes these signs of improvement in Shi Tao's situation, but continues to urge the authorities to release him immediately and unconditionally.

In November 2007, the US House of Representatives Committee on Foreign Affairs criticized *Yahoo!* for providing sworn testimony to Congress that the company did not know about the nature of the investigation into Shi Tao when it passed his user account information to the Chinese authorities.[31] In response, *Yahoo!* Chief Executive Officer Jerry Yang apologized to the Committee and members of Shi Tao's family, including Gao Qinsheng who was sitting in the audience. Later the same month, *Yahoo!* paid an undisclosed amount to settle a US lawsuit in connection with its role in the jailing of both Shi Tao and another Chinese journalist, Wang Xiaoning. In February 2008 *Yahoo!* Chief Executive Officer Jerry Yang reportedly wrote to the US Secretary of State Condoleezza Rice prior to her trip to China stating that it 'deeply regrets the circumstances' that led to the jailing of the two journalists and that it ran counter to company values. He called on the US State Department to take the lead and 'actively pursue the release of Shi Tao, Wang Xiaoning and other Chinese dissidents who have been imprisoned for exercising internationally recognized rights of expression.'[32]

- **Yang Tongyan** (pen-name: Yang Tianshui), a freelance writer, continues to serve a 12-year prison sentence for 'subversion' in connection with several charges, including writing in support of political and democratic change in China. In 2007 he was reportedly forced to work making footballs and basketballs in an apparently toxic environment for 8-10 hours per day, but was transferred to lighter work as prison librarian at the end of the year. His health has reportedly worsened during his time in prison and he is suffering from diabetes, arthritis and high blood pressure. Official sources have confirmed that he is being held in Nanjing Municipal Prison, Jiangsu province and is due for release on 22 December 2017.

© ICPC
Yang Tongyan, who was sentenced to twelve years for 'subversion' in May 2006.

[31] See for example, '*Statement of Chairman Lantos at hearing, Yahoo! Inc's Provision of False Information to Congress*', 6 November 2007.
[32] See 'Yahoo asks US Gov't to help dissidents', *Associated Press*, 22 February 2008 and 'Yahoo chief asks visiting Rice to press Beijing on freedoms', *Bloomberg*, carried in *SCMP*, 23 February 2008.

- **Huang Jinqiu** (pen-name: Qing Shuijun) a writer and journalist, continues to serve a 12-year sentence for 'subversion' in Pukou Prison near Nanjing city, Jiangsu province. He was sentenced in September 2004 in connection with political essays he posted on the Internet, including plans to establish a China Patriotic Democracy Party. In April 2007, Amnesty International reported that his conditions of detention appeared to have improved.[33] Since then, the organization has received no further information on his situation.

© ICPC
Writer and journalist Huang Jinqiu, detained in 2003

In November 2007, Chinese state media reported that China was 'cautiously but resolutely on the road to media freedom'.[34] Timed to mark China's Journalists Day on 8 November, the report quoted comments by several Chinese media scholars and officials suggesting that China would make steady progress towards greater openness, despite some 'setbacks'. In a frank observation, one scholar noted that 'China has been very discreet about media opening up because it is viewed as concerning state security'.[35] During a press conference on 4 December 2007, Chinese Foreign Ministry spokesman, Qin Gang stressed that foreign journalists were welcome to 'come to China and cover the Games in a fair and objective way'.[36] Later the same month, another official, Cai Wu, Minister of the State Council Information Office, stated that China is likely to extend the new regulations for foreign journalists beyond the Beijing Olympics, claiming that the regulations had been 'well implemented to a good effect'.[37]

However, Amnesty International remains deeply concerned that the regulations frequently continue to be flouted in practice. The Foreign Correspondents Club of China (FCCC) documented more than 180 violations of the regulations in 2007, including examples of obstruction which in several cases amounted to assault and arbitrary detention.[38] Their list includes the following:

- In September 2007, Reuters correspondent Chris Buckley was tackled to the ground, kicked in the back and punched by over a dozen unidentified individuals while investigating an illegal detention centre for petitioners in Beijing run by local authorities from Henan province. His attackers stole his bag, notes, mobile phone and camera and one threatened to kill him. The incident was eventually resolved due to the intervention of Foreign Ministry officials. He made a formal complaint, but the police have apparently made no efforts to prosecute his assailants.

- Later the same month, a film crew from UK's Channel 4 was assaulted by unidentified individuals after they interviewed petitioners being held at the same detention centre. The

[33] See previous Olympics Countdown update (ASA 17/015/2007).
[34] 'Chinese researchers say China 'cautiously, resolutely' on road to media freedom', *Xinhua*, 8 November 2007.
[35] Ibid. Quote from Professor Yu Guomin, vice-dean, School of Journalism and Communication, People's University, Beijing.
[36] 'China welcomes 'fair and objective' media to the Games', *Reuters*, 4 December 2007.
[37] 'China likely to continue relaxed foreign media control after Olympics,' *Xinhua*, 27 December 2007.
[38] See: 'Reporting interference incidents', *FCCC*, http://www.fccchina.org/harras.htm, accessed on 25 Feb 2008.

police stopped the violence but then detained the two visiting reporters, Andrew Carter and Aidan Hartley for six hours. They were released after they destroyed a tape. Their local colleague, Dean Peng, was held for ten hours and accused of disturbing 'administrative order' in the facility.

- In October 2007, Beijing police blocked a Finnish journalist, Katri Makkonen, and a colleague from filming petitioners in the Fengtai district of Beijing. The police then followed them and barred them from filming in Tiananmen Square. At both locations the police repeatedly asked to see forms of identification in an apparent attempt to obstruct their work.

- In November 2007, a Swiss TV correspondent, Barbara Luthi, and her cameraman and local assistant were beaten and detained for several hours after they traveled to Shengyou village, Dingzhou county, Hebei province to interview villagers involved in a land dispute. One of their tapes was erased by the authorities.

In addition to cases of direct obstruction, Amnesty International considers that police warnings, threats and other harassment used to prevent domestic rights activists from speaking to foreign media violate the spirit of the regulations. Activists who have been obstructed include several of those previously highlighted in this report, including Teng Biao, Ye Mingjun, Yuan Weijing and Zeng Jinyan.

Intensified efforts to censor the Internet and SMS text messaging

According to official statistics, the number of Internet users in China had grown to 210 million by the end of 2007 and was on course to become the world's largest online population by the beginning of 2008.[39] Since 1 September 2007, many of these users are likely to be greeted with two cartoon police icons, which now reportedly appear every thirty minutes on all websites registered with Beijing servers.[40] Warning Internet users to stay away from 'illegal' websites, the aim of these 'virtual police' appears to be to encourage self-censorship by reminding users that the authorities closely monitor web activity.[41]

Internet controls remain pervasive and numerous websites have been closed down over recent months. Several of these closures occurred in the run-up to the 17th CCP Congress in October 2007 in a renewed drive to crack down on 'fake news' and ensure positive coverage of the Congress.[42] The crackdown reportedly included unprecedented moves to close down entire Internet Data Centres (IDCs), which often house several servers at a time, if they host a single web site deemed offensive by the authorities.

[39] 'China's internet population to be world's largest in 2008', *Xinhua*, 17 January 2008.
[40] 'Beijing police launch virtual Web patrol,' *AP*, 28 August 2007.
[41] This is an extension of a scheme originally piloted in Shenzhen, Guangdong province in 2006. The cartoons are known as *Jing Jing* and *Cha Cha*, a pun on the Chinese word for police, *jingcha* (警察).
[42] See 'Websites asked to crack down on 'fake news', *SCMP*, 2 August 2007.

In early 2008, Beijing-based groups working on HIV/AIDS became one of the latest targets in the crackdown. On 26 February 2008 Beijing authorities closed down two AIDS news sites run by HIV/AIDS activists, www.aidsmuseum.net and www.aidswiki.cn. The following month, on 5 March 2008, Beijing Aizhixing Institute of Health Education was ordered to remove unspecified 'illegal information' from its website, and the site was temporarily shut down. It is believed the order may relate to information on the site about Hu Jia, who co-founded the Institute as part of his advocacy on HIV/AIDS issues.

On 1 February 2008, the Chinese Human Rights Defenders (CHRD) group and the press freedom organization Reporters Without Borders, published the text of an official directive they had obtained, aimed at preventing the circulation of a report on Internet censorship in China which was issued by the two organizations in October 2007.[43] The groups claimed that hours after the report was issued, Yang Le, the head of the Beijing Information Office circulated the order to websites and Internet Service Providers (ISPs) asking them to update their list of banned key-words to include 30 different phrases which were contained in the report.

The role of global Internet companies in China's censorship regime has also come under renewed scrutiny over recent months. In addition to concerns over the involvement of *Yahoo!* in the Shi Tao and Wang Xiaoning cases above, it was reported on 1 February 2008 that former university professor and pro-democracy activist, Guo Quan, has pledged to sue both *Yahoo!* and Google for removing his name from its local search results in China. The case raises questions about Google's censorship policy in China. The company has promised to inform users when it censors searches by explicitly stating in a tagline that some results have been removed 'in accordance with local laws, rules and policies'. However, according to the Financial Times, a local search of Guo Quan's name using 'www.google.cn' on 1 February 2008 merely yielded the message: 'the information you searched for cannot be accessed. Please go back to google.cn and seek other information.'[44]

Over recent months official attention has also turned towards other media in an attempt to intensify controls over information. On 17 December 2007, the Beijing city authorities issued a notice apparently aimed at restricting the use of SMS text messages to disseminate information.[45] In broad, sweeping terms, the notice states that those who use text messages to 'endanger public security' or 'spread rumours' will be investigated, but without further defining the scope of such 'offences'. Amnesty International is concerned that these provisions will be used to restrict the freedom of expression of mobile phone users in Beijing.

Use of 'Re-education through Labour' (RTL) to silence activists ahead of the Olympics

[43] 'China: How cyber-censors blocked dissemination of report on Internet censorship', *Reporters Without Borders/Chinese Human Rights Defenders*, 1 February 2008.
[44] 'Google faces lawsuit for blocking name', *Financial Times*, 1 February 2008.
[45] 'Notice concerning the further regulation and management of the use of mobile phone text messages in the release of public information.' For further information, see 'Beijing to punish mobile SMS users for 'endangering public security' and 'spreading rumours', *CHRD*, 23 December 2007.

In October 2007, Amnesty International wrote an open letter to the Standing Committee of the National People's Congress (NPC) asking them to ensure that any legislation passed to replace "Re-education through Labour" (RTL) complies fully with international standards, including the right to fair trial.[46] This was prompted by reports in the official Chinese media that the Standing Committee was due to discuss the draft legislation during its session later in the month. In December 2007, 69 well-known Chinese scholars, including economist Mao Yushi and law professor He Weifang, also sent letters to the NPC calling for abolition of RTL. Professor Mao reportedly said the system was inherently flawed since it led to 'wrongful convictions because of a lack of due justice such as representation by a defence lawyer'.[47]

However, it is unclear whether such reforms were even discussed and to date, no new legislation has been adopted to replace RTL**.** On 13 March 2008, NPC Legislative Committee official, Teng Wei, confirmed that further time was necessary for research on various issues related to RTL and the new legislation.[48] These reportedly included the scope of targets for RTL, the examination and approval procedure, and terms and methods of detention. He gave no indication of when this issue would be back on the agenda, but stated that it would depend on the schedule of the new NPC Standing Committee.

In the meantime, this abusive system of detention without trial remains available for use by the Beijing police as a tool to 'clean up' the city in the run-up to the Olympics. Such efforts have been stepped up over recent months. For example, in January 2008, reports in China's state media described a new campaign by Beijing police to 'eradicate illegal activities in the Tiananmen Square and along the Chang'an Avenue in the run up to the Olympic Games.'[49] It was aimed at 'uprooting illegal activities that tarnish the city's image and affect the social order.'[50] The key targets were beggars, unlicensed peddlers, flyer distributors and illegal taxi drivers and potential punishments included fines and detention. Beijing police had already explicitly extended RTL to cover such crimes, but it is unclear whether any of those targeted were actually assigned to RTL.[51]

According to overseas Falun Gong organizations, there has also been an increase in detentions of Falun Gong practitioners in the run-up to the Olympics.[52] On 12 March 2008, the US-based Falun Dafa Information Centre published information suggesting that at least 67 individuals had been detained in Beijing since December 2007.[53] The notes attached to these

[46] AI Index: ASA 17/020/2007, 18 October 2007.
[47] 'Mao's education through labour system under fire,' *SCMP*, 5 December 2007.
[48] "Still no firm timeline for consideration of 'Illegal Behaviour Correction Law'", (《违法行为矫正法》尚无具体审议日期), *China Daily*, 13 March 2008.
[49] 'Beijing police crack down on beggars, peddlers near Tiananmen Square', *Xinhua*, 2 January 2008.
[50] Ibid.
[51] See previous Olympics Countdown reports by Amnesty International, especially ASA 17/046/2006 p. 8-9 and ASA 17/024/2007 p. 6-7.
[52] 'Hundreds of Falun Gong adherents arrested in 'preparation' for Olympics', *Falun Dafa Information Centre*, 12 March 2008.
[53] The *Falun Dafa Information Centre* claimed to have recorded a total of 156 detentions in Beijing and 1878

cases suggested that four had since been released or escaped while two, possibly three, had been assigned to RTL.

- **Case update**: Falun Gong practitioner **Bu Dongwei** continues to be held at Tuanhe RTL facility in Beijing after being assigned to two-and-a-half years' RTL on 19 June 2006 for "resisting the implementation of national law and disturbing social order" after police discovered Falun Gong literature at his home. He is reportedly being forced to work six days a week gluing together paper bags and other packing materials and to undergo 'study classes' in the evenings. His family are allowed to visit him once a month, but the facility is located far from their home and they can only go every 2-3 months. Bu Dongwei appears to have lost weight and his eyesight has deteriorated during his time in detention. Amnesty International is deeply concerned for his health and continues to call for his immediate and unconditional release.

© Private
Bu Dongwei, also known as David Bu, was assigned to two-and-a-half years' "Re-education through Labour" (RTL).

Petitioners detained, removed from Beijing and assigned to RTL

Over the years, Beijing had become 'home' to thousands of individuals seeking the intervention of the central authorities to address various grievances. For most, travelling to Beijing is seen as a last resort after failing to obtain redress at the local level. Many are unable to afford other channels of redress, including taking cases through formal legal channels, and local courts often reject cases deemed to be politically sensitive. Known as 'Letters and Visits' (*xinfang*), the right to petition the authorities is a traditional system, deep-rooted in Chinese history and guaranteed by the Constitution. Yet Chinese academic surveys and other reports indicate that petitioning is rarely successful.[54] Petitioners often find their appeals are not acknowledged or are rejected, and therefore attempt to submit their petitions to ever-higher levels of government in a process which can take years with no guarantee of success.

Recent reports indicate that petitioners who had travelled to Beijing from various parts of China have been among those targeted in the 'clean up' of the city in the run-up to the Olympics. In early September 2007, Beijing police forced thousands living in 'petitioners' village' near Beijing South Railway Station in the Fengtai district to move out, warning that the area would soon be demolished to make way for a new station to be opened in time for the Olympics.

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nationwide since 1 January 2008, but only provided information on 67 'representative cases' in Beijing. For the full list, see: http://www.faluninfo.net/downloads/FDI_Press/Olympics%20arrests%20-%203-12-1.pdf.

[54] Professor Yu Jianrong from the Chinese Academy of Social Sciences (CASS), who conducted a survey of petitioners in 2004, claimed that only two in every 1,000 petitions even receive a reply slip, let alone redress. See 'Court may be shielded from petitions', *SCMP*, 8 January 2005. For further information, on the petitioning system, see also Amnesty International: *People's Republic of China: Human rights defenders at risk*, December 2004, (ASA 17/045/2004) and update, March 2005 (ASA 17/002/2005).

Apartment owners were also warned they would be fined if they continued to rent to petitioners. Those who agreed to move out by 19 September 2007 were reportedly given a cash reward, but those who remained were detained by the police, including up to a thousand who were reportedly sent to the Beijing Reception and Assistance Management Centre.[55]

In the same month, reports emerged of secret detention centres being run on the outskirts of the capital by the Beijing liaison offices of provincial governments in China.[56] They had been established as temporary facilities, including converted hotels, to detain petitioners before they could be forcibly returned to their hometowns. Petitioners are reportedly crowded into these facilities for days or even months with poor food and no proper sanitation facilities or health care. They are controlled by young, unofficial 'guards', apparently hired for the purpose, who frequently beat detainees. Local rights advocates have condemned these facilities, stating that they 'operate completely outside China's judicial system, have no legal basis in Chinese law and violate due process rights guaranteed in international human rights conventions.'[57]

After they have been forcibly returned home, activists and petitioners risk further abuse, including being sentenced to terms of RTL to punish them for their activities and prevent them from returning to Beijing. The following cases are recent examples which illustrate intensified patterns of arbitrary detention in the run up to Beijing's hosting of the Olympic Games:

- Beijing-based housing rights activist **Wang Ling** was reportedly assigned to 15 months RTL in October 2007 for signing petitions and preparing banners in protest against the demolition of her property to make way for Olympics construction projects. She had done this together with Ye Guozhu above. Beaten, detained and imprisoned on numerous occasions in the past, Wang Ling is believed to be held at Daxing RTL facility in Beijing.

- Veteran rural activist, **Liu Jie** from Beian city, Heilongjiang province, northeast China was assigned to 18 months RTL in the city of Qiqihaer in November 2007 after she organized a public letter calling on leaders at the 17th CCP Congress to introduce political and legal reforms, including a call for the abolition of RTL. Accused of 'instigating trouble' and 'disturbing social order', she had become known as a leading petitioner in Beijing and her letter was reportedly signed by over 12,000 petitioners. Liu Jie reportedly suffers from serious eye injuries as a result of previous beatings in police detention. The authorities have so far failed to respond to applications from her lawyer for release on medical grounds and for an administrative review of the decision to send her for RTL.

  Liu Jie began petitioning after local officials reportedly broke a contract with her to seize her dairy business in 1997. In an interview with *The Guardian* newspaper in August 2007, Liu Jie said: '*the nation doesn't want citizens like me…We heard the police chief recently gave a speech saying there should be more restrictions to prevent petitioners coming to*

[55] 'Beijing government demolishes petitioners village', China Human Rights Briefing, *CHRD*, September 2007.
[56] See 'Black jails' in the host city of the 'Open Olympics', *CHRD*, 21 September 2007. See also 'Exclusive – secret Chinese jail makes silencing protests a business', *Reuters*, 11 September 2007. As mentioned above, the reporter Chris Buckley was attacked while investigating this story.
[57] Quote from Mr. Zhong, 'Black jails' in the host city of the 'Open Olympics', *CHRD*, 21 September 2007.

Beijing. That is how they want to deal with us – keep us out, rather than deal with our problems.'[58]

- **Wang Guilin** and **Yu Changwu,** both rural land rights activists from Fujin city, Heilongjiang province were assigned to 18 months' and two years' RTL respectively in January 2008. Alongside Yang Chunlin above, they had been involved in a long-running dispute with local officials about land expropriation in Fujin city. Yu Changwu's 'offences' reportedly included being interviewed by foreign media, releasing information about China's land system to overseas websites, and saying 'we want our land, not the Olympics' in interviews with reporters.

The arbitrary detention and forcible removal of petitioners in Beijing bears a worrying resemblance to the previous practice of 'Custody and Repatriation' (C&R, *shourong qiansong*) – a system of administrative detention targeted at vagrants, migrants and others without fixed abode in the cities, which was abolished in August 2003. This abusive system, characterised by reports of abuses against detainees, including arbitrary detention, beatings, extortion of money and forced labour, had been widely criticised among academics and in the Chinese media following the tragic death of Sun Zhigang, a designer from Hubei province, while he was being held in a C&R centre in Guangdong province. A subsequent official investigation found that he had died after being beaten repeatedly by other detainees at the instigation of certain members of staff at the detention centre hospital. At the time, the abolition of C&R was trumpeted in the official Chinese press as a significant step forward for human rights in China.

Amnesty International considers that the apparent use of similar methods to 'clean-up' Beijing in the run-up to the Olympics is a serious step backwards for human rights, which contravenes any notion of 'human dignity' and undermines the rule of law. Detaining those who come to Beijing as a last resort after their attempts to obtain justice at the local level have failed and punishing them with RTL is only likely to add to their grievances, undermining any effort to establish a 'harmonious' society.

Death penalty reforms fail to satisfy 'human dignity' principles in Olympic Charter

Official statements suggest that the restoration of Supreme People's Court (SPC) review led to a significant reduction in the number of executions in China in 2007. For example, in November 2007, SPC President Xiao Yang stated that the number of suspended death sentences handed down in 2007 exceeded the number of executions for the first time.[59] He attributed this shift to a

[58] 'The nation doesn't want citizens like me' Liu Jie, petitioner and protester, *The Guardian*, 9 August 2007.
[59] 'Suspended death sentences exceed immediate executions for 1st time', 26 November 2007, available on website of Supreme People's Court at http://en.chinacourt.org/public/detail.php?id=4244, retrieved on 5 March 2008. Under the Criminal Procedure Law, suspended death sentences (i.e. death sentences with a two-year reprieve) should be commuted to life imprisonment as long as the prisoner does not commit another crime during the period of suspension. Officials have in the past indicated that the vast majority of such sentences result in commutation, without providing statistics. Few cases of execution following suspension have ever been

more prudent use of the death penalty by courts following the restoration of SPC review on 1 January 2007, but failed to provide any statistics on death sentences. His remarks followed the publication of a document by the SPC in September 2007 which stressed that '[a]ll criminals that can be handed down a death sentence without the need for immediate execution should be given a death sentence with a two-year reprieve.'[60] In his report to the annual session of the NPC in March 2008, Xiao Yang again failed to provide any statistics, but claimed that the death penalty had been 'strictly, cautiously and fairly' meted out to the 'tiny number' of serious criminal offenders in China.[61] Another SPC official elaborated that the SPC had rejected 15 per cent of death sentences passed by lower courts due to 'unclear facts, insufficient evidence, inappropriate determination of punishment and unlawful procedures.' [62]

A reduction in executions also appears to be borne out by some reports from provincial courts. For example, an unnamed court official from an intermediate court in northwest China reportedly stated that court had only carried out ten executions during 2007 compared with an average of 60 in previous years, adding that this had not had a negative effect on law and order.[63]

Amnesty International welcomes any reduction in the number of executions, but publication of full national statistics and other detailed information on the application of the death penalty in China is essential to support such assertions. It would also be consistent with the aim of presenting a 'more open China' by the Olympics. It is likely that a drop in executions may be partly attributable to a growing 'backlog' of prisoners awaiting execution as their case is reviewed by the SPC. It appears that at least some cases have taken months to review. For example, one lawyer was still waiting for a decision on his case in December 2007 after he heard that it had been transferred to the SPC for review in July.[64]

Amnesty International also reiterates its concern that restoration of SPC review alone will not resolve problems inherent in the death penalty. In particular it will not guarantee that those facing the death penalty in China will receive fair trials. Such concerns have also been expressed by Chinese scholars, including Professor Chen Ruihua from Peking University Institute of Law who was quoted in the Chinese press in December 2007 as saying: "[t]o expect SPC review to uncover miscarriages of justice is a Utopian dream.'[65]

In March 2008, SPC President Xiao Yang referred to the SPC review process, stating that 'the transition work has been smooth, orderly and trials of death sentence cases normal'.[66] However, other reports indicate that the process is beset by significant problems. A lengthy feature published in the *Southern Weekend* (*Nanfang Zhoumo)* on 20 December 2007 contained

publicized.

[60] 'China reiterates prudent use of death penalty', *Xinhua*, 14 September 2007.

[61] 'Top judge: death sentences meted out only to 'tiny number of felons' in China', *Xinhua*, 10 March 2008.

[62] 'Top court rejects 15pc of death sentences handed down.' *Reuters*, 9 March 2008.

[63] 'Death penalty review: a frenetic year' (死刑复核：激荡的一年)，*Southern Weekend (南方周末)*, 20 December 2007

[64] Ibid. From an interview with Mr Xu, a defence lawyer based in Xi'an city.

[65] Ibid.

[66] 'Top judge: death sentences meted out only to 'tiny number of felons' in China', *Xinhua*, 10 March 2008.

insights from various people affected by the review process.[67] The article suggested that the 500 review judges split among five tribunals faced a huge workload and often had to work late into the evening and during the weekend to deal with all the cases. One experienced judge said that young research staff fresh out of university found it particularly hard to 'adjust their emotions' so that they could deal with death penalty cases.

An interview with a detention centre official in southwest China revealed that the reviews had increased pressure on detention centres as it had inevitably extended periods of detention between sentencing and execution. According to the detention official, 'in previous years, the decision came quickly and those to be executed were executed, those to be transferred to prison were transferred, and those to be freed were freed. Now all you can do is wait….'

According to the same article, there is no public information available about the division of work and regional jurisdiction of the five tribunals. There are also no formal channels available for defence lawyers to find out when their case is transferred to the SPC, when the SPC is reviewing the case or how to meet the relevant judge. One lawyer from Xi'an city, Shaanxi province described how he had heard by a roundabout route that his case had been transferred for review in July 2007. He immediately sent on a bundle of papers and followed up by telephone, but was not satisfied with the answer so went to Beijing to check in person. He knew that his case had been assigned to the fifth tribunal, but was refused entry because he was unable to name the specific judge dealing with the case. Instead he was sent to the Letters and Petitions Office for the SPC in a different part of Beijing, where he found himself in a crowd of petitioners with various grievances. He thought to himself: "This is not the sort of process a lawyer should have to go through."

The article also suggests that many involved with policing and law and order in the provinces are not happy with the review process and that the application of death penalty is perceived by many local officials as an essential instrument of public administration and a symbol of state authority. In particular, several public security organs continue to link merit and reward for individual police officers to the cracking of crimes resulting in imposition of the death penalty. The article notes that such attitudes conflict with moves to reduce death sentences and executions.

While welcoming the restoration of SPC review, Amnesty International remains deeply concerned that those facing the death penalty continue to be denied the right to fair trial in China. Examples continue to come to light of miscarriages of justice in death penalty cases. On 25 January 2008, Shanxi-based migrant worker, Hao Jin'an was released after spending almost ten years in prison for a crime he did not commit. He had been convicted of murdering a fellow coal miner in 1998, but apparently confessed to the crime after being stripped naked and beaten by the police. This caused him to lose consciousness several times, and one beating was so harsh that it dislocated one of his kidneys, which had to be removed. He was sentenced to death with a two-year reprieve by the Linfen Intermediate People's Court in Shanxi province in November 1998, which was later commuted to life imprisonment. During his time in prison Hao reportedly wrote several appeals to the authorities protesting his innocence, but received no response. The mistake

[67] Ibid

came to light when another man confessed to the crime after being detained by police in Henan province in April 2006. However, it apparently took over a year for Hao to be freed due to 'discrepancies between the provincial justice systems'.[68]

The only way to fully safeguard against irreversible miscarriages of justice and guarantee the right to life is to abolish the death penalty altogether. Amnesty International urges the authorities to take further measures towards this end as quickly as possible, including reducing the number of crimes punishable by death. In this context, the organization is alarmed that recent judicial interpretations by the SPC may actually increase the likelihood of indivuals being sentenced to death for certain crimes, even if the consequences are non-lethal:

- On 21 August 2007, the SPC issued a new judicial interpretation clarifying that courts could apply the death penalty to those who damage electric power facilities resulting in 'serious consequences' in line with Article 119 of the Criminal Law. The consequences included: 'killing one or more people, seriously injuring at least three people or slightly injuring ten people or more'; and 'causing a power cut for six hours or longer which affects the life of 10,000 households or industrial production'.[69]

- On 29 November 2007, the SPC, the Supreme People's Procuratorate (SPP) and the State Food and Drug Administration (SFDA) issued a draft joint judicial interpretation clarifying that those who sell or make counterfeit medicine that cause 'extremely severe harm' to patients could be sentenced to death. The consequences included: 'severe deformity or grievous physical injuries among more than three people' and 'light injuries of more than ten victims' after using fake medicine.[70]

While relevant provisions of the Criminal Law already provide for potential application of the death penalty for these crimes, Amnesty International is concerned that lower courts will view these interpretations as an encouragement to actually impose the death penalty in such cases. Such trends run counter to ongoing efforts by numerous legal scholars, legislators and activists in China to push for abolition of the death penalty, especially for non-violent crimes.

In a joint letter to the National People's Congress in March 2008, Amnesty International alongside other members of the World Coalition against the Death Penalty (WCADP) and the Anti-Death Penalty Asia Network (ADPAN) urged Chinese legislators to introduce further reforms pending the eventual abolition of the death penalty in China.[71] These included recommendations to:

- discuss and adopt amendments to state secrets laws which expressly exclude death penalty-related information from the scope of state secrecy;

[68] 'Wrongly jailed man freed', *SCMP*, 4 February 2008.
[69] 'China to apply death penalty to destroyers of power facilities', *Xinhua*, 21 August 2007.
[70] 'China to impose stiff penalty on fake drug makers, dealers', *Xinhua*, 29 November 2007.
[71] 'An Open Letter to the National People's Congress of the People's Republic of China', available at http://www.amnesty.org/en/library/info/ASA17/054/2008 or at http://www.worldcoalition.org/modules/wfdownloads/singlefile.php?cid=38&lid=121

- pass amendments to the Criminal Procedure Law aimed at safeguarding the right to a fair trial, the absolute prohibition of torture for all detainees in China, including those facing capital charges, and the exclusion of confessions extracted under torture;
- debate and pass amendments to the Criminal Law which eliminate the death penalty for non-violent crimes, such as economic and drug-related offences, as an important step towards abolition of the death penalty;
- consider whether China's practice of passing suspended death sentences could provide an effective framework for introducing a moratorium on executions in China.

The final recommendation was based on a ground-breaking resolution passed by the UN General Assembly on 18 December 2007 calling for a global moratorium on executions. Although China was among a minority of states which voted against the resolution, Amnesty International urges the Chinese authorities to reconsider their position and bring China into line with the overwhelming weight of international opinion on this issue.[72]

The letter also raised concerns at official statements by SPC Vice-President Jiang Xingchang that China is set to expand the use of lethal injection as a more 'humane' form of execution.[73] Such assertions disregard the immense psychological pain and suffering experienced by prisoners anticipating sentence of death or awaiting execution, whatever means are used to kill them. Execution by lethal injection also involves health personnel in executions which runs counter to international medical ethics.[74] In the small number of countries where execution by lethal injection is or has been practised there have been technical problems during execution which have caused suffering to the prisoner. These include extended periods as execution personnel probe the body with needles to establish an intravenous line; the need to carry out a surgical "cutdown" to access an internal vein; delays in inducing unconsciousness of the prisoner; injection of drugs into tissue rather than into a vein; and other problems. Executions in other countries have been known to last up to 90 minutes. These problems can add to the suffering of the prisoner. Execution by whatever means goes against the spirit of the Olympic Charter which places 'the preservation of human dignity' at the heart of the Olympic movement.

Amnesty International has also raised concerns that the use of lethal injection may facilitate extraction of organs for transplant. The organization has long been concerned that the lucrative trade in organs provided a strong economic incentive for continuing executions. AI does not believe that meaningful consent can be demonstrated in prisoners facing execution where they have not expressed such a wish prior to their imprisonment (through, for example, filling out an organ donor card or otherwise expressing their wishes). There is also a risk that death row prisoners become an accepted source of organs, impeding the adoption or implementation of

[72] The draft resolution was approved by a recorded vote of 104 states in favour, 54 against, and 29 abstentions. China was among 58 countries who later signed a 'note verbale' to the UN Secretary General, Ban Ki-moon, placing on record their 'persistent objection to any attempt to impose a moratorium on the use of the death penalty or its abolition.' See 'UN plans to resume capital punishment debate', *Inter Press Service (IPS),* 25 February 2008.

[73] 'Lethal injection to be used more', *China Daily,* 3 January 2008.

[74] For further information see Amnesty International: *Execution by lethal injection – a quarter century of state poisoning'* October 2007, AI Index: ACT 50/007/2007 and Amnesty International press release *China: Amnesty International calls for end to executions, not expansion of lethal injection method,* 3 January 2007.

measures towards abolishing the death penalty. In addition, the timing of an execution could be influenced by an intention to use the organs of a particular prisoner. The practice in effect transforms executions into quasi-medical operations involving doctors in actions contrary to medical ethics.

In this context, the organization welcomes a recent decision by the Chinese Medical Association, with the apparent backing of the Ministry of Health, not to transplant organs from prisoners or others in custody, except into members of their immediate families.[75] However, Ministry of Health officials have reportedly stated that prisoners will remain a source of organs for five more years as execution-related transplantation winds down. The agreement also appears to contradict recent assertions by other Chinese officials that death penalty prisoners may provide organs for transplant as long as this is 'voluntary' and they or their families have given consent.[76]

Conclusion and Recommendations

China will keep its promises and provide good services for the big Olympic family and the audience of the Olympic Games[…] Through successfully hosting the Olympic Games, we not only want to display before the world an even more open and more harmonious China, but also want to extensively carry forward the Olympic spirit in China […] I believe that with the great support of the Chinese Government and people and with the guidance and assistance of you, Mr President, the IOC and other international organizations, we definitely shall be able to host the Olympic Games 'with characteristics and at a high level' and to leave behind valuable legacies for China, the world and the Olympic Games. [77]

Amnesty International hopes that the Beijing Olympics will leave behind a positive legacy. However, as the content of this report illustrates, official promises to improve human rights have yet to be fulfilled. Unless urgent measures are taken, the legacy of the Beijing Olympics will not be 'valuable' in terms of human rights – in fact, with just four months to go, the Olympic Games risk being tarnished with a legacy of repression and persecution, precipitating delays in the reform of abusive forms of detention without trial, and the secret reinstatement of a form of 'Custody and Repatriation'. Amnesty International urges the Chinese authorities to take firm action to prevent this outcome.

The organization remains deeply concerned that when questioned about their human rights record, the Chinese authorities continue to ascribe 'ulterior political motives' to those that

[75] This agreement was reached at a meeting of the World Medical Association in Copenhagen on 5 October 2007. See 'Chinese Medical Association reaches Agreement with World Medical Association against Transplantation of Prisoners' Organs', http://www.wma.net/e/press/2007_7.htm.
[76] See comments of SPC official, quoted in previous Olympics Countdown report, ASA 17/015/2007, p.10.
[77] Statement made by Wu Bangguo, member of the Standing Committee of the Political Bureau of the CCP Central Committee and chairman of the Standing Committee of the National People's Congress during a meeting with IOC President Jacques Rogge on 8 August 2007. See 'Wu Bangguo Meets With International Olympic Committee President Jacques Rogge', *Xinhua*, 8 August 2007.

seek to link 'certain issues' to the Olympics.[78] In making links with human rights, Amnesty International is simply urging the Chinese authorities to fulfil the commitments they officially and repeatedly made during the bidding process that human rights would improve in the run-up to the Olympics. Moreover, as an international human rights organization independent of all governments and political ideology aimed solely at campaigning for the realization of human rights world-wide, Amnesty International believes that supporting rights enshrined in the Universal Declaration of Human Rights and other international standards is also to stand up for the Olympic values enshrined in the Olympic Charter.

To this end, Amnesty International also calls on other international stakeholders, including the IOC and world leaders planning to attend the Games, to make strong public representations to the Chinese authorities in this regard. In the media controversy surrounding Steven Spielberg's withdrawal from his role as artistic advisor for the Games' opening and closing ceremonies in February 2008 in connection with Darfur, several commentators suggested that corporate sponsors of the Games would be forced to reflect more carefully on their involvement in the Olympics.[79] US actor George Clooney, who advertises Omega watches and has been outspoken over China's role in Darfur, later told reporters that he has raised the issue with Omega (one of the global sponsors for the Beijing Olympics) for over a year and will continue to do so.[80] According to reports, the Chief Executive of the Swatch Group, which owns Omega, later confirmed that Omega would raise China's association with Sudan, but 'directly with high level contacts' rather than publicly.[81]

Amnesty International considers that Olympic sponsors should also be aware of China's domestic human rights situation. In order to minimize the risk of being associated with an Olympic Games characterized by serious human rights violations, Amnesty International urges Olympic sponsors to raise their concerns over China's human rights situation with both the Chinese authorities and the IOC.

In media interviews, IOC representatives have maintained that the IOC lacks a role and influence with regard to China's human rights situation. For example, in October 2007, IOC President Jacques Rogge reportedly stated: 'It is absolutely legitimate [the human rights groups]

[78] See, for example, 'China opposes attempts to politicize Olympics – spokesperson', *Xinhua*, 15 January 2008. According to this article, Chinese Foreign Ministry spokesperson, Jiang Yu said: '*Now, some organizations, out of ulterior political motives, have leapt forward to play up some issues and tie them with the Olympics, attempting to vilify China's image and put pressure on the Chinese government. Their actions evidently violate the spirit and principle of the Olympics and will not achieve their purposes*.'

[79] See for example: 'Olympians Turn Up Heat Over Darfur', *Wall Street Journal*, 14 February 2008; 'Beijing Mulls Response to Spielberg Move', *AP*, 13 February 2008; 'Stars asked to join Beijing Olympic boycott', *Daily Telegraph*, 26 February 2008; 'Farrow attacks Spielberg, Olympic sponsors on Darfur', *Reuters* 29 March 2007.

[80] 'Olympics: Clooney seeking Chinese aid in Darfur', *AFP*, 11 March 2008.

[81] 'Actor George Clooney puts pressure on Olympic sponsor over Darfur', *Associated Press*, 11 March 2008. Recent Amnesty International reports and other action materials on the human rights crisis in Darfur can be found at www.amnesty.org. They include: *Sudan: UNAMID update: time for effective action*, 7 February 2008, (AFR 54/007/2008), *Amnesty International's Recommendations to the African Union Assembly*, 31 January 2008 (IOR 63/001/2008) and *Sudan: Displaced in Darfur – a generation of anger*, 1 January 2008 (AFR 54/001/2008).

get the most from the Olympics, but where they made an error was to criticize the IOC for not solving the problems […] Why would we be able to succeed where generations of heads of state and governments who have come to Beijing have not succeeded? We are a sports organization. There are limits to what we can do….' [82]

However, when it awarded the Olympic Games to China, the IOC made its own expectations clear that Beijing's hosting of the Games would bring human rights improvements. Amnesty International believes it is appropriate therefore to expect the IOC to use its influence with the Chinese authorities to bring about positive change in line with the Olympic Charter.[83]

The IOC has told Amnesty International that its remit must be confined solely to violations which it considers to be directly related to China's hosting of the Games. Amnesty International considers that all of the human rights areas detailed above are of direct relevance to China's hosting of the Olympics. Moreover, the human rights situation has deteriorated in several areas as a direct result of Beijing's hosting of the Games. In summary:

- The crackdown on peaceful activists has intensified as a direct result of China's hosting of the Olympic Games. Several of the activists detailed in this report have been targeted *because* they have explicitly linked human rights and the Olympics, and have been among the most harshly treated. Others like Ye Guozhu have been targeted for drawing attention to ways in which China's hosting of the Olympics has directly led to violations of their human rights.

- Beijing police statements suggest that China's failure to abolish RTL despite long-standing reform efforts within the legislature, is linked to a perceived need to sweep 'undesirables' off the streets as part of the pre-Olympics 'clean-up' of Beijing. This includes the use of RTL to silence and imprison peaceful activists like Yu Changwu who have linked the Olympic Games and human rights, and activists like Wang Ling who believe that China's hosting of the Olympics has led directly to violations of their human rights. Such concerns have been heightened over recent months by the apparent reinstatement of a form of C&R to arbitrarily detain petitioners in Beijing and return them to their home provinces.

- China's introduction of new, more open, regulations for foreign journalists in the run-up to the Olympics is welcome, but they must be extended over the whole country, backed by uniform and systematic implementation, otherwise they will fail to allay international concerns over restrictions on freedom of expression in China. Such concerns are heightened by China's failure to extend similar regulations to domestic journalists, while at the same time tightening controls and censorship of the domestic media and preventing domestic activists from speaking to the media.

[82] 'No regrets about choosing Beijing: IOC chief', *Peter Simpson and AFP*, 31 October 2007.
[83] See for example, Amnesty International public statement, 'Beijing Olympics: Amnesty Interational's appeal to IOC Executive Board meeting', 7 December 2007, ASA 17/056/2007. In this statement, Amnesty International highlighted the cases of Wang Ling, Yang Chunlin, Ye Guozhu, Ye Mingjun and Ye Guoqiang.

- The application of the death penalty in China fails to fulfil core principles of 'human dignity' as reflected in the Olympic Charter. The restoration of SPC review of death sentences is an important reform, but the system remains seriously flawed. Even though numbers of death sentences and executions appear to have been brought down, those facing the death penalty in China continue to be denied the right to fair trial. As a step towards abolition, it must be accompanied by other measures, in particular greater transparency and a significant reduction in the number of capital offences in China.

The IOC has also told Amnesty International that it does not consider it to be in its own interests, or the interests of China, for IOC representatives to publicise their concerns on human rights issues. Amnesty International is not opposed to private dialogue on human rights issues. However, years of human rights dialogues by second governments with China show that raising human rights concerns privately with the Chinese authorities has at best only had a limited effect on the human rights situation on the ground. For this reason, Amnesty International has consistently said that private dialogue must be backed by public expression of concern where appropriate.

On 23 March 2008, IOC President Jacques Rogge issued a statement reaffirming that the Olympic Games are a 'force for good'.[84] In an unusual reference to specific human rights concerns in China, he added: 'the events in Tibet are a matter of great concern to the IOC. The IOC has already expressed the hope that this conflict should be resolved peacefully as soon as possible. Violence for whatever reason is contrary to the Olympic values and spirit. The IOC will continue to respect the cause of the Human Rights [sic].' Amnesty International welcomes the IOC's decision to publicize its concerns over the situation in Tibet, and urges the IOC to speak out on other human rights issues of concern, including those detailed in this report.

In contrast to their reluctance to publicise concerns over human rights *violations*, IOC officials have made several statements in the media referring to China's apparent *progress* on human rights. For example on 5 April 2006, IOC President Jacques Rogge was quoted by *Agence France Press* (AFP) as saying "It is clear that the staging of the Olympic Games will do a lot for the improvement of human rights and social relations in China." More specifically, in an online interview with *Die Welt* on 25 December 2007, IOC Vice-President Thomas Bach stated that: "The Games can act as a catalyst and contribute to the opening of a society. We have already seen that in China, for example with big progress on the issues of media reporting and the death penalty. We have new laws for migrant workers and the prevention of child labour."[85]

[84] Statement by Jacques Rogge, President of the International Olympic Committee, *IOC press release*, 23 March 2008.

[85] In the last Olympics Countdown report (ASA 17/024/2007) Amnesty International referred to comments reportedly made by Hein Verbruggen, Chair of the IOC's Coordination Commission, suggesting that BOCOG must take steps to 'negate' the political and social agendas of groups who were using the Olympics as a 'platform'. The quote was reported by *AFP* and repeated in a letter of concern written by two international human rights organizations to Hein Verbruggen in July 2007. The IOC later clarified with Amnesty International that Mr Verbruggen had been misquoted and never actually used the term 'negate'. Amnesty International is grateful to the IOC for providing the full text of Hein Verbruggen's speech, which contains the following text: '*[T]he way in which the Games are being used as a platform for groups with political and social*

Amnesty International believes it is not appropriate to publicly refer to progress in certain areas, while ignoring a marked deterioration in others. While recognising the importance of new laws and regulations, Amnesty International reiterates that they must be properly implemented and enforced to have any impact on human rights. Domestic rights activists have an essential role to play in drawing attention to problems with the enforcement of existing laws and advocating for further reform based on their experience of ongoing human rights violations. Amnesty International urges the IOC to take a public stand with the Chinese authorities about the deteriorating situation for peaceful human rights activists in China, including the cases detailed in this report.

World leaders, including those planning to attend the Beijing Olympics, should also speak out on these issues. As the Olympics draw closer, this becomes even more important lest the silent presence of world leaders with influence be used as a tacit endorsement of the human rights violations perpetrated in connection with this major event. A failure to speak out, particularly when Chinese activists have been muzzled in violation of their human rights, would effectively constitute a 'conspiracy of silence' which undermines the principles and spirit of the Olympic Charter. A strong public stance from the IOC and world leaders is essential to minimise the risk that serious human rights abuses will tarnish the human rights legacy of the Beijing Olympics for China, the Olympic movement more broadly, and all those with a stake in the success of the Games.

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agendas, is regrettable. Whilst we are sympathetic to many of the important issues being raised by those who chose to leverage the platform the Olympic Games provides, we cannot allow these, albeit important agendas, to distract us from our primary mission, which is of course, to ensure that a successful event is hosted which brings together the athletes of the world. We must keep our focus, strong in the knowledge that positive developments come by engaging through sport and through working quietly and patiently with our partners, BOCOG. BOCOG too must strengthen how to deal with these important matters which, if we are not careful, threaten the reputation of the Beijing Games'. Amnesty International has since expressed concern about further comments made by Hein Verbruggen, apparently in a personal capacity in September 2007, in which he wrongfully attributed certain information to Amnesty International and suggested that the organization was misleading the public by reporting information which was untrue. Published in *De Volkskrant* on 2 September 2007, the article claimed that Amnesty International had suggested that 'Beijing was not awarded the sporting event until they promised to improve the bad human rights situation in the country'. He also wrongfully attributed to Amnesty International claims that '1.5 million people had had to move for the Games'. This statistics appear to relate to figures published by the Geneva-based Centre on Housing Rights and Evictions (COHRE), although, to Amnesty International's knowledge, COHRE does not claim that all of these evictions are directly related to the Olympic Games. Amnesty International Netherlands was able to clarify the organization's position in a meeting with Hein Verbruggen as well as in an opinion piece published in *De Volkskrant* on 5 September 2007. However, his comments have since been circulated further by at least one Chinese diplomat.

Recommendations to the Chinese Government:

- Amnesty International reiterates its calls for the immediate and unconditional release of all prisoners of conscience, including the activists, journalists and Internet users highlighted in this and previous Olympics Countdown reports: Hu Jia, Bu Dongwei, Ye Guozhu, Chen Guangcheng, Shi Tao, Yang Tongyan, Huang Jinqiu, Lü Gengsong, Yang Chunlin, Wang Ling, Liu Jie, Wang Guilin and Yu Changwu.

- In addition, the authorities are urged to cease arbitrary detention, intimidation or harassment of activists who are not formally detained or imprisoned, including Gao Zhisheng, Zheng Enchong, Zeng Jinyan, Qi Zhiyong, Yuan Weijing, Teng Biao, Li Heping, Ye Mingjun, Ye Guoqiang and Wang Dejia. All activists should be free to communicate with journalists or highlight issues of legitimate concern without penalty or harassment.

- Amnesty International urges the authorities to strengthen reforms to the death penalty system by introducing greater transparency, both by ensuring that families and lawyers of those sentenced to death are given access to them as well as information about their cases, and by publishing data on the application of the death penalty nationwide. Following recent official statements that death sentences and executions have declined with the introduction of SPC review, the organization urges the authorities to publish full national statistics on the application of the death penalty.

- In line with official statements that China's end goal is the complete abolition of the death penalty, Amnesty International reiterates its call on the Chinese authorities to remove non-violent crimes, including economic and drug-related offences, from the scope of the death penalty pending its full abolition in law. Amnesty International also urges the Chinese authorities to reconsider their position on a moratorium on executions and bring China into line with the overwhelming weight of international opinion on this issue by declaring such a moratorium.

- In order to address abuses of the right to fair trial and bring detention practice into line with the ICCPR which China has declared it intends to ratify in the near future, Amnesty International continues to urge the authorities to abolish RTL and other forms of punitive administrative detention, ensuring that decisions on detention are no longer exclusively in the hands of the police. The government should take urgent measures to prevent police or representatives of provincial authorities in Beijing from resorting to abusive forms of administrative detention, such as RTL or reinstated forms of C&R, as a method of 'cleaning-up' the city in the run-up to and during the Olympics.

- Amnesty International urges the authorities to ensure that the new regulations for foreign journalists are implemented effectively and enforced uniformly across the whole of China, and that they allow full access and freedom of reporting. The same freedom must be extended equally to the domestic media. The authorities should cease the unwarranted censorship of broadcast, print and online media in China and take urgent measures to

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

Recommendations to other governments, the IOC and corporate sponsors of the Olympic Games

- In order to prevent a negative human rights legacy for the Beijing Olympics, Amnesty International calls on world leaders, including those who plan to attend the Olympic Games, to use their influence with the Chinese authorities to take urgent action in line with the above recommendations. Governments are urged to express these concerns publicly, especially over the plight of individual activists in China. A failure to express concerns strongly and publicly may also be interpreted as a tacit endorsement of the human rights violations perpetrated in preparation for the Olympic Games.

- In order to uphold the Fundamental Principles of Olympism with respect to 'human dignity' and 'universal fundamental ethical principles' and in attempt to secure a positive legacy of the Olympics for Beijing and China, Amnesty International urges the IOC to use its influence with the Chinese authorities to take urgent action in line with the above recommendations. In view of the deteriorating situation and with just four months before the Games take place, the IOC is urged to express these concerns publicly, especially over the plight of individual activists in China. Amnesty International also urges the IOC to publicly clarify how it interprets Chapter 51, Article 3 of the Olympic Charter which specifies that 'no kind of demonstration or political, religious or racial propaganda is permitted in any Olympic sites, venues or other areas' and to clarify what guidance it may have issued on this to NOCs.

- In order to minimize the risk of being associated with an Olympic Games characterized by serious human rights violations, Amnesty International urges corporate sponsors of the Olympics to raise their concerns over China's human rights situation with both the Chinese authorities and the IOC.

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

Amnesty International urges the International OIympic Committee (IOC) and the wider Olympic movement to work with the organization's worldwide membership and in solidarity with human rights activists within China to press the Chinese government to deliver positive concrete and lasting human rights reforms before August 2008.