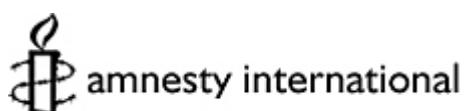


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Amnesty International Report 2010 - China

PEOPLE'S REPUBLIC OF CHINA

Head of state: Hu Jintao
Head of government: Wen Jiabao
Death penalty: retentionist
Population: 1,345.8 million
Life expectancy: 72.9 years
Under-5 mortality (m/f): 25/35 per 1,000
Adult literacy: 93.3 per cent

The authorities continued to tighten restrictions on freedom of expression, assembly and association due partly to sensitivities surrounding a series of landmark anniversaries, including the 60th anniversary of the People's Republic on 1 October. Human rights defenders were detained, prosecuted, held under house arrest and subjected to enforced disappearance. Pervasive internet and media controls remained. "Strike hard" campaigns resulted in sweeping arrests in the Xinjiang Uighur Autonomous Region (XUAR), particularly following violence and unrest in July. Independent human rights monitoring was prevented in Tibetan-populated regions. The authorities continued to strictly control the parameters of religious practice, with Catholic and Protestant groups practising outside official bounds being harassed, detained and sometimes imprisoned. The severe and systematic 10-year campaign against the Falun Gong continued.

Background

China was increasingly seen as a critical player in global affairs, including on such issues as Myanmar, North Korea, Iran, climate change and the global economic recovery. This contrasted with the government's increased insecurity at home stemming from a drop in the economic growth rate, rising unemployment and increased social tension associated with pervasive corruption, lack of access to adequate health care, housing and social security, and repression of civil society groups. As China's economy continued to grow, the gap between rich and poor widened.

Freedom of expression – journalists/internet

As the internet was increasingly used to disseminate news and conduct debates, the authorities tried to control its use by restricting news reporting and shutting down publications and internet sites, including ones that "slandered the country's political system", "distorted the history of the Party", "publicized Falun Gong and other evil cults", and "incited ethnic splittism". The government blocked access to content and recorded individuals' activities through new filtering software such as Blue Shield.

Following the publication of Charter 08 in December 2008, a document calling for political reform and greater protection of human rights, police questioned signatories and put them under surveillance for many months.

- Liu Xiaobo, a prominent intellectual and signatory originally detained in December 2008, was sentenced to 11 years' imprisonment on 25 December for "inciting subversion of state power". His lawyers were given only 20 minutes to present their case, in a trial that lasted less than three hours.

Human rights defenders

Human rights defenders (HRDs), including lawyers, journalists, environmental activists, and proponents of democratic reform, were arbitrarily detained, harassed, subjected to house arrest, held in incommunicado detention, and imprisoned. Authorities tortured and ill-treated many of those in detention. Family members of HRDs, including children, continued to be targeted and were subjected to long-term house arrest and other restraints and harassment.

Police and security forces detained, harassed and abused lawyers representing politically sensitive HRDs, Falun Gong practitioners, farmers with claims against local officials regarding land rights or corruption, and those who had been involved in advocating reform of lawyers' associations. Lawyers were at particular risk of losing their licence to practise.

- On 4 February, 10 public security bureau officers and other unidentified men abducted prominent human rights lawyer Gao Zhisheng from his home in Shanxi province. His whereabouts remained unknown at the end of the year. Gao Zhisheng's wife, Geng He, and their children arrived in the USA in March, escaping from the Chinese authorities' ongoing harassment, which included preventing their daughter from attending school.

The authorities continued to use vague laws governing the use of "state secrets" and "subversion of state power" to arrest, charge and imprison HRDs.

- In August, HRD Tan Zuoren was charged with "inciting subversion of state power". He had organized an independent investigation into the collapse of school buildings during the May 2008 Sichuan earthquake. He had planned to publish the report prior to his detention. At the end of the year, the verdict had not been announced.
- On 23 November, HRD Huang Qi was sentenced to three years' imprisonment for "illegally possessing state secrets". He had posted the demands of parents whose children had died in the Sichuan earthquake on his website.

Justice system

Unfair trials remained endemic. Judicial decisions remained susceptible to political interference; defendants were often unable to hire a lawyer of their own choice and were denied access to their lawyer and family; families were often not given adequate notice of trial dates and were frequently refused entry to trials. Confessions extracted through torture continued to be admitted as evidence in court.

Millions of citizens tried to present their grievances directly to government authorities

through the "letters and visits" system, otherwise known as the "petitioning system". Despite being legal, police often harassed petitioners, forcibly returned them to their home provinces and detained them in illegal "black jails" or psychiatric hospitals where they were at risk of ill-treatment.

Officials continued to intimidate the parents of children who died in collapsed school buildings during the Sichuan earthquake in May 2008 and prevented them from speaking to the media or pursuing independent investigations.

Detention without trial

The authorities frequently used administrative punishments, including Re-education through Labour (RTL), to detain people without trial. According to the government, 190,000 people were held in RTL facilities, down from half a million several years ago, although the real figures were likely to be much higher. Former RTL prisoners reported that Falun Gong constituted one of the largest groups of prisoners, and political activists, petitioners and others practising their religion outside permitted bounds were common targets. The authorities used a variety of illegal forms of detention, including "black jails", "legal education classes", "study classes" and mental health institutions to detain thousands of people.

Torture and other ill-treatment and deaths in custody

Torture continued to be commonplace in places of detention, sometimes leading to death. Torture methods used on detainees included beatings, often with an electric prod, hanging by the limbs, force feeding, injecting unknown drugs and sleep deprivation.

In March, the death of a 24-year-old in a detention centre in Yunnan province triggered a heated online debate about police and "jail bullies" torturing and otherwise ill-treating inmates. The online debate led to revelations of other cases of deaths in detention and prompted an investigation by the Supreme People's Procuratorate (SPP). In July, the SPP published a report investigating 12 of the 15 deaths that occurred in detention during the first four months of the year. Of these, seven were found to have been beaten to death, three to have committed suicide, and two had died of accidental causes.

Death penalty

China continued to make extensive use of the death penalty, including for non-violent crimes. The death sentence continued to be imposed after unfair trials. Statistics on death sentences and executions remained classified as state secrets and, while executions numbered in the thousands, the government did not release actual figures.

Freedom of religion

People who practised their religion outside officially sanctioned boundaries continued to experience harassment, arbitrary detention, imprisonment and other serious restrictions on their freedom of religion. Catholic priests and bishops who refused to join the officially recognized Chinese Patriotic Catholic Association continued to be detained and held incommunicado for long periods or subjected to enforced disappearance.

- The whereabouts of 75-year-old Monsignor James Su Zhimin, an ordinary bishop from Baoding city, Hebei province, has remained unknown since his detention by police in 1996.

Police beat and detained members of Christian house-churches, who practise outside officially recognized institutions, often demolishing their churches and sending them for RTL or to prison. The government campaign against the Falun Gong intensified, with sweeping detentions, unfair trials leading to long sentences, enforced disappearances and deaths in detention following torture and ill-treatment.

- Chen Zhenping, a Falun Gong practitioner, was sentenced to eight years in prison during a secret trial in August 2008. She was charged with "using a heretical organization to subvert the law". Before, during and after her trial, Chen Zhenping was denied access to her lawyer. In September, prison guards told her family that she had been transferred to another location, but refused to say where. Chen Zhenping's lawyers have been unable to obtain any additional information concerning her whereabouts.

Xinjiang Uighur Autonomous Region

The authorities intensified already tight restrictions on freedom of expression, association and assembly in the Xinjiang Uighur Autonomous Region (XUAR) in the north-west of China following the eruption of unprecedented violence in Urumqi on 5 July. The government reported that 197 people were killed, the majority of whom were Han killed by Uighurs, and more than 1,600 were injured. Uighurs had posted online calls for a protest in reaction to government inaction over the beatings and deaths of Uighur migrant workers by Han workers in a toy factory in Guangdong province in June.

Eyewitness accounts of events on 5 July suggest that police and security forces cracked down on peaceful Uighur demonstrators to prevent thousands from marching through the city. According to these reports, police beat peaceful protesters with batons, used tear gas to disperse the crowds, and shot directly into crowds of peaceful demonstrators with live ammunition, most likely resulting in many more deaths.

Following the unrest, the authorities detained hundreds on suspicion of participation in the protests, including boys and elderly men, in door-to-door raids. Family and friends of several detainees denied that the detained individuals had any role in the violence or the protests. Dozens of detainees remained unaccounted for at the end of the year.

In August, the authorities announced that they were holding 718 people in connection with the unrest, and that 83 of these faced criminal charges including for murder, arson and robbery. On 9 November, the authorities announced the execution of nine individuals, after unfair trials. Based on their names, eight were Uighurs and one was Han Chinese. In December, an additional 13 individuals were sentenced to death and the authorities announced the arrest of an additional 94 people on suspicion of involvement in the July unrest.

In November, the authorities formally announced a "strike hard and punish" campaign in the region to last until the end of the year to "root out ... criminals".

The authorities blamed the unrest on overseas Uighur "separatists", particularly Rebiya Kadeer, the President of the World Uyghur Congress, and failed to acknowledge the role of government policies in fuelling discontent among Uighurs. These policies included restrictions on freedom of expression, association and assembly; restrictions on religious and other cultural practices; and economic policies that discriminate against Uighurs and encourage Han migration to the region. New regulations further tightened already strict controls on the internet in the region, criminalizing its use with the vaguely defined crime of "ethnic separatism". Restrictions on internet access, international telephone calls, and text messaging, blocked in the immediate aftermath of the 5 July unrest, remained in place at the end of the year.

On 19 December, the Cambodian government forcibly returned 20 Uighur asylum-seekers to China, against UNHCR, the UN refugee agency, objections. Chinese authorities allege they had participated in the July unrest, and days later denied that the deportations were connected to a new US\$1.2 billion aid package to Cambodia.

Tibet Autonomous Region

Protests which erupted in March 2008 continued on a smaller scale during the year, accompanied by persistent detentions and arrests. Two Tibetans were executed for

crimes alleged to have been committed during the March 2008 unrest.

International human rights organizations reported a rise in the number of Tibetan political prisoners prior to sensitive anniversaries, including the 50th anniversary of the failed Tibetan uprising which led to the Dalai Lama's exile. The authorities blocked communication flows to and from the region and prevented independent human rights monitoring. Tibetans' rights to freedom of expression, religion, assembly and association continued to be severely restricted. The Chinese authorities became more assertive in their international policy regarding the Tibet issue, with public statements by Chinese officials that suggested their willingness to punish countries economically and diplomatically for perceived support of the Dalai Lama and Tibetan issues.

- In October, two Tibetan men, Losang Gyaltshe and Loyar, were executed. They were convicted of arson and sentenced to death on 8 April 2009 by the Lhasa Municipal Intermediate People's Court. They had been arrested during unrest in the Tibet Autonomous Region and Tibetan-populated areas in neighbouring provinces in March 2008.
- On 28 December, Dhondup Wangchen, an independent Tibetan film maker, was sentenced to six years imprisonment for the crime of "subverting state power" after a secret trial by the provincial court in Xining, Qinghai province. The lawyer originally hired by his family was barred from representing him, and it is unclear if he subsequently had any legal representation or was able to defend himself during the trial.

Hong Kong Special Administrative Region

On 4 June, according to organizers, over 150,000 people commemorated the 20th anniversary of the Tiananmen military crackdown, but the authorities denied entry to some Chinese and foreign activists who wished to participate. In July, tens of thousands marched for causes including an improvement in people's livelihood, democracy and freedom of speech.

Racial discrimination

The Race Discrimination Ordinance (RDO) entered into force in July. In August, the UN Committee on the Elimination of Racial Discrimination (CERD) noted that the RDO's definition of racial discrimination was not completely consistent with Article 1 of the UN Convention against Racism. CERD recommended that indirect discrimination with regard to language, immigration status and nationality be added to the definition. CERD also recommended that all government functions and powers be brought within the scope of the RDO.

Refugees and asylum-seekers

While noting planned reform in torture claims procedure, CERD recommended that the government guarantee the rights of asylum-seekers to information, interpretation, legal assistance and judicial remedies and encouraged the adoption of a refugee law with a comprehensive screening procedure for individual asylum claims. It also repeated its recommendation that the authorities ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Rights of lesbian, gay, bisexual and transgender people

On 31 December, the Hong Kong Special Administrative Region (HKSAR) government announced that amendments to the Domestic Violence Ordinance would extend protection to same-sex cohabitants and take effect on 1 January 2010. HKSAR law did not prohibit discrimination on the grounds of sexual orientation.

Macao Special Administrative Region

In June, sole candidate Fernando Chui Sai-on was elected by a 300-member election committee to become the city's Chief Executive until 2014. In September, 12 candidates were directly elected to the 29-seat legislature. The remaining legislators are appointed or chosen by functional constituencies.

In February, the Legislative Assembly passed the National Security Law covering acts of "sedition", "secession", "subversion", "treason" and "theft of state secrets". Vague definitions of the crimes could be used to abuse the rights to freedom of expression and association. Tens of Hong Kong citizens, including legislative councillors, activists, journalists and a law professor, who were attempting to participate in activities concerning the proposed new law, were denied entry to Macao. In December, three Hong Kong activists, who planned to call for the release of Liu Xiaobo during a visit by President Hu Jintao, were also denied entry.

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