

KINA (73)

AI INDEX: ASA 17/001/2004 28 January 2004

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People's Republic of China

Controls tighten as Internet activism grows

"...Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print [...] or through any other media of his choice."

Article 19 International Covenant on Civil and Political Rights, Signed (but not yet ratified) by China: October 1998

Introduction

This document updates Amnesty International's first major reports on the Internet in China, *People's Republic of China: State Control of the Internet in China*, ASA 17/007/2002 and *People's Republic of China: State Control of the Internet in China: Appeal Cases*, ASA 17/046/2002, both published in November 2002.

Since then, there has been a dramatic rise in the number of people detained or sentenced for Internet-related offences, an increase of 60 per cent in 2003 as compared to the previous year's figures. In addition, an unknown number of people remain in detention for disseminating information about the spread of Severe Acute Respiratory Syndrome (SARS) over the Internet. The individuals cited in this report are all considered to be prisoners of conscience. Many have been denied due process and some have been tortured or ill-treated in custody.

Internet access has expanded considerably in China over the past year. According to official statistics, the number of Internet users had risen to 79.5 million by December 2003 from 59.1 million users in December 2002 - an increase of 34.5 per cent.(1) This has presented the authorities with greater challenges in their attempts to censor and control the online activities of Internet users. Over the past year, there has been a growing trend towards assigning greater responsibilities of surveillance and monitoring to a variety of companies in China such as Internet Cafes, Information Service Providers (ISPs) and other enterprises.

Nevertheless, it appears that Internet activism is continuing to grow in China as fast as the controls are tightened. Over the last year, there have been signs of Internet users acting increasingly in solidarity with one another, in particular by expressing support for each other online. Such expressions of solidarity have proved dangerous, as a growing number of people have been detained on the basis of such postings.

Amnesty International considers all those detained for such activities to be prisoners of conscience and reiterates its calls for their immediate and unconditional release.

Increased detentions of Internet activists - the cost to the individual

"Everyone has the right, individually and in association with others [...] freely to publish, impart to disseminate to others views, information and knowledge on all human rights and fundamental freedoms [as well as] to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and appropriate means, to draw attention to those matters."

Article 6, UN Declaration on Human Rights Defenders(2)

As of 7 January 2004, Amnesty International had recorded the names of 54 people who had been detained or imprisoned for disseminating their beliefs or information through the Internet - a 60 per cent increase as compared to figures recorded at the end of 2002.(3) In November 2002, Amnesty International documented 33 people who had been detained for Internet-related offences, including three Falun Gong practitioners who, according to Amnesty International's information at the time, had reportedly died in custody. (4) Prison sentences ranged from two to 12 years.

Those detained for downloading information from the Internet, expressing their opinions or circulating information on the Internet or by email include students, political dissidents, Falun Gong practitioners, workers, writers, lawyers, teachers, civil servants, former police officers, engineers, and businessmen.

Signing online petitions, calling for reform and an end to corruption, planning to set up a pro-democracy party, publishing 'rumours about SARS', communicating with groups abroad, opposing the persecution of the Falun Gong and calling for a review of the 1989 crackdown on the democracy protests are all examples of activities considered by the authorities to be "subversive" or to "endanger state security". Such charges almost always result in prison sentences.

Many of those included in this report have been held for long periods, sometimes for over a year, awaiting a formal trial and for some there has been a long delay between trial and sentencing. All are believed to have been denied full and adequate access to lawyers and their families, particularly during the initial stages of police detention, and several have reported being tortured or ill-treated. Such violations of the right to a fair trial and to freedom from torture or ill-treatment often contravene provisions of China's Criminal Procedure Law as well as international human rights standards.

The following cases illustrate such failings. They also show how the arrest of one Internet activist can result in spiralling arrests of others who dare to express their support or solidarity online. Several of these cases have been documented by Amnesty International elsewhere.(5) The information below is intended to bring their cases up to date and to show the systematic nature of state persecution of Internet activists.

Huang Qi, is notable for being the first person in China to be arrested for posting articles concerning human rights and political issues on his own website. (6) After his trial in August 2001, he continued to be detained for almost two years before his sentence was finally announced on 9 May 2003 - five years' imprisonment for "inciting subversion". By that time Huang Qi had spent a total of almost three years in detention. This was taken into account in his sentencing and he is due to be released in June 2005.

It remains unclear why it took so long for the sentence to be announced after the trial. Huang Qi filed an appeal on 18 May 2003 pointing out that China's Constitution guarantees the right to freedom of speech and of the press. During his appeal hearing, prison guards reportedly held him down by the throat as he tried to speak in his defence. In August 2003 his appeal was turned down and the five-year sentence upheld.

Amnesty International was concerned to note that according to the court verdict, the prosecution cited evidence which included reference to the posting of an Amnesty International document on Huang Qi's website.(7) Amnesty International believes that merely publishing names of individuals imprisoned following the 1989 pro-democracy protests on the Internet can never amount to "inciting subversion".(8)

After his appeal Huang Qi was transferred to Chuanzhong high security prison, in Nanchong in Sichuan Province. Following a visit by representatives of the international non-governmental

organization, Reporters Without Borders in October 2003, Huang Qi was reportedly placed in solitary confinement and then moved to a punishment cell. He is reported to be in poor health.

Huang Qi's case became widely known in China and led to substantial discussion and comment on email and the Internet. One of those who openly expressed solidarity with Huang Qi, **Liu Di** (otherwise known by her online pseudonym, "Stainless steel mouse") was detained for a year on suspicion of "endangering state security" in connection with messages she posted in an Internet chatroom which were critical of the government and called for Huang Qi's release. She has recently been released.

Liu Di, a psychology student from Beijing Normal University, was freed on bail on 28 November 2003 more than one year after her detention on 7 November 2002. Just before her release, it was announced that the public prosecutors in Beijing had rejected the case against her due to lack of evidence. Liu Di had been held incommunicado for over four months until she was allowed to meet her lawyer in March 2003, and her family were denied access to her throughout her detention. She was reportedly warned that the conditions for her release on bail were that she should not speak to foreign journalists or travel away from Beijing. On 25 December 2003 it was finally announced that she would not face formal indictment.(9)

Amnesty International welcomes Liu Di's release, but remains concerned about the serious violations of due process during her detention.

Liu Di's case aroused much publicity within China and abroad culminating in two online petitions circulating in China calling for her release. These were signed by almost 3,000 Internet users - the majority were from China, including a number of Chinese dissidents now living abroad.

Unlike many of those detained for their online activities, Liu Di was not already known to be a political dissident - she was merely a student expressing her views online. Her situation served as a catalyst for many in China who sympathised with her fate and disagreed with government controls and censorship of the Internet.

By the end of 2003, at least five people who had signed petitions calling for Liu Di's release were themselves detained. One of them, **Yuan Langsheng**, has since been released, but the following four remain in detention:

- **Cai Lujun**, a businessman from Hebei Province and **Luo Changfu**, a laid-off worker from Chongqing Municipality, were both charged with subversion and sentenced to three years' imprisonment in October 2003 and November 2003 respectively.
 - On 28 October 2003, **Du Daobin**, a civil servant from Hubei Province and a prominent organizer of petitions in support of Liu Di, was also detained. He told journalists in October that "*[D]etaining Liu Di is a violation of freedom of expression. Why do we still have literary persecution in the 21st century?*".(10) On 12 November 2003, Du Daobin was charged with "inciting subversion", but he has yet to face trial. Thousands in China and abroad have since signed two open letters to Chinese Premier Wen Jiabao calling for Du Daobin's release.
 - **Kong Youping**, a factory worker from Liaoning Province was detained on 13 December 2003 after he too had appealed for the release of Liu Di. He had also posted articles and poems on a foreign website and called for a reassessment of the 1989 pro-democracy demonstrations as well as an end to official corruption. To Amnesty International's knowledge he has yet to be charged.
- Another activist, **Ouyang Yi**, has had his case returned to prosecutors several times by the Chengdu Intermediate People's Court in Sichuan Province due to insufficient evidence. He was detained in December 2002 and charged with "incitement to subvert state power" after he had created a pro-democracy website and signed a petition, together with 192 other dissidents, addressed to the 16th Communist Party Congress calling for greater democracy and the release of dissidents arrested for publishing their views on the Internet.

Amnesty International is concerned about the growing number of individuals being detained, charged and imprisoned for doing nothing more than peacefully expressing their views and opinions on the Internet. The recent release of Liu Di and a small number of other activists is encouraging, but such releases are outweighed considerably by the number of people who continue to be detained and sentenced for Internet-related offences, including those who have expressed support or solidarity with Liu Di or with detained Internet activists in general. The organization continues to call for their immediate and unconditional release.

Detention of Internet users in connection with SARS

Amnesty International has received information from numerous sources concerning the cases detailed above and listed in the appendix. However, it is likely that these 54 individuals are a fraction of the real number of people arbitrarily detained across China for peacefully expressing their views on the Internet.

In May 2003 it was reported by the official Chinese News Agency, *Xinhua*, that over 100 people had been arrested for "spreading rumours" or "false information" through the Internet or mobile phone text messages about SARS. Little further information is available about these cases and it remains unclear exactly how many remain in detention. Amnesty International has received reports suggesting that two of them, **Luo Yongzhong** (see Appeals) and **Huang Qunwei** were both sentenced to three years' imprisonment for publishing "rumours" about SARS on the web.(11)

Amnesty International recognises that restrictions on certain rights such as the rights to freedom of expression and association may be justified in certain circumstances, including a public health emergency. However, international human rights law requires that the rights to freedom of expression and association can only be limited in a necessary and proportionate way to achieve some legitimate aim, such as to stop the spread of disease, and the onus is on the government to demonstrate why certain restrictions are necessary. The Chinese authorities have failed to provide an explanation to justify taking the extreme step of depriving people of their liberty in connection with the exercise of the right to freedom of expression in the context of the outbreak of SARS. In the absence of a credible, official explanation for these arrests, Amnesty International considers those detained for 'spreading rumours about SARS' to be detained in violation of their right to freedom of expression.

Amnesty International also notes that the Chinese authorities initially prevented any reporting or open discussion about the scale and impact of the virus, including by blocking websites mentioning the word 'SARS'. As the numbers of those infected rose and deaths were reported, rumours began to spread quickly as people began to panic and search for answers to their questions. Under such circumstances and without access to credible, official information about the disease, it is not surprising that many people resorted to e-mail, chat rooms, bulletin boards and short message texting (SMS). At the time of the SARS crisis, Internet use was reported to have risen by 40 per cent and mobile phone use by 30 per cent.(12)

In the face of widespread pressure from both domestic and international sources, the Chinese authorities eventually changed their policy to allow more accurate public reporting on the spread of the disease.

The World Health Organization pronounced that the outbreak was under control in June 2003. However, a new suspected case of SARS was confirmed in Guangdong Province in December 2003 and first reported by the *Southern Metropolitan Daily (Nanfang Dushi Bao)*. (13) The authorities have since reportedly questioned the editor and six staff from the paper, apparently over an unconnected issue of alleged corruption. There are concerns that this questioning may in fact be an attempt to intimidate and harass staff involved with breaking the SARS story without official

authorization. Amnesty International calls on the authorities to ensure that the media can report freely on SARS, and other issues of legitimate public concern, without fear of intimidation or human rights violations.

Increased controls and surveillance of Internet users

China is said to have in place the most extensive censorship of the Internet of any country in the world. Amnesty International has already detailed some of the laws and regulations issued since 1994 aimed at monitoring and controlling the use of the Internet at many levels of society.(14) Many of the toughest regulations to control the Internet have been issued since 2000 and those who cause "especially serious harm" by providing "state secrets" to overseas organizations and individuals over the Internet can be sentenced to death.(15)

As all communication on the Internet in China passes through government-controlled routers the authorities are able to block access to many sites and to filter content and delete individual links or web pages if considered "dangerous" or "subversive". No list is publicly available on what is filtered and blocked, but a study done by the Harvard Law School on *Empirical Analysis of Internet Filtering in China*, carried out between May and November 2002 and updated on 3 December 2002, found that over 50,000 of 204,000 web sites tested were inaccessible from at least one location in China although some were accessible from the US.(16)

Over the past year, websites using banned words such as 'Taiwan', 'Tibet', 'democracy', 'dissident', 'Falun Gong' and 'human rights', have continued to be regularly blocked, together with the websites of international human rights groups, including Amnesty International, and several foreign news sites. In addition, several new regulations have devolved greater responsibilities for control of the Internet to Internet cafes, companies and, most recently, portals providing news.

In October 2003, the Ministry of Culture announced that by the year 2005 all China's 110,000 Internet cafes will need to install surveillance software which would be standardised throughout all Internet cafes in China.(17) The Ministry of Culture also intends to issue licenses to allow up to 100 companies to manage the majority of Internet cafes. "We are actively pushing an internet cafe technology management system requiring the whole nation to adopt the same standard and each province the same software" said Liu Yuzhu, an official from the Ministry of Culture.(18) According to Liu Qiang, a senior official with the Ministry of Culture, the software would make it possible to collect personal data of Internet users, to store a record of all the web-pages visited and alert the authorities when unlawful content was viewed.(19)

On 20 November 2003 the Ministry of Information Industry (MII) issued rules for approximately 30 large companies that manage Internet addresses in China. While these regulations appear to be intended to improve service standards, they are also aimed at strengthening control over sensitive information posted on the web. According to the MII, such firms must have "strict and effective mechanisms for cleaning bad and offensive domain names, which should be done once a day".(20)

On 8 December 2003, 30 Internet news and information providers, including Renmin, Xinhua, Sina, Sohu and Net Ease, signed up to a new "Internet News Information Service Self-Discipline Pledge".(21) Signatories to the Pledge agree to "obey government administration and public supervision voluntarily, to resist firmly the Internet transmission of harmful information such as obscenity, pornography and superstition, and to resist the substance of information [sic] that violates the fine cultural traditions and moral codes of the Chinese nation".(22)

The introduction of this Pledge echoes similar measures taken in March 2002, when a broader range of companies signed up to the "Public Pledge on Self-Discipline for the China Internet Industry".(23) While Amnesty International recognises the right of the authorities to regulate the Internet, the vague

wording of such Pledges and the lack of definition of key concepts such as "harmful" and "superstitious" allows a wide degree of interpretation. Amnesty International is concerned that these Pledges will be used in conjunction with existing rules and regulations to restrict the fundamental freedom of Internet users to access information or express their views and opinions online.

In response to the heavy censorship imposed by the authorities many Internet users in China have tried to circumvent the firewalls and filters blocking content which is considered by the authorities to be politically "harmful" by using particular software. This was demonstrated during the outbreak of SARS when one company reportedly recorded millions of hits from within China enabling people to surf the Web anonymously in the hope of ascertaining the scale of the infection. (24) Over the past year it is known that some software companies offering such services have had their websites blocked by the authorities.(25)

Corporate responsibility and Internet freedoms

"...Within their respective spheres of activity and influence, transnational corporations and other business enterprises have the obligation to promote, secure the fulfilment of, respect, ensure respect of and protect human rights recognized in international as well as national law, including the rights and interests of indigenous peoples and other vulnerable groups."

*United Nations Human Rights Norms for Businesses,
Adopted 13 August 2003, Geneva(26)*

As China's burgeoning economy grows and with its admission in December 2001 to the World Trade Organization (WTO), foreign ownership, investment and involvement of foreign companies in China's telecommunications industry have soared.(27) One foreign investor, Nortel Networks, announced in September 2003 that it plans to invest US\$200 million over the next three years to strengthen its research and development capabilities in China.(28)

Amnesty International remains concerned that in their pursuit of new and lucrative markets, foreign corporations may be indirectly contributing to human rights violations or at the very least failing to give adequate consideration to the human rights implications of their investments. In its first report on *State Control of the Internet in China*, Amnesty International cited several foreign companies (Cisco Systems, Microsoft, Nortel Networks, Websense and Sun Microsystems), which had reportedly provided technology which has been used to censor and control the use of the Internet in China.(29)

Following the publication of this report, several companies dismissed allegations that their company's actions might be contributing to human rights violations in China. Cisco Systems denied that the company tailors its products for the Chinese market, saying that "[I]f the government of China wants to monitor the Internet, that's their business. We are basically politically neutral."(30) Microsoft said it "focused on delivering the best technology to people throughout the world", but that it "cannot control the way it may ultimately be used."(31)

Amnesty International considers such responses to be inadequate, particularly in view of recent measures taken at the international level to hold companies more accountable for the human rights implications of their investments. For example the UN Human Rights Norms for Business, adopted in August 2003, state that:

[T]ransnational corporations and other business enterprises shall refrain from any activity which supports, solicits, or encourages States or any other entities to abuse human rights. They shall further seek to ensure that the goods and services they provide will not be used to abuse human rights.(32)

Amnesty International urges all companies which have provided such technology to China to use their contacts and influence with the Chinese authorities to bring an end to restrictions on freedom of expression and information on the Internet and to urge the release of all those detained for Internet-related offences in violation of their fundamental human rights.

APPEAL CASES

Five appeals follow on behalf of eight people who have been sentenced to prison terms for Internet-related offences. Some of these appeals were included in the document issued by Amnesty International on the Internet in November 2002 (ASA 17/046/2002) but their cases have since been brought up to date with new information.

Amnesty International is concerned about the situation of all 54 prisoners listed in the appendix to this report and is appealing for their immediate and unconditional release as prisoners of conscience.

APPEALS: He Depu, Prisoner of conscience, Beijing Municipality



He Depu (何德普), aged 47, was detained on 4 November 2002 for posting essays on the Internet and for his links with the banned China Democracy Party (CDP). He was sentenced to eight years' imprisonment on 6 November 2003. It is believed that his arrest was linked to his signing an open letter calling for political reform which was sent to the National People's Congress (NPC) just prior to the start of the 16th Communist Party Congress in November 2002.

"My husband has never done anyone any harm or broken any law. He just posted some articles on the Internet calling for liberty and democracy. This is the basic right of every citizen."

*Jia Jianying, He Depu's wife
South China Morning Post,
30 September 2003*

Following his arrest, He Depu was held incommunicado for four months. He was eventually given access to a lawyer in March 2003 when his family was formally notified of his arrest. However, he continued to be denied access to his family.

After a two-hour trial at the Beijing No. 1 Intermediate People's Court on 14 October 2003, He Depu was convicted of "subversion". According to his wife, Jia Jianying, who was permitted to attend the trial but not to speak to her husband, the evidence against him included membership of the banned CDP and posting essays on websites abroad calling for greater democracy and the release of a number of arrested dissidents. Jia Jianying claimed that during the trial, the judge prevented her husband from telling the court about the abuse he had suffered in detention, namely that he had been forced to stand motionless for 85 days.

He Depu was sentenced on 6 November 2003. The hearing at the Beijing Intermediate People's Court lasted five minutes, during which He Depu reportedly continued to call for democracy and criticised China's political system.

He Depu's health has reportedly deteriorated while in prison; he has lost a lot of weight and is suffering from hepatitis for which he has reportedly received no treatment.

He Depu, an academic, was once employed at the prestigious research institute, the Chinese Academy of Social Sciences. He has long been involved in dissident activities going back to the Democracy Wall protests in 1979.

The CDP was founded in Zhejiang Province in 1998 by a group of well-known dissidents. Within hours of trying to officially register the CDP in July 1998 as a non-violent opposition political party, key members of the CDP were arrested, and arrests of suspected CDP members have continued throughout China. Some of the CDP's main leaders have been sentenced to prison terms of up to 13 years.

Please send appeals for He Depu:

- Calling for the immediate and unconditional release of He Depu as a prisoner of conscience imprisoned for the peaceful exercise of his right to freedom of expression and association.
- Expressing concern that He Depu's trial did not meet international standards for fair trial.
- Calling for a full, independent and impartial inquiry into the allegations of torture or ill-treatment and that those found responsible be brought to justice in accordance with the provisions of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment ratified by China in 1988.
- Urging that, in view of his poor health, He Depu receive proper and adequate medical care in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.
- Urging that steps be taken to ensure that everyone in China is able to use the Internet to receive and transmit their beliefs and opinions in line with their fundamental human rights to freedom of opinion and expression.

Acting Mayor of Beijing Municipal People's Government

WANG Qishan Shizhang
Beijingshi Renmin Zhengfu
2 Zhengyilu, Dongchengqu
Beijingshi 100744, People's Republic of China
Salutation: Dear Mayor

President of Beijing Municipal High People's Court

QIN Zhengan Yuanzhang
Beijingshi Gaoji Renmin Fayuan
215 Xiheyuan, Chongwenqu
Beijingshi 100051, People's Republic of China
Salutation: Dear President

Copies to:

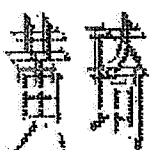
Minister of Information Industry

WANG Xudong Buzhang
Xinxi Chanye Bu
13 Xichanganjie
Beijingshi 100804, Peoples Republic of China
Salutation: Your Excellency

e-mail: webmaster@mii.gov.cn
Chairman of the Internet Society of China
HU Qiheng
13 Xichanganjie
Beijingshi 100804, People's Republic of China
Salutation: Dear Chairman
e-mail: isc@isc.org.cn

Please send your appeals in Chinese, English or your own language with a copy also to the Chinese diplomatic representatives in your country

APPEALS: Huang Qi, Prisoner of conscience, Sichuan Province



Huang Qi, a computer engineer from Sichuan, who set up his own website, was detained on 3 June 2000 after several Chinese dissidents abroad posted articles on his website on the eve of the 11th anniversary of the crackdown against the 1989 pro-democracy protests. Three years after his arrest he was sentenced to five years' imprisonment after an unfair trial. He has been badly beaten by prison guards and is now in poor health suffering from regular headaches. His family were only permitted to visit him once - in October 2003.

Huang Qi set up his website in 1998 to help family members trace missing relatives. The website also included reports about the independence movement in the Xinjiang Uighur Autonomous Region and the Falun Gong spiritual movement. Huang Qi is considered to be the first known webmaster in China to be arrested and tried for publishing human rights and political material on his own website.

In January 2001, Huang Qi was charged with "incitement of subversion" under Articles 105, 55 and 56 of the Criminal Law and tried in secret by the Chengdu Intermediate Court in August 2001. According to the court verdict, the prosecution cited evidence which included reference to the posting of an Amnesty International document on Huang Qi's website.(33) Amnesty International believes that merely publishing names of individuals imprisoned following the 1989 pro-democracy protests on the Internet can never amount to "inciting subversion" .

According to the verdict, Huang Qi's lawyers argued that Huang Qi had the right to express opinions on any issue. However, the court ruled that "while freedom of speech is the political right of the citizens of this country, citizens must not harm the interests of the nation in exercising that right and should not use rumour or slander to incite the subversion of the state."

On 9 May 2003, almost three years after his arrest and two years after his trial, Huang Qi was sentenced to five years' imprisonment.(34) It remains unclear why it took such a long time for the sentence to be announced after the trial, (during which time Huang Qi remained in detention).

On 18 May 2003 Huang Qi filed an appeal in which he reportedly maintained his innocence and pointed out that China's Constitution guarantees the rights to freedom of speech and of the press. It was reported that during the appeal hearing guards ill-treated Huang Qi by holding him down by the throat when he tried to protest at the speed of the hearing. In August 2003 his appeal was rejected and his sentence upheld.

Huang Qi is held in Chuanzhong high security prison, in Nanchong in Sichuan Province. Following a visit to the prison by Reporters without Borders in October 2003, Huang Qi was reportedly placed in solitary confinement in a dark, two-metre-square unfurnished cell in which he had to sleep on the floor. He was then moved to a shared "punishment cell" but had no bed to sleep on.

Please send appeals for Huang Qi:

- Calling for the immediate and unconditional release of Huang Qi as a prisoner of conscience imprisoned for the peaceful exercise of his right to freedom of expression and association.
- Expressing concern that Huang Qi's trial was held in secret and did not meet international standards for fair trial.
- Calling for a full and independent inquiry into the allegations of torture and ill-treatment and that those found responsible be brought to justice in accordance with the provisions of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ratified by China in 1988.
- Expressing concern at recent reports that Huang Qi is being held in conditions that amount to cruel, inhuman or degrading treatment. Urge that Chuanzhong prison officials are made aware that all prisoners should be held in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.
- Urging that Huang Qi receives proper and adequate medical care while in detention and that he be allowed visits by his family in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.
- Urging that steps be taken to ensure that everyone in China is able to use the Internet to receive and transmit their beliefs and opinions in line with their fundamental human rights to freedom of opinion and expression.

Governor of the Sichuan Provincial People's Government

ZHANG Zhongwei Shengzhang
Sichuansheng Renmin Zhengfu
Duyuanjie
Chengdushi
Sichuansheng, People's Republic of China
Salutation: Dear Governor

President of the Sichuan Provincial High People's Court

LI Shaoping Yuanzhang
Sichuansheng Gaoji Renmin Fayuan
Chengdushi
Sichuansheng, People's Republic of China
Salutation: Dear President

Letters can be sent to the Prison Governor at the address given in pinyin below. If possible, please also copy the Chinese characters for the prison address onto the envelope.

Prison Governor of Chuanzhong Prison

Jianyu zhang
Chuanzhong jianyu
Gaopingqu
Nanchongshi 637100
Sichuansheng, People's Republic of China

Salutation: Dear Prison Governor

People's Republic of China

Copies to:

Minister of Information Industry

WANG Xudong Buzhang

Xinxi Chanye Bu

13 Xichanganjie

Beijingshi 100804, Peoples Republic of China

Salutation: Your Excellency

e-mail: webmaster@mii.gov.cn

Chairman of the Internet Society of China

HU Qiheng

13 Xichanganjie

Beijingshi 100804, People's Republic of China

Salutation: Dear Chairman

e-mail: isc@isc.org.cn

Please send your appeals in Chinese, English or your own language with a copy also to the Chinese diplomatic representatives in your country.

APPEALS: Jin Haike, Xu Wei, Yang Zili and Zhang Honghai, Prisoners of conscience, Beijing Municipality

靳海科

徐伟

杨子立

张宏海

Jin Haike, Xu Wei, Yang Zili and Zhang Honghai were sentenced on 28 May 2003 each to prison terms of between eight and ten years after posting articles of political and social concern on the Internet.

They four were detained on 13 March 2001 and charged with "subverting state power and the overthrow of the socialist system" after they set up the New Youth Study Group (*Xin Qingnian Xuehu*), an organization which advocated social and democratic reform, including the promotion and observance of democratic voting procedures in the election of village committees.

According to the indictment, the group was illegal, had met secretly and had proposed that "the current political regime in China had to be altered, change of society had to be achieved and a liberal social system had to be re-established [...]". (35) Three of the defendants were reportedly represented by lawyers. One defence lawyer argued that none of the actions of the defendants constituted "inciting subversion" since they were not tangible actions, merely the expression of ideas.

Yang Zili, a writer and computer engineer, also had his own website, "Yang Zili's Garden of Ideas", where he posted poems, essays and reports. The website was shut down by the authorities shortly after his arrest. Jin Haike, a geophysicist, worked at the Geological Survey Institute and Xu Wei, a reporter, edited the *Consumer Daily* newspaper. Zhang Honghai is a freelance writer.

Their trial was held at the Beijing Intermediate People's Court on 28 September 2001 but adjourned after four hours for further investigation. It was reconvened at the Beijing Intermediate People's Court in April 2003. During the trial Xu Wei complained about abusive treatment in prison, including being beaten and tortured with electric shocks to his genitals, causing long-term numbness to his lower body. To Amnesty International's knowledge, no official investigation has been carried out into these allegations.

"Subversion was not the objective of the New Youth Study Group as an organization... The New Youth Study Group is a study group, an organization with the purpose of facilitating the exchange of ideas. We had many members who were also CCP members. Would Party members seek to overthrow and subvert their own power?"

*Xu Wei
Beijing Intermediate People's Court,
28 September 2002*

The final verdict and sentence were announced on 28 May 2003: Xu Wei and Jin Haike were each sentenced to 10 years' imprisonment and Yang Zili and Zhang Honghai received sentences of eight years' imprisonment, including the time they had already spent in detention.

The four defendants appealed against the judgement but on 9 November 2003 the appeals were turned down. They appealed on the basis that three key witnesses who had testified against them in the trial had since reportedly retracted their statements. Yang Zili's wife, Lu Kun, said that "[T]he sentence is unfair. This is a case of injustice. They are all innocent".

"The task of 'liberalizing society' in no way implies an intention to subvert state power. When we speak of freedom and liberalization, we believe such changes come about through a process of reform. Can't the last 20 years of reform and opening up be considered a way of liberalizing China through a reform policy?"

*Yang Zili,
Beijing Intermediate People's Court,
28 September 2002.*

Please send appeals for Jin Haike, Xu Wei, Yang Zili and Zhang Honghai:

- Calling for the immediate and unconditional release of Jin Haike, Xu Wei, Yang Zili and Zhang Honghai as prisoners of conscience imprisoned for the peaceful exercise of their right to freedom of expression and association.
- Expressing concern that their trial did not meet international standards for fair trial.
- Calling for a full and independent inquiry into the allegations of torture and ill-treatment of Xu Wei and that those found responsible be brought to justice in accordance with the provisions of the

UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ratified by China in 1988.

· Urging that steps be taken to ensure that everyone in China is able to use the Internet to receive and transmit their beliefs and opinions in line with their fundamental human rights to freedom of opinion and expression.

Acting Mayor of Beijing Municipal People's Government

WANG Qishan Shizhang
Beijingshi Renmin Zhengfu
2 Zhengyilu, Dongchengqu
Beijingshi 100744, People's Republic of China
Salutation: Dear Mayor

President of Beijing Municipal High People's Court

QIN Zhengnan Yuanzhang
Beijingshi Gaoji Renmin Fayuan
215 Xiheyuan, Chongwenqu
Beijingshi 100051, People's Republic of China
Salutation: Dear President

Copies to:

Minister of Information Industry

WANG Xudong Buzhang
Xinxi Chanye Bu
13 Xichanganjie
Beijingshi 100804, Peoples Republic of China
Salutation: Your Excellency
e-mail: webmaster@mii.gov.cn

Chairman of the Internet Society of China

HU Qiheng
13 Xichanganjie
Beijingshi 100804, People's Republic of China
Salutation: Dear Chairman
e-mail: isc@isc.org.cn

Please send your appeals in Chinese, English or your own language with a copy also to the Chinese diplomatic representatives in your country.

APPEALS: Luo Yongzhong, Prisoner of conscience, Jilin Province



Luo Yongzhong, a 36-year-old disabled shopkeeper, was detained for publishing articles and opinions on the Internet. He was later charged with "endangering state security" and tried by the Changchun Intermediate People's Court in mid- October 2003.(36) He was sentenced to three years in prison.

"Human rights and democracy aren't something that the government would like everybody to discuss because it is thought to be anti-government, unpatriotic. But I believe that a patriot must first of all try to uphold human rights and democracy."

Luo Yongzhong

www.boxun.com/hero/huangsd/92_1.shtml, 13 Dec 2002

At the time of Luo Yongzhong's arrest on 13 June 2003, the police searched his house and confiscated his computer, printer and some of the articles he had posted on the Internet. These articles advocated constitutional reform to protect human rights and free speech, and criticised the "Three Represents" (37) and the way the government dealt with the Severe Acute Respiratory Syndrome (SARS) outbreak. One of Luo's articles was entitled *Tell Today's Youth the Truth about June 4* -a reference to the crackdown on the pro-democracy demonstrations in Tiananmen Square in 1989. This article was one of several which were used as evidence to convict Luo Yongzhong. Luo's articles were also published on the Chinese language website Boxun News (*Boxun Xinwen*), based in the US. (38) Luo, who is lame in one leg, had also written a number of articles advocating better rights for disabled people.

According to the judgment, Luo had written several essays between May and June 2003 which "attacked the socialist system, incited the subversion of state power and created a negative influence on society".

"Legal assistance cannot help the weak to protect their rights if we do not have a democratic supervising system that belongs to the people."

Luo Yongzhong

www.boxun.com/hero/huangsd/96_1.shtml, 18 Dec 2002

After his trial in October 2003, Luo Yongzhong's sister, Luo Xiaoyan, told *Agence France Press (AFP)* that her brother was preparing an appeal to a higher court as there was insufficient evidence to support the verdict. Appeals of a political nature rarely succeed in China. Luo Yongzhong is due for release on 12 June 2006. He is currently held at No. 3 Detention Centre in Changchun.

Please send appeals for Luo Yongzhong:

- Calling for the immediate and unconditional release of Luo Yongzhong as prisoner of conscience imprisoned for the peaceful exercise of his right to freedom of expression and association.
- Expressing concern that Luo Yongzhong's trial did not meet international standards for fair trial.
- Given that Luo Yongzhong is disabled, urging that particular attention be given to his need for proper and adequate medical care while in detention in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners.
- Urging that steps be taken to ensure that everyone in China is able to use the Internet to receive and transmit their beliefs and opinions in line with their fundamental human rights to freedom of opinion and expression.

Governor of the Jilin Provincial People's Government

HONG Hu Shengzhang

Jilinsheng Renmin Zhengfu

11 Xinfu Lu

Changchunshi 130051

Jilinsheng, People's Republic of China

Salutation: Dear Governor

Minister of State Security of the People's Republic of China

XU Yongyue Anquanbuzhang

14 Dongchanganjie

Beijingshi 100741, People's Republic of China

Salutation: Your Excellency

President of the Jilin Provincial High People's Court

CAI Zhang Yuanzhang

Jilinsheng Gaoji Renmin Fayuan

34 Xinfalu

Changchunshi 130051

Jilinsheng, People's Republic of China

Salutation: Dear President

Letters can be sent to the Prison Governor at the address given in pinyin below. If possible, please also copy the Chinese characters for the prison address onto the envelope.

Prison Governor of the Changchun No. 3 Detention Centre

GAO Yi

Changchunshi Shuangyangqu (Shelingzhen) di san kanshousuo

Quhao 431, Changchunshi 130000

Jilinsheng, People's Republic of China

Salutation: Dear Prison Governor

People's Republic of China

Copies to:

Minister of Information Industry

WANG Xudong Buzhang

Xinxi Chanye Bu

13 Xichanganjie

Beijingshi 100804, Peoples Republic of China

Salutation: Your Excellency

e-mail: webmaster@mii.gov.cn

Chairman of the Internet Society of China

HU Qiheng

13 Xichanganjie

Beijingshi 100804, People's Republic of China

Salutation: Dear Chairman

e-mail: isc@isc.org.cn

Please send your appeals in Chinese, English or your own language with a copy also to the Chinese diplomatic representatives in your country.
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APPEALS: Tao Haidong, Prisoner of conscience, Xinjiang Uighur Autonomous Region



Tao Haidong, a 45-year-old writer was sentenced in January 2003 to seven years' imprisonment after publishing articles critical of the government on the Internet.

Tao Haidong was charged with "incitement to subvert state power" after being held incommunicado for several months following his arrest on 9 July 2002. He was tried in secret on 8 January 2003 by the Urumqi Intermediate People's Court in the Xinjiang Uighur Autonomous Region (XUAR), northwest China.

The court reportedly found that Tao Haidong had written three books, which "brazenly defamed and insulted Party and state leaders." (39) These books predicted China's economy was near collapse and described China as the world's largest base of feudalism. Extracts from these books were said to have been posted on websites based in China and abroad.

In the indictment Chinese officials reportedly claimed that Tao Haidong was paid US\$500 for his articles from overseas websites. These accusations were reportedly repeated in an Urumqi newspaper which published an article during his trial entitled *Tao Haidong Betrays His Country for US\$500*. Amnesty International considers that the publication of such material at that time is likely to have jeopardised Tao Haidong's right to a fair trial, in particular his right to be presumed innocent before being proven guilty.

"The Chinese Communist Party and democracy activists throughout society should unite to push forward China's freedom and democratic development or else stand condemned through the ages."

Tao Haidong

www.cpj.org/attacks02/china_imprisoned_02.html, 1 Dec 2003

Tao Haidong had previously been assigned to a term of three years' re-education through labour for editing a book entitled *Imaginations of a New Human Race*. In January 2001, after one year and two months, labour officials reportedly released Tao Haidong early as they considered he had been inappropriately assigned to a labour camp. It is not known whether Tao Haidong received any compensation.

Please send appeals for Tao Haidong:

- Calling for the immediate and unconditional release of Tao Haidong as a prisoner of conscience imprisoned for the peaceful exercise of his right to freedom of expression and association.
- Expressing concern that Tao Haidong's trial was held in secret and that the trial did not meet international standards for fair trial.
- Urging that steps be taken to ensure that everyone in China is able to use the Internet to receive and transmit their beliefs and opinions in line with their fundamental human rights to freedom of opinion and expression.

Chairman of the Xinjiang Uighur Autonomous Regional People's Government

Ismail TILIWALDI Zhuxi

Xinjiang Weiwer Zizhiqu Renmin Zhengfu

2 Zhongshanlu

Wulumuqishi 830041

Xinjiang Weiwer Zizhiqu

People's Republic of China

Salutation: Dear Chairman

Chief Procurator of the Xinjiang Uighur Autonomous Regional People's Procuratorate
MAIMAITI Yusufu Jianchazhang
 Xinjiang Weiwuer Zizhiqu Renmin Jianchayuan
 Wulumuqishi
 Xinjiang Weiwuer Zizhiqu
 People's Republic of China
Salutation: Dear Sir

Copies to:

Minister of Information Industry
WANG Xudong Buzhang
 Xinxi Chanye Bu
 13 Xichanganjie
 Beijingshi 100804, Peoples Republic of China
Salutation: Your Excellency
 e-mail: webmaster@mii.gov.cn

Chairman of the Internet Society of China
HU Qiheng
 13 Xichanganjie
 Beijingshi 100804, People's Republic of China
Salutation: Dear Chairman
 e-mail: isc@isc.org.cn

Please send your appeals in Chinese, English or your own language with a copy also to the Chinese diplomatic representatives in your country.

APPENDIX 1 Amnesty International recorded a total of 54 people believed to be in detention for Internet-related offences as of 7 January 2004.

Four people who were detained for Internet-related offences and who died in custody are included at the end of the appendix.

Several of those mentioned have been detained, charged or sentenced for other offences in addition to their Internet-related activities.

	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occupation
1	Cai Lujun 蔡陆军	1969	Male	February 2003	Subversion	30/10/2003	3 years	Hebei Province	Businessma

2	Chen Shaowen 陈少文	1962	Male	August 2002	Subversion	Not known	Not known	Hunan Province	Writer and former police officer
3	Chi Shouzhu 迟 寿柱	1960	Male	April 2001	Not known	Not known	Not known	Jilin Province	Student
4	Dong Yanhong* 董延红	1972	Female	January 2001	"Publishing subversive information on the Internet"	13/12/2001	5 years	Beijing Municipality	Qinghua University employee
5	Du Daobin 杜导斌	1963	Male	October 2003	"Incitement to subvert state power"	-	-	Hubei Province	Civil servar

	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occur
6	Guo Qinghai 郭庆海	1965	Male	September 2000	"Incitement to subvert state power"	03/04/2001	4 years	Hebei Province	Jour
7	He Depu 何德普	1956	Male	November 2002	"Incitement to subvert state power"	14/10/2003	8 years	Beijing Municipality	For acad
8	Huang Kui*** 黄奎	Not known	Male	November 2000	"Distributing material on Falun Gong on the Internet"	September 2001	Verdict has not been announced	Guangdong Province	Stu
9	Huang Qi 黄琦	1963	Male	June 2000	"Incitement to subvert state power"	January 2001	5 years	Sichuan Province	Com eng
10	Huang Qunwei 黄群威	1978	Male	May 2003	"Spreading fake or terrorist information"	11/06/2003	3 years	Beijing Municipality	Unem

11	Jiang Lijun 姜力钧	Not known	Male	November 2002	"Incitement to subvert state power"	04/11/2003	4 years	From Liaoning Province; tried in Beijing Municipality	Not k
12	Jiang Yuxia*** 蒋玉霞	Not known	Female	November 2000	"Distributing material on Falun Gong on the Internet"	September 2001	Verdict has not been announced	Guangdong Province	Stu

	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occ
13	Jin Haike** 靳海科	1976	Male	March 2001	"Subverting state power"	28/09/2001	10 years	Beijing Municipality	Gen
14	Kong Youping 孔佑平	1955	Male	December 2003	-	-	-	Liaoning Province	I ei
15	Li Chunyan***	Not known	Female	November 2000	"Distributing material on	September 2001	Verdict has not	Guangdong Province	?

	李春艳				Falun Gong on the Internet"		been announced		
16	Li Dawei 李大伟	1962	Male	April 2001	Subversion	May 2001	11 years	Gansu Province	1
17	Li Hongmin 李宏民	Not known	Male	June 2001	Subversion	Not known	Not known	Hunan Province	No
18	Li Yanfang*** 李艳芳	Not known	Female	November 2000	"Distributing material on Falun Gong on the Internet"	September 2001	Verdict has not been announced	Guangdong Province	S
19	Li Zhi 李志	1971	Male	August 2003	Subversion	10/12/2003	8 years	Sichuan Province	Civ
	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occ
20	Lin Yang*** 林洋	Not known	Male	November 2000	"Distributing material on the Falun Gong on the Internet"	September 2001	Verdict has not been announced	Guangdong Province	S
21	Liu Haofeng 刘浩锋	1973	Male	March 2001	"Endangering state security"	Sentenced to re-education through labour in May 2001.	3 years	Beijing Municipality	Jo

22	Liu Weifang 刘卫方	Not known	Male	Not known	"Incitement to subvert state power"	June 2001	3 years	Xinjiang Uighur Autonomous Region	Shc and
23	Liu Wenyu* 刘文字	1973	Male	January 2001	"Publishing subversive information on the Internet"	13/12/2001	3 years	Beijing Municipality	Gn s
24	Lü Xinhua 吕新华	Not known	Male	March 2001	Subversion	18/09/2001	4 years	Hubei Province	No
25	Luo Changfu 罗长福	1963	Male	March 2003	Subversion	July 2003	3 years	Chongqing Municipality	L v
26	Luo Yongzhong 罗永忠	1967	Male	June 2003	"Endangering state security"	October 2003	3 years	Jilin Province	Shc

30	Mu Chuanheng 牟传珩	1955	Male	August 2001	"Incitement to subvert state power"	10/09/2002	3 years	Shandong Province
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	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occupation
31	Ouyang Yi 欧阳懿	1967	Male	December 2002	"Incitement to subvert state power"	16/10/2003	-	Sichuan Province	For teacher

32	Quan Huicheng 全会程	Not known	Male	October 2001	"Downloading material on Falun Gong from the Internet"	December 2001	3 years	Hainan Province	Not k
33	Sang Jiancheng 桑坚城	1942	Male	November 2002	"Incitement to subvert state power"	26/11/2003	3 years	Shanghai Municipality	Ret wo:
34	Tan Qiu	1962	Male	Autumn 2002	Not known.	Not known	Not known	Guangxi Autonomous Region	For hos: wo:
35	Tao Haidong 陶海东	1957	Male	July 2002	"Incitement to subvert state power"	08/01/2003	7 years	Xinjiang Uighur Autonomous Region	Ed

	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occu
36	Wang Jinbo 王金波	1972	Male	May 2001	"Incitement to subvert state power"	14/11/2001	4 years	Shandong Province	Fc empl pharm cor
37	Wang Sen 王森	Not known	Male	April 2001	Subversion	30/05/2002	10 years	Sichuan Province	Not
38	Wang Xin* 王欣	1977	Male	Not known	"Publishing subversive information on the	13/12/2001	9 years	Beijing Municipality	St

					Internet"				
39	Wang Xuefei* 王雪飞	Not known	Male	Not known	"Publishing subversive information on the Internet"	13/12/2001	11 years	From Shanghai Municipality; tried in Beijing Municipality	St
40	Wang Zhenyong	1971	Male	June 2001	"Downloading articles on Falun Gong from an overseas website"	Not known	Not known	Guangdong Province	Uni pro

	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occupation
41	Wu Yilong**** 吴义龙	Not known	Male	June 1999	Subversion	25/10/1999	11 years	Zhejiang Province	Not kn
42	Xu Wei** 徐伟	1974	Male	March 2001	"Subverting state power"	28/09/2001	10 years	Beijing Municipality	Repor and ed

43	Xu Guang**** 徐光	Not known	Male	June 1999	Subversion	25/10/1999	5 years	Zhejiang Province	Not kn
44	Yan Jun 颜均	1973	Male	April 2003	"Incitement to subvert state power"	24/10/2003	2 years	Shaanxi Province	Biolo teach

45	Yang Zili** 杨子立	1973	Male	March 2001	"Subverting state power"	28/09/2001	8 years	Beijing Municipality	Comp engin
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	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occu
46	Yao Yue* 姚悦	1973	Female	January 2001	"Publishing subversive information on the Internet"	13/12/2001	12 years	Beijing Municipality	Grac stu
47	Zhang Haitao 张海涛	1972	Male	July 2000	Subversion	Not known	Not known	Jilin Province	Com engi
48	Zhang Honghai** 张宏海	1974	Male	March 2001	"Subverting state power"	28/09/2001	8 years	Beijing Municipality	Free wr
49	Zhang Ji 张吉	1979	Male	October 1999	Disseminating reactionary documents via the Internet	Not known	Not known	Heilongjiang Province	Stu

50	Zhang Shengqi 张胜其	1980	Male	November 2003	"Leaking state secrets"	-	-	From Jilin Province; held in Zhejiang Province	Com fu emp.
51	Zhang Yuhui 张玉辉	1965	Male	December 2000	Subversion	Not known	10 years	From Macau; tried in Guangdong Province	Busine
52	Zhang Yuxiang 张玉祥	1965	Male	March 2003	Not known	Not known	Not known	Jiangsu Province	For armed off
53	Zheng	1986	Female	March 2003	Not known	Not known	Not known	Henan Province	Not k

	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occupation
54	Zhu Yufu**** 朱虞夫	Not known	Male	March 1999	Subversion	25/10/1999	7 years	Zhejiang Province	Not known

* all six tried together: Dong Yanhong, Liu Wenyu, Meng Jun, Wang Xin, Wang Xuefei and Yao Yi ** all four tried together: Jin Haike, Xu Wei and Zhang Honghai set up a New Youth Study Group in Yang Zili joined the group in August same year. ***all six tried together: Huang Kui, Jiang Yuxia, Li Chunyan, Li Yanfang, Lin Yang and Ma Yan. ****all four tried together: Mao Qingxiang, Wu Yilong, Xu Guang and Zhu Yufu.									

APPENDIX 2 List of those who have been detained for Internet-related offences and died in custody

	Name	Born	Gender	Detained	Accusation	Tried	Sentence	Province	Occupatio
1	Chen Qiulan 陈秋兰	1955	Female	July 2001	-	-	-	Heilongjiang Province	Not know
2	Li Changjun 李长军	1968	Male	May 2001	Subversion	-	-	Hubei Province	Civil servant
3	Xue Hairong 薛海容	Not known	Male	Not known	Not known	01/03/2001	7 years	Beijing Municipality	Not know

4	Zhao Chunying 赵春迎	1947	Female	April 2003	-	-	-	Heilongjiang Province	Not known

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

(1) China's Internet: Behind the attractive statistics, People's Daily Online, 15 January 2004

(2) Formally titled: UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, UN Doc A/RES/53/144, 8 March 1999

(3) See Appendix for full details.

- (4) Amnesty International: State Control of the Internet in China: Appeal Cases, ASA 17/046/2002, November 2002. Since then, Amnesty International has received information about another death in custody. See Appendix to this document for details.
- (5) See Amnesty International, People's Republic of China: State Control of the Internet in China: Appeal Cases, ASA 17/046/2002, November 2002 and People's Republic of China: Continuing abuses under a new leadership - summary of human rights concerns, ASA 17/035/2003, October 2003.
- (6) See Appeals at the end of this document for further background on his case.
- (7) Amnesty International: The People's Republic of China, Tiananmen - Eleven Years on - Forgotten Prisoners, ASA 17/017/2000, May 2000.
- (8) China's Criminal Law fails to clearly define terms such as "subversion" and "endangering state security" allowing the authorities to restrict freedom of expression in a broad and sweeping manner which goes far beyond legitimate restrictions under international human rights standards.
- (9) Chinese cyber-dissident told she will not face formal indictment, Agence France Presse (AFP), 25 December 2003.
- (10) Prison-style protest aims to free student, South China Morning Post, 3 October 2003.
- (11) These two cases are mentioned in the table and appeals included in this document.
- (12) China's losing battle to control cyberspace by John Gittings, South China Morning Post, 23 July 2003.
- (13) Investigation begins at Guangdong paper which broke China SARS story, AFP, 2 January 2004.
- (14) See Amnesty International: State Control of the Internet in China, ASA 17/007/2002, November 2002.
- (15) Ibid p.8
- (16) Empirical Analysis of Internet Filtering in China, Jonathan Zittrain and Benjamin Edelman, Harvard Law School, December 2002.
- (17) China plans nationwide surveillance of Internet cafes, AFP, 30 October 2003.
- (18) Ibid.
- (19) Internet under Surveillance, http://www.rsf.org/rubrique.php3?id_rubrique=272, 29 October 2003.
- (20) China tightens rules on Internet Address Managers, Reuters, 21 November 2003.
- (21) Chinese Internet Service Providers Pledge, "Self-Discipline", Xinhua/BBC, 12 December 2003.
- (22) Ibid.
- (23) See ASA 17/007/2002, p.11

(24) US-based Safeweb

(25) <http://dweb.blogspot.com>, 14 January 2004.

(26) Formally titled United Nations Norms on the Responsibilities of Transnational Corporations and other Business Enterprises with regard to Human Rights, U.N. Doc. E/CN.4/Sub.2/2003/12/Rev.2 (2003)

(27) Trading for Human Rights, Digital Freedom Network, 17 November 1999.

(28) Nortel Networks to Strengthen R&D Capabilities in China, www.nortelnetworks.com/corporate/news/newsreleases/2003c/09_16_03_china_investment.htm, 16 September 2003.

(29) Amnesty International: People's Republic of China: State Control of the Internet in China, ASA 17/007/2002, November 2002.

(30) Terry Alberstein, Newsweek International, 16 December 2002.

(31) Rights group looks at China and techs, Jim Hu, CNET News.com, 27 November 2002.

(32) Article 11, United Nations Norms on the Responsibilities of Transnational Corporations and other Business Enterprises with regard to Human Rights. Op. cit. note 26

(33) Amnesty International: The People's Republic of China, Tiananmen - Eleven Years on - Forgotten Prisoners, ASA 17/017/2000, May 2000.

(34) This included the three years he had already spent in detention.

(35) <http://www.intelmessages.org/China/freeyzl/indictment.htm>, 12 January 2004.

(36) Information on the date of the trial varies between 14-17 October 2003.

(37) In 2000, former President Jiang Zemin presented his theory of the "Three Represents". The theory focuses on the future role of the CCP as "a faithful representative of the requirements in the development of advanced productive forces in China, the orientation of the advanced culture in China, and the fundamental interests of the broadest masses of the people in China".

(38) The Boxun News site, <http://www.boxun.com>, includes a disclaimer that the material on the website should not be used as evidence to prosecute Luo since articles attributed to him were obtained simply by searching the Internet and therefore it is impossible to verify the author's true identity.

(39) Xinjiang Tries a Case of Inciting Subversion, China Law Courts News, 16 Feb 2003.