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## Amnesty International Annual Report 2011 - China

Head of state: Hu Jintao

Head of government: Wen Jiabao

Death penalty: retentionist

Population: 1,354.1 million

Life expectancy: 73.5 years

Under-5 mortality (m/f): 25/35 per 1,000

The Chinese government responded to a burgeoning civil society by jailing and persecuting people for peacefully expressing their views, holding religious beliefs not sanctioned by the state, advocating for democratic reform and human rights, and defending the rights of others. Popular social media sites remained blocked by China's internet firewall. The authorities continued to repress Tibetan, Uighur, Mongolian and other ethnic minority populations. On the international stage, China grew more confident and more aggressive in punishing countries whose leaders spoke publicly about its human rights record.

### Background

China maintained a relatively high level of economic growth compared to other major economies, despite the continuing global recession. However, it faced intensifying domestic discontent and protests stemming from growing economic and social inequalities, pervasive corruption within the judicial system, police abuses, suppression of religious freedoms and other human rights, and continuing unrest and repression in the Tibetan and Uighur regions of the country. Despite a rise in average incomes,

millions had no access to health care, internal migrants continued to be treated as second-class citizens, and many children were unable to pay school fees.

The authorities renewed their commitment to strengthening the rule of law. However, access to justice remained elusive for those considered a political threat to the regime or to the interests of local officials. Political influence over and corruption within the judiciary remained endemic.

Reflecting its growing international economic and political influence, China increasingly threatened economic and political retaliation against countries that criticized its human rights record. Many countries appeared reluctant to publicly challenge China on its lack of progress on human rights, and bilateral channels, such as human rights dialogues, proved largely ineffective. The authorities reacted angrily to the news that the Nobel Peace Prize had been awarded to long-time Chinese political activist Liu Xiaobo, indefinitely postponing bilateral trade talks with Norway. Foreign diplomats reported being pressured by China not to attend the award ceremony on 10 December in Oslo.

### **Freedom of expression**

The authorities stopped people from speaking out about or reporting on politically sensitive issues by accusing them of divulging "state secrets", "splittism" (ethnic minority nationalism), slander, and the crime of "subversion". Vague regulations were used to tightly control publication of politically sensitive material, including references to the 1989 Tiananmen Square demonstrations, human rights and democracy, Falun Gong, and Tibetan and Uighur issues. Official censorship relied heavily on "prior restraint", a form of self-censorship, and the use of an internet "firewall" that blocked or filtered out sensitive content.

The amended state secrets law, effective 10 October, added a new provision, Article 28, which requires internet and other telecommunications companies to co-operate in investigations of "state secret" leaks, or face prosecution. The authorities maintained tight control over online news reports, restricting licences to large, government-backed websites. Many social media sites remained blocked, including Facebook, Twitter, YouTube and Flickr.

- On 5 July, Liu Xianbin, a member of the banned Chinese Democracy Party, was detained in Suining city, Sichuan province, for "inciting subversion of state power". The charge was linked to his support for human rights activists and articles he posted on overseas websites.
- In July, Gheyret Niyaz, an ethnic Uighur, was sentenced to 15 years in prison for "leaking state secrets". Evidence used against him included essays he had written

on the economic and social conditions of Uighurs in China. It was reported that his sentence was also linked to comments he made to foreign media which criticized government policies in the Xinjiang Uighur Autonomous Region (XUAR).

## **Freedom of religion**

The state required all religious groups to register with the authorities, and controlled the appointment of religious personnel. Followers of unregistered or banned religious groups risked harassment, persecution, detention and imprisonment, with some groups labelled "heretical cult organizations" by the authorities. Churches and temples constructed by religious groups deemed illegal by the state risked demolition. More than 40 Catholic bishops of unregistered "house churches" remained in detention, under house arrest, in hiding or unaccounted for.

- In December, over 100 students from a Catholic seminary in Hebei province protested against the appointment of a non-Catholic government official as school head – the first protest of its kind since 2000.
- Alimjan Yimit's 15-year sentence was upheld on appeal by the XUAR People's High Court in March. Alimjan Yimit was detained for "leaking state secrets" after he spoke twice with an American Christian in Urumqi city in April and May 2007.

## *Falun Gong*

The authorities renewed the campaign to "transform" Falun Gong practitioners, which required prison and detention centres to force Falun Gong inmates to renounce their beliefs. Those considered "stubborn," that is, those who refuse to sign a statement to this effect, are typically tortured until they co-operate; many die in detention or shortly after release.

Falun Gong members continued to be targeted in security sweeps carried out prior to major national events. Falun Gong sources documented 124 practitioners detained in Shanghai prior to the World Expo, with dozens reported to have been sentenced to terms of Re-education through Labour or prison. Human rights lawyers were particularly susceptible to punishment by the authorities for taking on Falun Gong cases, including losing their licences, harassment and criminal prosecution.

- Guo Xiaojun, a former lecturer at a Shanghai university and a Falun Gong practitioner, was detained in Shanghai in January and later charged with "using a heretical organization to subvert the law". He was sentenced to four years in prison for allegedly having distributed Falun Gong materials. He was tortured in detention, kept in solitary confinement and eventually signed a confession that

was used to uphold his sentence at a closed appeal hearing. He had already previously served a five-year prison term for his beliefs.

- Lawyers Tang Jitian and Liu Wei had their licences permanently revoked in April by the Beijing Municipal Justice Bureau, on grounds of "disrupting the order of the court and interfering with the regular litigation process". The two had represented a Falun Gong practitioner in April 2009 in Sichuan Province.

## **Human rights defenders**

Civil society continued to expand, with increased numbers of NGOs operating in the country. However, the authorities tightened restrictions on NGOs and human rights defenders. In May, under pressure from the authorities, Beijing University severed links with four civil society groups, including the Center for Women's Law and Legal Services.

- Prominent human rights lawyer Gao Zhisheng, who had "disappeared" while in the custody of public security officials in February 2009, remained unaccounted for after briefly resurfacing in April.
- Chen Guangcheng, who was released from prison on 9 September, and his wife, remained under house arrest. They could not leave their home, even to seek medical care.
- Tian Xi, who contracted HIV and hepatitis B and C through a blood transfusion in 1996 when he was nine years old, was tried on 21 September on charges of "intentionally damaging property". For years, Tian Xi had lobbied the hospital for compensation for himself and others infected through blood transfusions there. On 2 August, he lost his temper in a meeting at the hospital and knocked some items off a desk. Through a legal loophole his trial was suspended, allowing the authorities to keep him in indefinite detention.

## **Detention without trial**

The use of illegal forms of detention expanded, including prolonged house arrest without legal grounds, detention in "black jails", "brain-washing" centres, psychiatric institutions, and unidentified "hotels". The government did not make any progress on the reform or abolition of systems of administrative detention, including Re-education through Labour, used to detain people without charge or trial. Hundreds of thousands continued to be held in such facilities.

## **Torture and other ill-treatment**

Torture and other ill-treatment remained endemic in places of detention. Amnesty International received reports of deaths in custody, some of them caused by torture, in

a variety of state institutions, including prisons and police detention centres. In July, new regulations were introduced to strengthen prohibitions against the use of illegal oral evidence in criminal cases, including coerced confessions. However, China's Criminal Procedure Law had not yet been amended to explicitly prohibit the use of confessions obtained through torture and ill-treatment as evidence before the courts.

## **Death penalty**

Statistics on death sentences and executions remained classified. However, publicly available evidence suggested that China continued to use the death penalty extensively, with thousands being executed after unfair trials. A number of cases where innocent people were sentenced to death or executed became heated topics of public debate, putting pressure on the authorities to address the issue.

## **Xinjiang Uighur Autonomous Region**

The authorities failed to independently investigate the clashes of July 2009 in Urumqi city, including possible abuse of state power. People involved in the clashes continued to be sentenced after unfair trials. In March, Nur Bekri, governor of the XUAR, announced that 97 cases involving 198 individuals had been tried; however, only 26 cases involving 76 individuals were made public. The authorities continued to warn human rights lawyers against taking up these cases and in January the XUAR High People's Court issued "guiding opinions" to the courts specifying how such trials should be conducted.

Security measures were tightened in the XUAR, including revision of the Comprehensive Management of Social Order, effective 1 February. This renewed the authorities' commitment to "strike hard" against crime in the region, in particular crimes of "endangering state security". The authorities announced that 376 such cases had been tried in 2010 in the XUAR, up from 268 in 2008.

## ***Freedom of expression***

Freedom of expression in the XUAR was severely curtailed by laws criminalizing the use of the internet and other forms of digital communication. Infractions included vaguely defined crimes of "ethnic separatism", such as "inciting separatism", and distributing materials and literary works with "separatist content". After partial restoration of text messaging in January, over 100 people were detained for "spreading harmful information" and "harming ethnic unity" by sending text messages, five of whom were taken into criminal custody. The complete block on information and communications

imposed across the XUAR in the aftermath of the July 2009 unrest was almost fully lifted in May; however, several popular Uighur websites remained banned.

A "central work forum" held in May set out ambitious economic and political plans for the region, but did not address long-standing grievances of Uighurs, including serious employment discrimination. The XUAR authorities pushed forcefully ahead with the "bilingual education" policy which in practice promotes the use of Mandarin Chinese as the language of instruction while marginalizing Uighur and other ethnic minority languages, even in ethnic minority schools.

- In July, Uighur website managers Nureli, Dilixiati Perhati and Nijat Azat were sentenced to three, five and 10 years respectively in July for "endangering state security" through postings on their websites.
- On 1 April, the Urumqi Intermediate People's Court sentenced Gulmira Imin, a Uighur website administrator, to life in prison for "splittism, leaking state secrets, and organizing an illegal demonstration". It was believed the charges were linked to regular postings she made to the website Salkin, which was one of the websites on which the call to join the protests on 5 July 2009 was published.

### **Tibet Autonomous Region**

The authorities continued to crack down on local protests associated with the March 2008 protests. Leading Tibetan intellectuals were increasingly targeted, with a number of well-known people in arts, publishing and cultural circles being sentenced to harsh sentences on spurious charges. Providing information on politically sensitive topics to foreigners was severely punished. Thousands of Tibetan students demonstrated against an official language policy which imposed Mandarin Chinese as the main language of instruction in schools at the expense of Tibetan. The policy is widely seen by Tibetans as a threat to the preservation of their culture. Although the authorities did not suppress these protests, they reiterated their commitment to the policy. Demonstrations by hundreds of Tibetan students against this policy spread to the Beijing National Minorities University in October.

The authorities continued to restrict freedom of religion. The official Buddhist Association of China issued measures, effective 10 January, calling for the Democratic Management Committees of monasteries and nunneries to verify the "conformity" of religious personnel with political, professional and personnel criteria, giving the authorities another way to weed out politically "unreliable" religious leaders.

- In May, Tagyal, a Tibetan intellectual who worked in a government publishing house, was charged with "inciting splittism" after he warned Tibetans to avoid

corrupt official channels when donating money to victims of the April Yushu earthquake in Qinghai. Tagyal had also published a book on the 2008 Tibetan protests.

## **Hong Kong Special Administrative Region**

The government proposed amendments allowing limited reform of the methods for electing the Legislative Council (LegCo) and selecting the Chief Executive in 2012. This prompted calls for speedy progress towards universal suffrage as stipulated in the Basic Law. LegCo passed the amendments in June, only after a controversial last minute compromise between the central government and the Democratic Party. This extended a second vote to all the electorate via a functional constituency composed of district councillors.

### *Freedom of expression, association and assembly*

Foreign nationals denied entry to Hong Kong included Chen Weiming, sculptor of the Goddess of Democracy statue used in the 4 June 1989 Tiananmen vigil, and six Falun Gong dance troupe technicians.

- In January, police used pepper spray to disperse thousands of demonstrators surrounding the LegCo building during voting on a HK\$66.9 billion (US\$8.6 billion) rail link with Guangdong province. Protesters highlighted inadequate consultation or compensation for those evicted.
- On 29 and 30 May, police arrested 13 activists and twice confiscated Goddess of Democracy statues displayed in Times Square. Using new tactics, hygiene department officials pursued prosecution for failure to obtain a "public entertainment" licence. Following public criticism, the statues were returned before the Tiananmen vigil which attracted between 113,000 and 150,000 participants.

Several activists prosecuted for unlawful assembly or assaulting officers while demonstrating outside the Central Government Liaison Office were acquitted. In August, police issued internal guidelines on charging individuals for assaulting security officers after public criticism of cases perceived as frivolous prosecutions or biased sentencing.

### *Discrimination*

In April, the government issued administrative guidelines on promoting racial equality.

- In May, a coroner's jury returned a verdict of lawful killing over the March 2009 hillside shooting of Hong-Kong born Nepali street sleeper, Dil Bahadur Limbu, by a police constable investigating a nuisance complaint. Ethnic minority groups had called for an independent commission of inquiry. Application for judicial review by Dil Bahadur Limbu's widow was pending.
- In October a post-operative transsexual woman lost her legal challenge for the right to marry her boyfriend in her reassigned sex.

### *Refugees and asylum-seekers*

A 2009 pilot scheme, screening applicants opposing deportation on grounds that they would be at risk of torture, completed 122 applications in 10 months, leaving a backlog of 6,700.

- In November three UNHCR mandated refugees and one successful torture claimant long resident in Hong Kong challenged the constitutionality of policies denying them legal status, visas and the right to work.

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