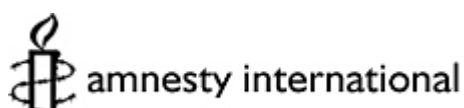


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Amnesty International Report 2009 - China

Head of state: Hu Jintao
Head of government: Wen Jiabao
Death penalty: retentionist
Population: 1,336.3 million
Life expectancy: 72.5 years
Under-5 mortality (m/f): 24/34 per 1,000
Adult literacy: 90.9 per cent

The Olympic Games in Beijing brought heightened repression throughout the country as authorities tightened control over human rights defenders, religious practitioners, ethnic minorities, lawyers and journalists. Following protests and unrest which began in March in Lhasa the government originally detained over 1,000 people. Hundreds remained in detention or were unaccounted for at year's end. The authorities used a series of violent incidents alleged to be linked to terrorists to launch a sweeping crackdown on the Uighur population in the Xinjiang Uighur Autonomous Region (XUAR). Torture and other ill-treatment remained widespread. The authorities maintained tight control over the flow of information, with many internet websites blocked, and journalists and internet users harassed and imprisoned for the peaceful expression of opinions. The authorities made increased use of punitive forms of administrative detention, notably the Re-education through Labour system, to silence critics in the lead-up to the Olympic Games.

Human rights defenders

Individuals who peacefully exercised their rights to freedom of expression, assembly and association remained at high risk of harassment, house arrest, arbitrary detention, and torture and other ill-treatment. Family members of human rights activists, including children, were increasingly targeted by the authorities, including being subjected to long-term house arrest and harassment by security forces. Lawyers who took on sensitive cases were also at risk; several had their licences suspended, and others lost their jobs. Some lawyers were specifically warned by the authorities not to take on sensitive cases, including cases of Tibetans arrested during the unrest in Tibetan areas and Falun Gong practitioners.

- Chen Guangcheng, blind activist and legal adviser, continued to suffer ill-treatment in prison. He is serving a prison sentence of four years and three months after he tried to hold local officials in Shandong accountable for conducting forced abortions and sterilizations in order to enforce birth quotas. His wife, Yuan Weijing, continued to suffer police harassment, particularly in the lead-up to the Beijing Olympics, and remained under tight police surveillance.

Justice system and unfair trial

The criminal justice system remained highly vulnerable to political interference. The courts, the prosecuting organ (procuratorate) and the police remained under the supervision of the Chinese Communist Party. The authorities continued to use broad and vaguely defined provisions of the criminal law relating to state security and "state secrets" to silence dissent and punish human rights defenders. Many of those charged under "state secrets" provisions received unfair trials and, in accordance with criminal procedure law provisions, were not given the protections afforded to other criminal suspects regarding access to legal counsel and family, and open trials.

Arbitrary arrests and detentions

The authorities intensified their use of administrative forms of detention which allowed police to incarcerate individuals without trial. Hundreds of thousands of individuals were in administrative detention, including in Re-education through Labour camps, where they may be detained for up to four years without trial. Secret detention centres on the outskirts of Beijing, referred to as "black jails", reportedly detained thousands of petitioners – individuals seeking redress from central authorities for a wide variety of grievances they were unable to resolve locally – before they were forcibly returned to their home towns. Detainees in administrative detention remained at high risk of torture and other ill-treatment. In November, the UN Committee Against Torture (CAT) called upon China to "immediately abolish all forms of administrative detention".

- In June, police detained Sichuan-based human rights activist Huang Qi on suspicion of "unlawful holding of documents classified as highly secret". The reason for his detention was unclear, but appeared to be connected to his work assisting the families of five primary school pupils who died when their school buildings collapsed in the Sichuan earthquake in May. The families were seeking compensation from local officials because they believed corruption led to poor construction standards. Huang Qi was held incommunicado for over 100 days before his first meeting with a lawyer in September. In October, he refused the authorities' offer to release him on condition he gave up human rights work. He remained in detention without trial or access to his family.

Torture and other ill-treatment

Despite legal reforms, torture and other ill-treatment continued in prisons, police stations, Re-education through Labour camps, and other unofficial detention facilities. Human rights defenders, petitioners, Tibetans, Uighurs, Falun Gong practitioners, Christians, and others practising their religion in officially unsanctioned ways were at particular risk of torture and other ill-treatment by the authorities and unidentified individuals.

Death penalty

During the year, the authorities stated their intention to increase the use of lethal injection as a "more humane" method of execution than firing squad. Amnesty International estimates a minimum of 7,000 death sentences were handed down and 1,700 executions took place. However, the authorities refused to make public national

statistics on death sentences and executions and the real figure is undoubtedly higher.

In December, China voted against a UN General Assembly resolution calling for a worldwide moratorium on executions.

Freedom of expression

The government maintained strict control on freedom of expression. Internet users and journalists were at risk of harassment and imprisonment for addressing politically sensitive topics. Approximately 30 journalists and 50 other individuals remained in prison for posting their views on the internet.

Two weeks prior to the Olympics, the authorities established "protest zones" in three Beijing parks where people were allowed to demonstrate. However, no individuals were known to have received official permission to protest and the zones remained empty. Numerous people were detained and put under surveillance in connection with their applying for permission to protest.

The authorities unblocked a number of internet websites days before the Olympics. However, many more remained blocked. In October, the authorities announced that regulations put in place in January 2007 that eased controls over foreign journalists covering the Olympics would be extended indefinitely.

The authorities questioned and harassed numerous signatories of Charter 08, which proposed a blueprint for fundamental legal and political reform in China.

- Signatory Liu Xiaobo remained in detention at year's end.

Freedom of religion

Individuals who practised their religion outside officially sanctioned channels, including Christians, Muslims, Buddhists and others, faced harassment and persecution. The authorities harassed, detained and often ill-treated members of unsanctioned Christian house-churches, and confiscated or destroyed their church property. Falun Gong practitioners were among those most harshly persecuted by the government. In the run-up to the Beijing Olympics, thousands were reported to have been arrested, with hundreds imprisoned or assigned to Re-education through Labour camps and other forms of administrative detention where they were at risk of torture and other ill-treatment sometimes leading to death.

- On 25 January, Yu Zhou, a well-known folk singer, graduate of Beijing University, and reportedly a Falun Gong practitioner, was arrested in Tongzhou District, Beijing, along with his wife, Xu Na, a poet and painter. On 6 February, the authorities from the Qinghe District Emergency Centre told his family that Yu Zhou had died from either diabetes or from a hunger strike, although the family maintains he was healthy at the time of his arrest. The staff at the Emergency Centre refused the family's request to view the body and for an autopsy. On 25 November, Xu Na was sentenced to three years in prison for "using a heretical organization to undermine the implementation of the law". She appealed against the sentence and is at risk of torture and other ill-treatment in detention.

Tibet Autonomous Region and surrounding Tibetan areas

Tibetan-populated areas of China remained tightly sealed off from outside scrutiny following unrest in March. After the initial few days, protests were largely peaceful. However, the authorities reported that 21 people had been killed by violent protesters and overseas Tibetan organizations reported that over 100 Tibetans had been killed.

While Chinese authorities announced that over 1,000 individuals detained in the protests had been released, overseas Tibetan organizations estimated that at least several hundred remained in detention at year's end. Exact numbers were difficult to determine because the authorities denied access to media and independent monitors. There were reports of torture and other ill-treatment in detention, in some cases resulting in death. Major monasteries and nunneries were reported to remain under virtual lock-down. Local authorities renewed the "Patriotic Education" campaign which required Tibetans to participate in collective criticism sessions of the Dalai Lama and to sign written denunciations against him. Tibetan members of the Chinese Communist Party were also targeted by this campaign, including being forced to remove their children from Tibet exile community schools, where they were obtaining religious education.

- Paltsal Kyab, a Tibetan from Sichuan province, died on 26 May, five weeks after he had been detained by police in connection with the protests. Aged around 45, Paltsal Kyab had been present at a protest march on 17 March in Charo township in Ngaba (Ch:Aba) county. His family was not given permission to visit him in detention and had no news of his situation until 26 May when two Charo township leaders informed them of his death. When family members went to claim his body, they found it bruised and covered with blister burns, discovering later that he had internal injuries. The police told them that he had died of an illness, although relatives claimed he was healthy when first detained.

Xinjiang Uighur Autonomous Region

The Uighur Muslim population in the Xinjiang Uighur Autonomous Region (XUAR) in northwest China faced intensified persecution. The authorities used a series of violent incidents, allegedly linked to terrorists, to launch a sweeping crackdown. According to official media, almost 1,300 people were arrested during the year on terrorism, religious extremism or other state security charges, and 1,154 were formally charged and faced trials or administrative punishments. On 14 August, Wang Lequan, Party Secretary of the XUAR, announced a "life and death" struggle against Uighur "separatism".

- Ablikim Abdiryim, the son of exiled Uighur human rights activist, Rebiya Kadeer, remained in Baijiahu prison on a charge of "separatism", for which he was sentenced to nine years in prison in April 2007. On 6 December 2007, during the first permitted visit since his detention, his family found him to be in extremely poor health. Prison authorities attributed this to a heart condition, suggesting that it could deteriorate further if he refused to "cooperate" or "admit his guilt". Despite ongoing requests from his family, the authorities refused to grant him parole for medical treatment.

Local authorities maintained tight control over religious practice, including prohibiting all government employees and children under the age of 18 from worshipping at mosques.

- One hundred and sixty Uighur children, aged between eight and 14, who had been living and studying in a Hui Muslim area of Yunnan province, were reportedly arrested by police sent by the Public Security Bureau in the XUAR. They were brought to Urumqi and held in Baijiahu prison. Ten of the children were reportedly released after their parents paid 20,000 Yuan (\$3,140). Those who could not pay were told that their children would be charged with participating in "illegal religious activities".

According to reports, many people sentenced to death in the XUAR, some of whom had been given death sentences with two-year reprieves, were executed in 2008. Following domestic legal practice, death sentences with two-year reprieves can be commuted to life imprisonment if individuals exhibit good behaviour during the first two years. With the exception of one Tibetan case, the XUAR remains the only region in China where individuals are executed for political crimes.

Hong Kong Special Administrative Region

In July, tens of thousands of protesters marched to demand an improvement in human rights, people's livelihoods and meaningful political participation.

Freedom of expression and assembly

Dozens of activists, Tibetan Buddhist monks, and Falun Gong practitioners were denied entry to Hong Kong before the Olympic torch relay in May and before and during the Olympics. Government restrictions on protests at equestrian venues limited freedom of expression and assembly.

Refugees and asylum-seekers

Despite co-operation between the government and UN High Commissioner for Refugees, immigration laws continued to permit the deportation of asylum-seekers, including unaccompanied minors, before asylum applications had been determined. In November, the CAT expressed concerns about the lack of legal measures governing asylum and a fair and efficient refugee status determination.

In July, the Court of Appeal ruled that placing individuals in administrative detention without clear explanation of the detention policy and process was in violation of Article 5 of the Hong Kong Bill of Rights Ordinance. This resulted in the release of hundreds of detainees, including asylum-seekers and individuals at risk of torture if returned to countries of origin.

Police and security forces

The CAT criticized the police practice of automatically body searching all detainees. Official figures showed police conducted more than 1,600 strip searches between July and September. The CAT urged limiting body searches strictly to cases where they are clearly justified.

Racism

Anti-race discrimination legislation passed in July fell short of guarantees provided for in the UN Convention on the Elimination of Racial Discrimination to which Hong Kong is a party. The legislation included exemptions for many government administrative measures, as well as exemptions for discrimination based on nationality, citizenship and residency status.

Violence against women

In June, the Domestic Violence Ordinance was expanded to include abuses at the hands of present or former cohabitants and relatives who do not live in the same premises. However, violence between same-sex couples and damage to property remained unprotected.

Macao Special Administrative Region

Between October and November, the authorities conducted a 40-day public consultation on a national security bill to prohibit acts of "treason", "secession", "sedition" and "subversion". In December, the government submitted the bill to the Legislative Assembly. Vague definitions of the crimes could lead to misuse of the legislation by the

authorities to suppress rights to freedom of expression and association.

Amnesty International reports

- People's Republic of China: Legacy of the Beijing Olympics – Issues and facts: Stop Executions – China's choice (26 February 2008)
- People's Republic of China: Legacy of the Beijing Olympics – Issues and facts: Fair trials for all – China's choice (26 February 2008)
- People's Republic of China: Legacy of the Beijing Olympics – Issues and Facts: Respect the rights of rights defenders – China's choice (1 February 2008)
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- People's Republic of China: Tibet Autonomous Region – Access Denied (18 June 2008)
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- People's Republic of China: Submission to the UN Universal Periodic Review – Fourth session of the UPR Working Group of the Human Rights Council, February 2009 (1 September 2008)

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