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# CHINA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS  
ANNUAL REPORT 2010

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## Political context

In 2009, the People's Republic of China pursued its harsh policy of crackdown on all dissenting and critical voices that was put in place in 2008 ahead of the Olympic Games. Systematic human rights violations remained rampant, with the use of arbitrary detention, torture and other ill-treatments still being widespread, as was censorship of the media and Internet.

This year was particularly marked by the violence that erupted on July 5, 2009 in Urumqi, capital of the Xinjiang Uighur Autonomous Region (XUAR), in the north-west of China, following a demonstration that was harshly repressed by the police<sup>1</sup>. The protests started after a violent riot in a factory in Shaoguan (Guangdong province) during which Uighur workers were killed. However, it was the result of long-standing tensions between Uighur and Han Chinese ethnic groups, based on the systematic targeting of Uighurs by Governmental authorities<sup>2</sup>. On July 8, the Standing Committee of the Political Bureau of the Central Committee of the Communist Party of China declared that the situation was master-minded and organised by the “three forces” of terrorism, separatism and extremism at home and abroad. In October, a total of 21 people were tried and convicted of crimes such as “murder”, “damage to property”, “arson” and “robbery”, in violation of minimum standards of due process and fair trials, and nine received death penalty<sup>3</sup>.

While China's State secrets system – consisting of laws and regulations accumulated since the early 1950s, with the Law on the Protection of

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1/ According to the official Chinese news agency *Xinhua*, the clashes between the protesters and the police reportedly left 156 people killed and more than 1,000 injured.

2/ The Uighurs, the largest non-Chinese ethnic group in the region, form half of the population of this region. As other minorities in China, they are unable to exercise real political decision-making that has an impact on their own communities. China's rapid economic transformation has not improved their lives: discrimination in the field of social rights is deeply entrenched; their cultural rights are being violated; they face persecution based on their religion and, under the guise of the fight against terrorism, those who are accused of separatism are often arbitrarily arrested, tortured, and even executed.

3/ On October 12, the Urumqi Intermediate People's Court sentenced six men to death and one to life imprisonment. On October 14, another 14 men were tried and sentenced. Six received the death penalty, three of them with a two-year reprieve, a sentence which is usually commuted to life in jail, while others

State Secrets as its centrepiece – is perhaps the most powerful tool the Chinese Government has at its disposal to control access to information and to sanction those who express views disapproved by the Government, including journalists, dissidents and human rights defenders, the authorities announced in 2009 revisions to the Law on the Protection of State Secrets, which were reviewed and discussed in a first reading at the ninth session of the Standing Committee of the 11th National People's Congress (NPC) on June 22, 2009. Yet, the draft revision was not adopted and, instead, the NPC released it for public review and comment on June 27, 2009. According to the NPC, the revision is meant to address the technological advances that have taken place since the law was first promulgated in 1988, and is largely aimed at placing greater, tighter and more rigorous control over classified information in the digital age. The proposed revisions, which are expected to be adopted in 2010, do not adopt a clear and precise definition of State secrets that is in keeping with international legal standards, including the requirement that any restriction on freedom of expression be narrow, specific and limited to information that would threaten the life of the nation if disclosed, nor do they eliminate retroactive classification of information as State secrets. On the contrary, the proposed provisions exclude limitations on the definition of State secrets, having therefore the potential of greatly expanding what can be considered State secrets. They also extend the definition to cover Internet and electronic information<sup>4</sup>.

In February 2009, the human rights situation in China was considered under the Universal Periodic Review (UPR) of the United Nations Human Rights Council. Attention was drawn to the importance to respect freedom of religion and the rights of minorities as well as freedom of expression. Concern was also raised regarding secret detention facilities, death penalty and allegations of human rights violations against human rights activists and petitioners, housing and land rights activists, defenders of the Uighur and Tibetan communities, as well as environmental, HIV/AIDS and labour rights activists<sup>5</sup>. However, China rejected many of the recommendations made by the Member States, including recommendations related to freedoms of expression and of association, the independence of the judiciary, safeguards for the legal profession, protection of human rights defenders, the rights of ethnic minorities, abolition of the

4/ See Human Rights in China (HRIC) Press Release, July 24, 2009. The revisions were adopted in April 2010.

5/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review - China*, UN Document A/HRC/11/25\*, October 5, 2009.

death penalty, abolition of Re-education Through Labour (RTL)<sup>6</sup>, prohibition of torture, media freedom and effective remedies for discrimination<sup>7</sup>. In August 2009, the United Nations Committee on the Elimination of Racial Discrimination, in relations to ethnic clashes that occurred in the XUAR in July 2009 and in the Tibet Autonomous Region (TAR) in March 2008, expressed its concern “at reports alleging the disproportionate use of force against ethnic Tibetans and Uighurs respectively and the important number of their detentions” and called upon the Chinese authorities “to ensure that those detained in connection with the above events are guaranteed humane treatment while in custody and fair trial standards according to international law [...]”. The Committee also called upon the Chinese authorities “to take all appropriate measures to ensure that lawyers can exercise their profession freely, in law and in practice, and to promptly and impartially investigate all allegations of harassment, intimidation, or other acts impeding the work of lawyers”, as well as “to take effective measures with a view to ensuring that the application of administrative detention and “re-education-through-labour” is used restrictively and subject to full judicial control in line with international human rights standards”<sup>8</sup>.

On April 13, 2009, the State Council Information Office issued China’s first National Human Rights Action Plan (2009-2010), which covers a broad range of issues, from civil and political rights to human rights education and cooperation with international human rights institutions. However, while the Action Plan provides some notable elements, including a provision calling for physical separation between detainees and interrogators during questioning and the conducting of physical examinations prior to and following interrogations, as well as the prohibition of “the extortion of confessions by torture” and of “illegal detention by law enforcement personnel”, the vast majority of the plan lacks details, substance and concrete measures for enforcement and implementation. Furthermore, much of the Plan merely reiterates the limited human rights provisions already in place in existing laws and regulations, which largely have not been put into practice. It also fails to take concrete steps toward abolishing the RTL system, protecting human rights activists and ratifying the International

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6/ RTL is an administrative detention measure according to which, without any proper legal procedures or court proceedings, the Public Security Bureau can send individuals to detention facilities for a maximum of four years.

7/ See HRIC Statement, February 11, 2009.

8/ See Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination - The People’s Republic of China*, UN Document CERD/C/CHN/CO/10-13, August 28, 2009.

Covenant of Civil and Political Rights, important reforms necessary if the Government is indeed serious about improving its human rights record<sup>9</sup>.

### Ongoing crackdown on “Charter 08” activists

In 2009, Chinese authorities continued their crackdown against signatories of the “Charter 08”, which was launched on the Internet on December 9, 2008, calling for political reforms that promote human rights and democracy<sup>10</sup>. Indeed, the police kept intimidating, harassing and questioning signatories of the Charter and put them under surveillance for several months, including many who have been interrogated or summoned on multiple occasions<sup>11</sup>. For instance, on March 17, officers from the National Security Unit under the Nanping City Public Security Bureau (PSB), as well as the associate director of a local PSB station, arrived at the home of Ms. **Fan Yanqiong** to question her about her involvement with Charter 08 as well as with a proposed citizens’ organisation designed to supervise the Government and check corruption. Ms. Fan refused to answer their questions, and the officers left after 20 or 30 minutes, threatening her on their way out. On April 24, eight days after she applied for a permit to travel to Hong Kong and paid the required fees, Ms. Fan was told by the Nanping city, Fujian province, PSB Entry-and-Exit Management Department that she was prohibited from going through entry-and-exit procedures, without providing her with a specific reason<sup>12</sup>. On April 4, 2009, Ms. **Liu Shasha** was detained by local police for taking to the streets to distribute copies of Charter 08 in Nanyang city, Henan province, and interrogated there until 10 pm. Instead of allowing her to go home, however, police turned Ms. Liu over to leaders from her employer, PetroChina, who kept her under surveillance at a company guest-house until April 8<sup>13</sup>. On May 22, Mr. **Li Zhiyou** was taken away from his residence in Guilin city, Guangxi province, by a group of plain-clothes policemen who did not present any written summons or other documentation, and took him to a local police station. There, after waiting for a number of hours, he was questioned about Charter 08 and other related issues<sup>14</sup>. More worryingly, on June 23, 2009, human rights activist Mr. **Liu Xiaobo** was arrested before being charged with “inciting subversion of State power”, pursuant to Article 105 of the Criminal Code, for co-authoring Charter 08. On December 9, 2008, he was placed under “residential surveillance” at an undisclosed location in

9/ See Chinese Human Rights Defenders (CHRD) Statement, April 20, 2009.

10/ As of November 2010, it had been signed by more than 10,000 people from around the country.

11/ As of mid-February, CHRD had recorded 143 cases of people being harassed for being involved with Charter 08. See CHRD China Human Rights Briefing, February 1-15, 2009.

12/ See CHRD China Human Rights Briefings, March 15-31 and April 20-26, 2009.

13/ See CHRD China Human Rights Briefing, April 14-19, 2009.

14/ See CHRD China Human Rights Briefing, May 18-May 31, 2009.

Beijing<sup>15</sup>. On December 23, 2009, his trial took place before Beijing No.1 Intermediate People's Court. It lasted only three hours, under near total security lock down outside the courtroom. On the eve of the trial, several supporters of Mr. Liu Xiaobo were contacted by the police and threatened against organising any shows of support online or in front of the Court during the trial. On December 25, the Court found him guilty of "inciting subversion of State power" and sentenced him to 11 years of imprisonment and two years' deprivation of political rights<sup>16</sup>. On December 29, 2009, Mr. Liu appealed his sentence and, as of the end of 2009, he remained detained at the No. 1 Beijing Detention Centre<sup>17</sup>.

### **Increased repression of human rights defenders and restrictions on fundamental freedoms on the eve of key sensitive anniversaries and events**

The authorities also continued in 2009 to repress defenders and restrict freedoms of expression, assembly and association on the eve of key politically sensitive events, including the annual sessions in March of the NPC and Chinese People's Political Consultative Congress (CPPCC) in Beijing, the 20th anniversary of the violent repression against peaceful pro-democracy students and political activists on the Tiananmen square, the 60th anniversary of the People's Republic of China, or the visit of US President Barak Obama in November. On those occasions, the authorities subjected a large number of rights defenders, petitioners and dissidents to surveillance, harassment, detention and even beatings. In the final days before the 20th anniversary of the Tiananmen Massacre, on June 4, officials across the country intensified their efforts to prevent any commemoration of the date, and CHRD documented the cases of 65 activists who were harassed by the police in order to prevent them from organising or taking part in such activities. These individuals were taken into police custody, had their movements restricted, were forced to leave their homes, or otherwise threatened or monitored by police. Meanwhile, the authorities ordered nearly 160 websites to be shut down for "system maintenance" in order to prevent people from mobilising online and from learning about activities planned in many cities around the world to commemorate the anniversary. For instance, a number of members of the Guiyang Human Rights

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15/ "Residential surveillance" is a form of pre-trial detention that can be used up to six months without a charge being issued. According to Article 58 of the Criminal Procedural Law (CPL), the maximum limit for residential surveillance is six months. Mr. Liu Xiaobo's "residential surveillance" term should therefore have expired on June 8, 2009.

16/ Both the UN High Commissioner for Human Rights and the European Parliament expressed their deep concern about the extremely harsh sentence. See United Nations Press Release, December 25, 2009 and European Parliament Resolution P7\_TA-PROV(2010)0006, January 21, 2010.

252 17/ On February 11, 2010, the Beijing Municipal High People's Court confirmed Mr. Liu's sentence.

Forum were detained, questioned or placed under house arrest in the days leading up to June 4<sup>18</sup>. Similarly, on the eve of the 60th anniversary of the founding of the People's Republic of China, on October 1, 2009, the Chinese Government implemented a number of drastic repressive measures to increase its control over citizens' expression and personal liberties. In particular, the Chinese authorities attempted to use technology as well as laws and regulations to restrict the flow of information in order not only to limit access to information by ordinary citizens in China, but also to undermine the ability of Western media to report accurately on the country. In particular, officials stepped up efforts to control Internet use, blocking the use of proxy servers, a popular means of accessing overseas websites that are otherwise restricted on the mainland. Hundreds of activists and dissidents were detained, subjected to "soft detention"<sup>19</sup>, threatened, monitored or forced to leave the capital<sup>20</sup>. For instance, Mr. **Jiang Qisheng**, Vice-Chairman of the Independent Chinese PEN, and Ms. **Ding Zilin**, leader of the Tiananmen Mothers, were forced to leave Beijing to visit relatives or "travel" and were subjected to surveillance by national security officers under Beijing PSB. On September 25, Mr. **Mu Jiayu**, a human rights activist from Chongqing municipality, was threatened by police officers that he would face detention if he was holding gatherings on the occasion of the anniversary<sup>21</sup>. During US President Obama's visit in China in November 2009, human rights defenders were also subjected to increase surveillance. For instance, Mr. **Qi Zhiyong** was detained by Beijing PSB from November 9 to 18, after he and a fellow activist applied for permission to hold a demonstration protesting police harassment during Mr. Obama's visit<sup>22</sup>. On November 19, 2009, Mr. **Jiang Tianyong**, a Beijing-based human rights lawyer, was detained and interrogated by the police for more than 13 hours, during which he was verbally abused, after he requested to meet with President Obama at the American Embassy<sup>23</sup>. In December 2009, members of the Guizhou Human Rights Forum were harassed in order to prevent them from carrying out activities to celebrate Human Rights Day, on December 10, especially the

18/ See CHR D Statement, June 4, 2009.

19/ Individuals subjected to "soft detention" are guarded by police stationed at their homes. Though individuals may be allowed to leave their homes during soft detention, they are closely followed and monitored by police or asked to travel in police vehicles, and often barred from meeting other "sensitive" individuals.

20/ In September 2009 alone, HRIC has documented more than two dozen cases of sentencing, arrest and detention, surveillance and house arrest, forced departure from home and disappearance. See HRIC Statement, September 30, 2009.

21/ See CHR D Statement, September 30, 2009.

22/ See CHR D China Human Rights Briefing, November 20-23, 2009.

23/ See CHR D Press Release, November 19, 2009 and HRIC Press Release, November 19, 2009.

annual Guizhou Human Rights Symposium. Several participants – including Ms. **Wu Yuqin** and Messrs. **Shen Youlian**, **Mo Jiangan**, **Huang Yanming**, **Chen Defu**, **Zhu Zhengyuan**, **Sha Li** and **Zhang Chongfa** – were stopped in front of their homes, taken away from the park where the symposium was supposed to take place and physically searched.

### **Human rights lawyers, increasingly a privileged target of repression**

In 2009, lawyers who worked on sensitive cases – including those defending human rights defenders, Falung Gong practitioners, farmers who have lost land, victims of forced evictions and of the tainted milk powder scandal, and those who pressed for direct election of the leadership of the Government-controlled Beijing Municipal Lawyers' Association – suffered a consistent pattern of abuse, including arbitrary arrests and prosecution, harassment, suspension of their licenses or disbarment, and violent attacks. Thus, about 20 human rights defence lawyers were unable to renew their licences to practise law following their annual review on May 31 - including Messrs. **Jiang Tianyong**, **Li Heping**, **Li Xiongbing** and **Wang Yonghang**<sup>24</sup>. Similarly, on February 17, 2009, Beijing's Yitong Law Firm was notified that it would be forced to close for six months for "re-organisation" – effective from March 13 to September 12, 2009 – by the Beijing Haidian District Bureau of Justice. Although the authorities cited the reason for the punishment as the firm's "facilitation of the illegal work of an individual in providing legal services without having obtained a professional lawyer's license", this move was considered to be in retaliation for lawyers of the firm advocating direct elections of the leadership of the Beijing Lawyers' Association in 2008<sup>25</sup>. The firm is also known for taking on controversial and sensitive rights cases, such as representing jailed activists Messrs. **Hu Jia**<sup>26</sup> and **Chen Guangcheng**<sup>27</sup>. In addition, on July 14, 2009, the Beijing-based organisation Gongmeng, also known as the Open Constitution Initiative (OCI), which provides legal consultation and assistance to the public, received notices from State and local tax authorities ordering it to pay 1.42 million yuan (about 160,600 euros) in fines for tax

24 / See CHR D Statement, September 30, 2009 and HRIC Press Releases, June 4 and September 30, 2009.

25 / See CHR D Statement, February 18, 2009 and HRIC Press Releases, February 19 and March 18, 2009.

26 / Mr. Hu Jia, an HIV/AIDS activist and winner of the 2008 Sakharov Prize for Freedom of Thought, has been detained since December 27, 2007. In April 2008, he was sentenced to three years and six months' imprisonment and one year of political rights deprivation for "inciting subversion of State power". His health has steadily deteriorated in the framework of his arbitrary detention.

27 / Mr. Chen, a lawyer involved in denouncing the extensive use of violence by the authorities of Linyi in relation to birth planning policies, has been arbitrarily detained since March 2006. In December 2006, he was sentenced to four years' and three months' imprisonment for "intentionally disrupting traffic" and "inciting material destruction". While in detention, he has been denied appropriate medical care

violations<sup>28</sup>. On July 17, the Beijing Municipal Bureau of Civil Affairs shut down Gongmeng's Law Research Centre, citing its failure to register with the Government. Gongmeng had recently been advising family members of victims of the tainted milk powder scandal to file suits against those responsible. On July 29, Mr. **Xu Zhiyong**, Director and co-founder of Gongmeng, was detained and subsequently charged on August 18 for "tax evasion" in connection with Gongmeng. On August 17, Gongmeng was officially shut down for providing "false data" when it registered as a company, and for having public interest activities inconsistent with its commercial enterprise designation. On August 23, Mr. Xu was released on bail from the Beijing No. 1 Detention Centre pending trial, which, as of the end of 2009, had not taken place yet.

Furthermore, Beijing judicial authorities sternly warned human rights lawyers not to take on any cases related to the unrest that took place in July 2009 in Urumqi, Xinjiang. For instance, on July 13, Beijing law firms received a notice from the Beijing Municipal Department of Justice instructing lawyers to "take a cautious approach" in dealing with judicial commentary on the July 5 violence in Urumqi. Lawyers were told to avoid writing or saying anything that would "disrupt the handling of cases" in print media and the Internet and to "carefully consider" accepting requests for legal advice or requests to represent anyone charged with a crime during the riots. Law firms were also instructed to set up a system for managing lawyers' requests to take cases in Xinjiang, and to act in tandem with judicial authorities and the Beijing Lawyers' Association when deciding whether or not to allow employees to take such cases<sup>29</sup>.

Human rights lawyers were also subjected to arbitrary detention and physical assaults as reprisals for their activities. Thus, Mr. **Gao Zhisheng**, Director of the Beijing-based Shengzhi Law Office, who has taken on high-profile human rights cases, involving sensitive issues (such as torture of Falun Gong members and Christian house church leaders, as well as cases of arbitrary detention of petitioners seeking official accountability for acts of corruption and negligence), was last heard on January 19, 2009. As of the end of 2009, the whereabouts of Mr. Gao, who had been under constant police surveillance, along with his family, since receiving a suspended sentence for "inciting subversion" in 2006, remained unknown. During the year, the authorities especially cracked down on human rights

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28 / Founded by lawyers and legal scholars and supported by a group of rights defence lawyers, Gongmeng had registered as a for-profit company rather than a civil society organisation due to the restrictive requirements under relevant regulations.

29 / See CHRD China Human Rights Briefing, July 13-10, 2009.

lawyers defending Falun Gong practitioners. For instance, on April 13, Beijing lawyer **Cheng Hai** was attacked and beaten while on his way to meet with a detained Falun Gong practitioner in Chengdu, Sichuan province. It is believed that those responsible for the attack were officials from the Jinyang General Management Office, Wuhou district, Chengdu. On May 13, Beijing lawyers **Zhang Kai** and **Li Chunfu** were beaten by a group of police officers from the Jiangjin district PSB in Chongqing and detained for representing a 66-year old Falun Gong practitioner who died while detained in Chongqing's Xishanping RTL camp<sup>30</sup>. Moreover, Messrs. **Liu Ruping**, **Wang Yonghang** and **Wang Ping**, who had previously been harassed because of their work defending Falun Gong practitioners in different locations in north-eastern China, were respectively arrested on July 2, 4 and 8 in Jinan city (Shandong province), Dalian city (Liaoning province) and Pingdu city (Shandong province)<sup>31</sup>. On November 27, Mr. Wang was sentenced by the Shahekou District Court in Dalian city to seven years in prison for "using a cult to damage social and legal system" under Article 300 of the Criminal Code, which is regularly used against Falun Gong practitioners. As of the end of 2009, Mr. Wang remained detained. On January 22, 2010, Mr. Liu Ruping was reportedly sentenced to seven years in prison. No further information could be obtained regarding Mr. Wang Ping's situation.

### **Judicial harassment and arbitrary detention of human rights defenders denouncing forced evictions**

Despite declarations in the National Human Rights Action Plan that Chinese authorities will safeguard farmers' land rights, land rights defenders and forced eviction petitioners continued to be arbitrarily arrested and detained in 2009. For instance, on March 3, 2009, the Changzhi City PSB detained Messrs. **Feng Jiusheng** and **Chen Heying**, two villagers from Wuma village in Changzhi city (Shanxi province), and gave them each a 15-day administrative detention after the two men had led a protest against local officials accused of illegally selling to developers the land that peasants in Wuma village relied on for their livelihood. They were also the organisers of open letters signed by the villagers addressed to the deputies of the NPC and to the members of the CPPCC. On November 6, Mr. **Lin Dagang**, a seventy year-old forced-evictions petitioner who has been arbitrary detained since June 11, was convicted to two years' imprisonment following a closed trial by the Jiaojiang District People's Court in Taizhou (Zhejiang province), allegedly for "illegal possession of State secrets". Mr. Lin is an organiser of the Nationwide Property Owners of

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30 / See HRIC Press Release, May 13, 2009.

256 31 / See CHR D Statement, July 16, 2009.

State-maintained Rental Houses, a group seeking to obtain the return of the “State-maintained rental houses” that were taken over by the Chinese Government in 1956 and rented out for around 20 to 40% of the original price as compensation for their owners. In 1966, the Government stopped this compensation, and since the late 1970s, the owners have been requesting the reinstatement of their property rights. On November 11, Mr. **Liu Zhengyou**, a Sichuan activist who has provided continued assistance to petitioners and victims of forced evictions and reported on human rights abuses, was taken from his home by local police, and shortly thereafter criminally detained on suspicion of “fraud”. Eight officers also searched his apartment and copied the contents of his computer<sup>32</sup>. As of the end of 2009, Mr. Liu remained detained pending trial. On December 30, officers from the Zhabei PSB in Shanghai arrived at the home of Mr. **Zheng Enchong**, a human rights lawyer who has been providing legal assistance to victims of forced evictions and housing activists in Shanghai, to summon him for questioning on suspicion of “economic and taxation” crimes. This marked the 76th occasion since his release from prison in June 2006 that he was summoned<sup>33</sup>. Police also searched his home, but did not confiscate any items. As of the end of 2009, Mr. Zheng remained under house arrest<sup>34</sup>.

### **Ongoing repression against defenders who questioned the Government’s role in the 2008 Sichuan earthquake**

More than one year after the devastating May 12, 2008 Sichuan earthquake, individuals who attempted to conduct independent investigations or provide legal counsel to victims’ families continued to be targeted, all the more as the authorities kept obstructing efforts to review the causes and consequences of the tragedy. Indeed, although the Government pledged to investigate the deaths of students and to hold individuals accountable if shoddy construction was to blame, a promise it reiterated in its 2009 National Human Rights Action Plan, no report on the number of children killed or the structural quality of the collapsed school buildings was published. Instead, the Government actively prevented individuals from performing independent investigations and suppressed efforts by families to take legal actions by detaining and intimidating individuals who attempted to do so. On March 28, 2009, Mr. **Tan Zuoren**, an environmental activist based in Chengdu, was detained by Chengdu police on suspicion of “inciting subversion of State power”, three days after the online release of a report entitled *Independent Investigation Report by Citizens*, which presented findings of his investigation into the causes of the widespread

32/ See HRIC Press Releases, March 5 and November 6, 2009 and CHRD Statement, November 12, 2009.

33/ Mr. Zheng was imprisoned for three years for “leaking State secrets” in 2003.

34/ See CHRD China Human Rights Briefing, December 31, 2009 - January 6, 2010.

collapse of school buildings during the May 2008 earthquake in Sichuan. He had also released online a proposal to compile a list of students who died in the earthquake and to assist the parents of these children in their fight for justice. However, he was tried on the basis of attempting to organise commemorative activities for the 20th anniversary of the Tiananmen Massacre and conducting interviews with “hostile foreign forces” such as the exiled student leader Wang Dan. On August 12, 2009, his trial took place before the Chengdu Municipal Intermediate People’s Court but, as of the end of 2009, the verdict had not been announced yet, in violation of Article 168 of the Criminal Procedure Law (CPL), which allows a maximum period of two and a half months for a trial court to issue a ruling after accepting the case<sup>35</sup>. Likewise, on November 23, 2009, the Wuhou District Court, in Chengdu city, sentenced Mr. **Huang Qi**, a cyber-dissident and Director of the Tianwang Human Rights Centre, to three years in prison for possessing “three documents issued by a certain city Government”, although the judge did not specify what kind of documents they were, which city Government issued them or, more importantly, how their contents constituted “State secrets”. Mr. Huang has been arbitrarily detained since June 10, 2008 after he visited the Sichuan earthquake zone numerous times, provided aid to victims of the disaster and published information on his website about the plight of parents who had lost their children. He also provided reports and interviews to foreign journalists about the protests carried out by the families of children who died in the Sichuan earthquake. While in detention, his health condition has severely deteriorated<sup>36</sup>.

### Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Chen Qitang (a.k.a. Tianli)	Sentencing / Arbitrary detention	Urgent Appeal CHN 001/0109/OBS 002	January 6, 2009
Signatories to the “Charter 08”, including Messrs. Liu Xiaobo, Chen Xi, Du Heping, Liang Zhuangyuan, Wen Kejian and Zhang Zuhua	Intimidation / Harassment / Arbitrary arrests / Arbitrary detention	Open Letter to the authorities	January 8, 2009
Mr. Wang Debang	Arbitrary arrest / Search / Harassment	Urgent Appeal CHN 002/0109/OBS 004	January 12, 2009
Ms. Mao Hengfeng	Arbitrary detention / Ill-treatments	Urgent Appeal CHN 004/0406/OBS 044.8	January 14, 2009

35/ On February 9, 2010, Mr. Tan was sentenced to five years in prison, with an additional three years’ deprivation of his political rights, for “inciting subversion of State power”.

36/ On February 8, 2010, Mr. Huang was informed by a judge from the Chengdu City Intermediate Court of the decision to reject his appeal.

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Chen Guangcheng	Health concern / Arbitrary detention	Urgent Appeal CHN 006/0706/OBS 087.7	January 15, 2009
Mr. Gao Zhisheng	Enforced disappearance / Fear for security	Urgent Appeal CHN 009/1106/OBS 136.3	February 4, 2009
	Adoption by the UPR Working Group of a recommendation encouraging repression of human rights defenders	Press Release	February 13, 2009
Mr. Yao Fuxin	Release	Joint Press Release	March 18, 2009
Ms. Yangkyi Dolma and Ms. Sonam Yangchen	Arbitrary detention / Ill-treatments	Urgent Appeal CHN 003/0409/OBS 059	April 8, 2009
	Death in detention / Arbitrary detention	Urgent Appeal CHN 003/0409/OBS 059.1	December 7, 2009
Messrs. Xu Zhiyong and Li Xiongbing / Gongmeng	Arbitrary detention / Threats / Closure of an NGO / Judicial harassment	Urgent Appeal CHN 004/0809/OBS 122	August 24, 2009
Messrs. Xu Zhiyong and Jiang Tianyong	Release on bail / Harassment	Urgent Appeal CHN 004/0809/OBS 122.1	August 26, 2009
Mr. Liu Xiaobo	Residential arrest / Judicial harassment	Urgent Appeal CHN 005/0809/OBS 126	August 26, 2009
		Urgent Appeal CHN 005/0809/OBS 126.1	December 24, 2009
Ms. Shen Peilan	Arbitrary detention / Ill-treatment	Urgent Appeal CHN 006/1109/OBS 158	November 3, 2009
Mr. Lin Dagang	Arbitrary detention / Judicial harassment	Urgent Appeal CHN 007/1109/OBS 165	November 10, 2009
Mr. Huang Qi	Sentencing / Arbitrary detention / Health concern	Urgent Appeal CHN 004/0608/OBS 105.2	November 24, 2009
Mr. Qi Chonghuai	Ill-treatments / Arbitrary detention	Urgent Appeal CHN 003/0508/OBS 085.1	December 9, 2009
Guizhou Human Rights Forum members, including Ms. Wu Yuqin, Mr. Shen Youlian, Mr. Mo Jianguang, Mr. Huang Yanming, Mr. Chen Defu, Mr. Zhu Zhengyuan, Mr. Sha Li, Mr. Zhang Chongfa, Mr. Liao Shuangyuan and Mr. Chen Xi	Acts of harassment and intimidation / Arbitrary arrest	Urgent Appeal CHN 008/1209/OBS 185	December 10, 2009