

People's Republic of China

The Olympics countdown – broken promises

Introduction

With the Olympics less than two weeks away, it is time to assess progress made by the Chinese authorities to improve human rights in line with their own commitments made in 2001 when the International Olympic Committee (IOC) chose Beijing to host the Games. Regrettably, since the publication of Amnesty International's last Olympics Countdown report on 1 April 2008, there has been no progress towards fulfilling these promises, only continued deterioration. Unless the authorities make a swift change of direction, the legacy of the Beijing Olympics will not be positive for human rights in China.

In March 2004, the Chinese authorities amended the Constitution to include the clause: "the State respects and protects human rights". While human rights encompass a broad range of issues, Amnesty International has been monitoring the Chinese government's performance particularly closely in four areas with a direct link to preparations for the Olympics and in line with the core principles of the Olympic Charter. This report provides a final summary and updates developments in these four key areas which are: the continuing use of the death penalty; abusive forms of administrative detention; the arbitrary detention, imprisonment, ill-treatment and harassment of human rights defenders, including journalists and lawyers; and the censorship of the internet. For further details, readers should refer to previous Olympics Countdown reports published by Amnesty International.¹

In fact, the crackdown on human rights defenders, journalists and lawyers has intensified because Beijing is hosting the Olympics. The authorities have stepped up repression of dissident voices in their efforts to present an image of "stability" and "harmony" to the outside world. This has resulted in the detention and imprisonment of those who wish to draw attention to the other side of the picture, which includes human rights violations perpetrated in preparation for the Games.

Two recent crisis situations in the west of China have challenged the authorities to demonstrate that their human rights commitments are more than empty words. The recent protests in Tibet and Tibetan-populated areas of surrounding provinces and the subsequent crackdown and media silence imposed by authorities highlighted not only longstanding and unresolved violations of fundamental human rights but also on-going censorship of the media. Amnesty International

¹ Amnesty International, *People's Republic of China: The Olympics countdown – three years of human rights reform?* (Index: ASA 17/021/2005); Amnesty International, *People's Republic of China: The Olympics countdown – failing to keep human rights promises* (Index: ASA 17/046/2006); Amnesty International, *People's Republic of China: The Olympics countdown – repression of activists overshadows death penalty and media reforms* (Index: ASA 17/015/2007); Amnesty International, *People's Republic of China: The Olympics countdown – one year left to fulfil human rights promises* (Index: ASA 17/024/2007); Amnesty International, *People's Republic of China: The Olympics countdown – crackdown on activists threatens Olympics legacy* (Index: ASA 17/050/2008); Amnesty International, *People's Republic of China: The Olympics countdown – crackdown on Tibetan protesters* (Index: ASA 17/070/2008); and Amnesty International, *People's Republic of China: Tibet Autonomous Region – access denied* (ASA 17/085/2008).

condemned the violence targeted at Han Chinese individuals and property in Tibet and acknowledged the Chinese authorities' right and duty to protect all individuals against attacks, including those at risk of being targeted solely on account of their ethnic identity.

However, Amnesty International considers the actions of the authorities to have gone far beyond the need to restore order, with reports of widespread mass detentions and the use of excessive, sometimes lethal, force against protesters. In June 2008, Palma Trily, a senior Tibetan official told a press conference in Lhasa that the authorities had released 1,157 people out of a total of 1,315 people detained during the unrest in March. He added that another court had handed down 'punishments' to 12 people on 19 and 20 June, making a total of 42 people who had been punished for the unrest. He stated that a further 116 people were in custody awaiting trial, but provided no further details about their names, whereabouts or the charges against them.² However, to date, the authorities have failed to disclose full details of all those killed, injured or detained by the security forces in connection with the protests.³ Except for some officially orchestrated tours for journalists and diplomats, reporters were effectively banned from the region preventing the outside world from monitoring the actions of the authorities. The authorities have also failed to respond to calls made by Amnesty International, UN human rights experts and others for independent investigation into the human rights situation in the region.⁴

In contrast, the authorities initially responded to the effects of the devastating earthquake in Sichuan province with uncharacteristic openness, allowing relatively free media access to the region.⁵ However, media control tightened as local families began public protests calling for accountability of local officials, especially with regard to the collapse of schools which were allegedly poorly constructed. Several journalists were prevented from reporting in the region, and some were detained for trying to cover the protests. The local authorities also took steps to prevent protesters from travelling to Beijing to petition the central authorities over their grievances.

Shortly after awarding the Games to Beijing in 2001, Jacques Rogge, President of the International Olympic Committee (IOC) publicly stated his expectation that hosting the Olympics would improve China's human rights record, adding that the IOC would act if human rights were not acted upon to their satisfaction.⁶ Since

² For further information, see Amnesty International, *People's Republic of China: The Olympics countdown – crackdown on Tibetan protesters* (Index: ASA 17/070/2008) and *People's Republic of China: Tibet Autonomous Region – access denied* (Index: ASA 17/085/2008).

³ See "China releases 1,157 people alleged involved in Lhasa riot." *Xinhua*, 20 June 2008.

⁴ See United Nations Press Release: "UN human rights experts call for restraint and transparency as mass arrests are reported in the Tibet Autonomous Region and surrounding areas in China", 10 April 2008, available at: <http://www.unhchr.ch/hurricane/hurricane.nsf/0/04E93C974F48F850C1257427002D7EAD?opendocument>

⁵ This contrasted markedly with the official response to similar disasters, including the outbreak of Severe Acute Respiratory Syndrome (SARS) in 2003.

⁶ For example, in April 2002, IOC President Jacques Rogge said: "...we are convinced that the Olympic Games will improve the human rights record [in China]....We at the IOC urged the Chinese government to improve, as soon as possible, their record in human rights. However, the IOC is a responsible organisation and if either security, logistics or human rights are not acted upon to our satisfaction then we will act [...] I've said clearly after discussions I had with Amnesty International that it is not our role to monitor human rights, because to monitor human rights you need specialized task forces and specialized people which we do not have. And I have said that we would be in close contact with Amnesty International and with Human Rights Watch and they

then, the IOC has continued to maintain the public line that China is making progress on human rights.⁷ On 23 March 2008, Jacques Rogge issued a statement reaffirming that the Olympic Games are a ‘force for good’.⁸ In an unusual reference to specific human rights concerns in China, he added: ‘the events in Tibet are a matter of great concern to the IOC. The IOC has already expressed the hope that this conflict should be resolved peacefully as soon as possible. Violence for whatever reason is contrary to the Olympic values and spirit. The IOC will continue to respect the cause of the Human Rights [sic].’

However, the IOC has shown a reluctance to follow up on such statements and speak out on human rights in the context of the preparations for the Games in a more specific, consistent and forceful way. Amnesty International believes it is not appropriate to publicly refer to progress in certain areas, while ignoring a marked deterioration in others. Most recently, on 8 July 2008, during an inspection visit to Beijing, Hein Vebruggen, Chairman of the IOC’s Coordination Commission for Beijing 2008, declared that the Chinese authorities had set a “gold standard for the future” with its preparations for the Games.⁹ While alluding to the importance of broadcasting freedom during the Games, he failed to mention any specific human rights violations connected with the preparations, adding simply that “a very small number of open issues remain – such as some matters with our broadcasters and our need to see how temporary measures in the city will make an impact on air quality”.¹⁰

The IOC’s diplomatic, non-public approach on human rights cases and issues does not appear to have yielded significant results. International pressure from other governments for human rights reform has also been insufficient, sending a message that it is acceptable for a government to host the Olympic Games in an atmosphere characterised by repression and persecution. The danger now becomes that after the Olympic Games these patterns of serious human rights violations may continue or intensify with even less attention paid by the international community than has been the case so far.

Death penalty – reforms welcome, but limited

Chinese courts continue to sentence to death and execute thousands of individuals every year. Those facing capital charges do not receive fair trials in line with international human rights standards. Failings include: lack of prompt access to lawyers, lack of presumption of innocence, political interference in the judiciary

will report to us and they will tell us what they feel.” BBC “*Hardtalk*” programme, 23 April 2002

⁷ For example on 5 April 2006, IOC President Jacques Rogge was quoted by *Agence France Press* (AFP) as saying “It is clear that the staging of the Olympic Games will do a lot for the improvement of human rights and social relations in China.” More specifically, in an online interview with *Die Welt* on 25 December 2007, IOC Vice-President Thomas Bach stated that: “The Games can act as a catalyst and contribute to the opening of a society. We have already seen that in China, for example with big progress on the issues of media reporting and the death penalty. We have new laws for migrant workers and the prevention of child labour.”

⁸ Statement by Jacques Rogge, President of the International Olympic Committee, *IOC press release*, 23 March 2008.

⁹ “Level of preparations for Beijing 2008 have set a gold standard for future Games”, *International Olympic Committee Press Release*, 8 July 2008

¹⁰ Hein Vebruggen, Chairman of the Coordination Commission for the Games of the XXIX Olympiad Beijing 2008: “Now of course it is operation time. That means we will have to deliver to all stakeholders, including the media, on what was pledged,” quoted in “Olympics: IOC head calls on China to honour media pledges”, *Agence France Presse*, 8 July 2008. See below for China’s official response on broadcasting freedom.

and failure to exclude evidence extracted through torture. Over recent years, several Chinese officials, legal scholars and activists have expressed serious concern over the application of the death penalty in China. Several incidents of miscarriages of justice, in some cases leading to the execution of the innocent, have been published in the Chinese press and have generated disquiet among the public at large. While stressing that the time is not yet ripe for abolition, the Chinese authorities have repeatedly declared, especially in international forums, that their eventual goal is to end the death penalty.

In violating the right to life and the prohibition of torture and cruel, inhuman and degrading treatment, the death penalty fundamentally undermines the “preservation of human dignity” which lies at the heart of the Olympic Charter. Amnesty International has long called on the authorities to introduce concrete measures towards limiting the application of the death penalty pending full abolition in law. These include: publishing full national statistics on death sentences and executions; reducing the number of crimes punishable by death by removing non-violent crimes, such as economic and drug-related offences, from the scope of the death penalty; and introducing a moratorium on executions in line with UN General Assembly resolution 62/149 adopted on 18 December 2007.¹¹ The following is a summary of measures taken by the Chinese authorities with regard to the death penalty in the run-up to the Beijing Olympics:

On 1 January 2007, the Supreme People’s Court (SPC) resumed its role of approving all death sentences passed in China in a stated attempt to improve human rights, reduce the number of executions and prevent miscarriages of justice.¹² According to a senior SPC official, Gao Jinghong, the SPC rejected about 15 per cent of death sentences passed by high courts in the first half of 2008.¹³ He added that the majority were rejected because they were “inappropriate” or “lacked sufficient evidence” without providing further details.

The SPC also ruled that from 1 July 2006 death penalty appeals should be heard in open court. The SPC issued a further legal notice on 14 June 2007 stressing that first-instance death penalty cases must also be held in open court. These directives were accompanied by numerous public exhortations from senior Chinese officials, including former SPC President Xiao Yang, to lower courts to exercise greater caution in imposing the death penalty. Many of these statements underscored the importance and value of human life.¹⁴ However, more recent comments, made by his successor, Wang Shengjun have taken a less positive tone: “Where the law mandates the death sentence, the death sentence should be given.”¹⁵

¹¹ The resolution called for a global moratorium on executions. It was approved by a recorded vote of 104 states in favour, 54 against, and 29 abstentions. China was among 58 countries who later signed a ‘note verbale’ to the UN Secretary General, Ban Ki-moon, placing on record their ‘persistent objection to any attempt to impose a moratorium on the use of the death penalty or its abolition.’ See ‘UN plans to resume capital punishment debate’, *Inter Press Service (IPS)*, 25 February 2008.

¹² For example, see comment made by an SPC court official quoted in ASA 17/046/2006, p.6

¹³ “Top court overturns 15% death sentences in 1st half year”, *China Daily*, 27 June 2008.

¹⁴ For example, “A case involving a human life is a matter of vital importance...We can never be more careful in this regard”, Xiao Yang, quoted in ASA 17/015/2007, p.3-4.

¹⁵ “Chief judge takes hard line on death penalty”, *South China Morning Post (SCMP)*, 13 April 2008.

The mechanics of the SPC review process remain opaque in many respects and several China lawyers have complained that they are not able to access the review tribunals. In response to such concerns, the SPC and Ministry of Justice promulgated new regulations on 21 May 2008 aimed at safeguarding the defence role played by lawyers during the review process.¹⁶ It remains to be seen how effectively they will be implemented.

A joint directive issued by leading judicial organs in March 2007 urged judicial departments to strictly control and prudently apply death sentences, to safeguard the legal rights of suspects and to ensure that death penalty prisoners have the right to meet their family after the sentence is confirmed.¹⁷ The directive also underlined that the SPC exercises final approval of death penalty cases and reiterated that public parading of convicts and securing confessions through torture were banned.

In September 2006, Amnesty International highlighted estimates made by Chinese legal academics suggesting that lethal injection may account for as many as 40 per cent of all executions in China.¹⁸ In January 2008, the authorities declared an intention to promote and extend the use of lethal injection as a more “humane” method of execution across China. Amnesty International reiterates that the use of lethal injection does not mitigate the cruelty of the punishment and the involvement of medical professionals in executions runs counter to international medical ethics

Amnesty International has long raised concerns that the use of lethal injection may facilitate the extraction of organs for transplant from death penalty prisoners. Such practices contravene international medical ethics on organ transplants which stress the importance of free and informed consent. New regulations on organ transplants took effect on 1 May 2007 which banned the buying and selling of organs and stipulated that organs could only be removed with the written consent of the donor. However, they made no specific reference to the extraction of organs from death penalty prisoners. In October 2007, the Chinese Medical Association, with the apparent backing of the Ministry of Health, came to a decision not to transplant organs from prisoners or others in custody, except into members of their immediate families. This contradicted previous assertions made by Chinese officials that death penalty prisoners were a suitable source of organs for transplant as long as this is “voluntary” and they or their families have given consent. However, Ministry of Health officials have reportedly stated that prisoners will remain a source of organs for five more years as execution-related transplantation winds down.

Chinese officials have asserted that the restoration of SPC review has resulted in a significant reduction in the number of death sentences and

¹⁶ The full name in Chinese is « , » . See *Zhongguo Xinwenwang*, 21 May 2008.

¹⁷ “Supreme People’s Court, Supreme People’s Procuratorate, Ministry of Public Security and Ministry of Justice demand that death penalty cases are dealt with more strictly and according to the law” () available at <http://www.chinacourt.org/public/detail.php?id=237697>. See also “Procedures detailed for death penalties”, *China Daily*, 12 March 2007 and “Chinese law enforcement agencies urge caution in handling death penalty cases”, *Xinhua*, 11 March 2007. For further information, see ASA 17/015/2007, p. 6.

¹⁸ See ASA 17/046/2006, p. 2.

executions. However, full national statistics on the application of the death penalty remain shrouded in secrecy making it impossible to objectively assess the impact of the reform. Amnesty International continues to call on the authorities to publish annual death penalty statistics for the periods both before and after SPC review was introduced. Such calls have also been made by Chinese observers, including Zhao Long, vice-chair of the Jiangsu People's Congress and delegate to the National People's Congress (NPC). In March 2007, he expressed disappointment that the SPC's annual report to the NPC continued to lump data on those sentenced to death together with those sentenced to other heavy punishments such as life imprisonment, making it impossible to determine exactly how many had been sentenced to death and executed.¹⁹

Other legislators have expressed concern about the high number of crimes punishable by death in China, including non-violent crimes such as economic and drug-related offences.²⁰ In the run-up to the Beijing Olympics, the Chinese authorities have made no moves to reduce this number, which amounts to some 68 offences. In fact, judicial interpretations made by the SPC (and branches of the executive) in 2007 may actually increase the likelihood of individuals being sentenced to death for certain crimes, even if the consequences are non-lethal.²¹

On 26 June 2008, the International Day Against Drug Abuse and Illicit Trafficking, China's state media reported that six "big drug traders" had been executed in Yunnan province, Henan province and the Guangxi Zhuang Autonomous Region with the approval of the SPC.²² SPC spokesperson Ni Shouming stated that the SPC would "firmly support the cracking down on drug dealing and would approve any verdicts of inferior courts which could provide enough evidence for death penalty".

Detention without trial – no steps forward, several steps back

The Chinese authorities continue to rely on abusive systems of punitive administrative detention against a variety of "offenders" including, in many cases, peaceful petitioners and human rights activists. The police enjoy unchecked authority to impose such punishments without charge, trial or judicial review. Chinese reformists have long called for such systems to be substantially reformed or abolished as they violate rights to due process, including fair trial provisions of the International Covenant on Civil and Political Rights (ICCPR) which China has signed and declared an intention to ratify. The use of such systems also contravenes any notion of "human dignity" as enshrined in the Olympic Charter.

Far from acting as a catalyst for reform, the authorities have used Beijing's hosting of the Olympics as a pretext for extending the use of punitive administrative detention, notably "Re-education through Labour" (RTL) and "Enforced Drug

¹⁹ See ASA 17/015/2007, p.8.

²⁰ For example, in a motion submitted to the NPC by Jiang Bixin, President of the Hunan Higher People's Court in March 2006 calling for the death penalty to be gradually phased out for economic crimes such as embezzlement and accepting bribes. See ASA 17/046/2006, p.6.

²¹ For further information, see ASA 17/050/2008, p.23.

²² "China executes six drug dealers on international anti-drug day", *Xinhua*, 26 June 2008.

Rehabilitation” (EDR). The police have specifically targeted petitioners and rights activists in their efforts to “clean up” Beijing ahead of the Games. Overseas Falun Gong organizations have also reported an increase in detentions of Falun Gong practitioners in the run-up to the Olympics.²³ Over the last year in particular, the arbitrary detention and forced removal of thousands of petitioners has resembled the previous use of “Custody and Repatriation”, another abusive system of detention which was abolished in 2003 in a move officially heralded as a significant step forward for human rights.²⁴

On 8 May 2006, the Beijing city authorities decided that RTL would be used as a way to control various types of “offending behaviour” to clean up the city’s image in the run-up to the Olympics. This would include serious cases of “unlawful advertising or leafleting, unlicensed taxis, unlicensed businesses, vagrancy and begging”. Chinese commentators argued that this was the first time since mid-2003 that officials had specifically invoked the use of “controversial measures” like RTL at the local level in order to address public order issues in the cities.

On 7 February 2007, the Beijing Public Security Bureau announced that during the coming year, the police would extend terms of EDR from six months to one year as they shifted the focus of their anti-drugs efforts from public entertainment venues toward targeting individual users.

In September 2007, reports emerged of secret detention centres established on the outskirts of the capital by Beijing liaison offices of provincial governments in China to detain petitioners before they could be forcibly returned to their hometowns.²⁵ Petitioners were crowded into these facilities with poor food and no proper sanitation facilities or health care. Some sources also reported that guards often beat detainees. Local rights advocates condemned the facilities, stating that they “operate completely outside China’s judicial system, have no legal basis in Chinese law and violate due process rights guaranteed in international human rights conventions.”²⁶

In December 2007, 69 well-known Chinese scholars, including economist Mao Yushi and law professor He Weifang, sent letters to the NPC calling for abolition of RTL. Professor Mao reportedly said the system was inherently flawed since it led to “wrongful convictions because of a lack of due justice such as representation by a defence lawyer”.²⁷ However, long-heralded legislation to replace RTL has remained in draft form within the National People’s Congress. There are no signs that it is likely to be promulgated in the near future.

²³ See ASA 17/050/2008 p.18 and “Thousands of Falun Gong adherents arrested throughout China in run-up to Olympics”, *Falun Dafa Information Center*, 7 July 2008. Detained Falun Gong practitioners are at high risk of torture or other ill-treatment in detention. See “Yu Zhou dies as China launches pre-Olympic purge of Falun Gong”, *The Sunday Times*, 20 April 2008.

²⁴ See ASA 17/046/2006 p.9 and ASA 17/050/2008 p.21.

²⁵ See “‘Black jails’ in the host city of the ‘Open Olympics’”, *Chinese Human Rights Defenders (CHRD)*, 21 September 2007. See also “Exclusive – secret Chinese jail makes silencing protests a business”, *Reuters*, 11 September 2007.

²⁶ Quote from Mr. Zhong, “‘Black jails’ in the host city of the ‘Open Olympics’”, *CHRD*, 21 September 2007.

²⁷ “Mao’s education through labour system under fire,” *SCMP*, 5 December 2007.

In January 2008, Beijing police launched a new campaign to “eradicate illegal activities in the Tiananmen Square and along the Chang’an Avenue in the run up to the Olympic Games.”²⁸ It was aimed at “uprooting illegal activities that tarnish the city’s image and affect the social order.” The key targets were beggars, unlicensed, peddlers, flyer distributors and illegal taxi drivers. As noted above, the police had already explicitly extended RTL to cover such crimes.

At the end of June 2008, Shanghai police sent notices to activists and petitioners based in the city ordering them to report to the police every week.²⁹ Some were briefly detained by police. The new rules barred them from leaving the city without permission and warned them against speaking with foreigners or visiting Beijing until after the Olympics. According to one notice, obtained by the Hong-Kong based Information Centre for Human Rights and Democracy, the rules, in effect from 1 April 2008 to 31 October 2008, were “to ensure social security during the Beijing Olympic Games.”³⁰ The notice added that those violating the rules “may be warned, detained or face criminal punishment.”

In the same month, local authorities in other parts of China also warned petitioners not to travel to Beijing. For example, local authorities and police in Lishui city, Zhejiang province, were ordered not to take leave from July to September in order to ensure “zero petitions to the provincial and national government.”³¹ In the aftermath of the earthquake in Sichuan province, local education authorities in the provincial capital, Chengdu, urged schools to “set up effective plans to ensure stability” and called for 24-hour surveillance to “absolutely prevent petitioners from going to Beijing.”³² Several news reports also indicated that some protesting parents were beaten and detained by the police.³³

Case updates

Falun Gong practitioner **Bu Dongwei** continues to serve a term of two-and-a-half years in RTL at Tuanhe RTL facility in Beijing after the police found Falun Gong literature in his home and detained him on 19 May 2006. His health has deteriorated in detention – especially his eyesight, possibly due to mal-nourishment. Amnesty International considers him to be a prisoner of conscience, detained in violation of his rights to freedom of expression and religion, and continues to call for his immediate and unconditional release.

Rural activist, **Liu Jie**, continues to serve a term of 18 months RTL in Heilongjiang province, northeast China after she organized a public letter

²⁸ “Beijing police crack down on beggars, peddlers near Tianamen Square”, *Xinhua*, 2 January 2008.

²⁹ “Shanghai to restrict dissidents during Olympics,” *Associated Press*, 24 June 2008; “Activists warned on Olympic protests,” *New York Times*, 26 June 2008.

³⁰ “Shanghai to restrict dissidents during Olympics,” *Associated Press*, 24 June 2008

³¹ “Activists warned on Olympic protests,” *New York Times*, 26 June 2008.

³² “Activists warned on Olympic protests,” *New York Times*, 26 June 2008.

³³ See, for example, “Police detain parents after China quake city protest”, *Reuters*, 21 June 2008.

urging leaders at the 17th CCP Congress to introduce political and legal reforms, including a call for the abolition of RTL. On or around 22 May 2008, the authorities transferred Liu Jie from Qiqihaer RTL facility to Harbin Drug Rehabilitation Centre together with around 30 other inmates.³⁴ Local associates of Liu Jie consider the transfer to be a punishment for protesting conditions of detention in Qiqihaer RTL facility. Local sources report that facility inmates are forced to work for fourteen hours per day to make handicrafts using chemical dye, which causes headaches as well as skin and eye problems.

According to local sources, detention officials have tortured Liu Jie, although it is unclear whether this happened in Qiqihaer or Harbin. For five consecutive days in May, she was forced to sit upright on a long bench (known as the 'tiger bench') with her hands tied behind her back, her thighs tied to the bench, and her feet raised off the floor on bricks. This caused injury to her legs. Amnesty International fears for her safety and continues to call for her immediate and unconditional release.

Housing rights activist **Wang Ling** and land rights activists **Wang Guilin** and **Yu Changwu** continue to serve terms of RTL after being detained by the police in separate cases.³⁵ Their current conditions of detention are unknown. Amnesty International considers them all to be prisoners of conscience detained solely for their peaceful human rights activities and continues to call for their immediate and unconditional release.

Chinese activists – persecuted for human rights advocacy

Many human rights defenders continue to be detained, prosecuted and imprisoned as prisoners of conscience after politically motivated trials, while others are being held under "house arrest" as prisoners in their own homes.

As the Olympics approach, human rights defenders who attempt to report on violations, challenge policies which are deemed politically sensitive, or try to rally others to their cause face a serious risk of abuse. Those who have made connections between human rights and the Olympics have been specifically targeted in the pre-Olympics "clean up". The police have also used control, surveillance and arbitrary detention against members of activists' families, in an apparent attempt to apply more pressure. Such methods have often contravened Chinese criminal procedure as well as international human rights standards.

The authorities continue to use several provisions of the Criminal Law as political tools to suppress dissent. Broadly defined categories of crimes, such as "separatism", "subversion", "disturbing public order", "endangering state security" and "leaking state secrets" continue to be used to prosecute those

³⁴ According to local sources, the centre is used for detaining suspected prostitutes and juvenile offenders as well as drug addicts. Local associates of Liu Jie claim that she is not (and has never been) a drug addict.

³⁵ Beijing-based housing rights activist Wang Ling was assigned to 15 months RTL in October 2007 for signing petitions and preparing banners in protest against the demolition of her property to make way for Olympics construction projects. She is believed to be held at Daxing RTL facility in Beijing. Wang Guilin and Yu Changwu, both rural land rights activists from Fujin city, Heilongjiang province were assigned to 18 months' and two years' RTL respectively in January 2008. They had been involved in a long-running dispute with local officials about land expropriation in Fujin city. For further information, see ASA 17/050/2008, pp.20-21.

engaged in legitimate and peaceful human rights activities. Despite repeated calls from reformists at home and overseas, the authorities have so far failed to review these provisions with a view to amending or repealing them so that they cannot be used to prosecute individuals in violation of their human rights.

Attempts to prevent or impede the peaceful activities of human rights defenders run counter to the UN Declaration on Human Rights Defenders³⁶ and promises made by the Chinese authorities that human rights will improve as result of Beijing being awarded the Olympics. Many of the activists persecuted in the run up to the Games are lawyers and legal advisors who play a crucial role in securing the rule of law and the protection of human rights in any society.

The vulnerability of Chinese lawyers was underscored in May 2008 when the authorities refused to renew the law licenses of Beijing-based lawyers Teng Biao and Jiang Tianyong. Both had signed up to an open letter issued by 18 lawyers on 3 April 2008 offering free legal counsel to Tibetans arrested in connection with the recent unrest. According to one of these lawyers, Chinese authorities warned the lawyers and their law firms not to get involved in Tibetan issues. Jiang Tianyong's law license was eventually renewed at the end of June, but Teng Biao's has not yet been renewed, effectively preventing him from taking on legal cases.³⁷

Case updates

In June 2008, Amnesty International issued urgent appeals after the police detained Sichuan-based human rights activist **Huang Qi** on suspicion of "illegally acquiring state secrets".³⁸ The reason for his detention is unclear, but according to local sources, it was prompted by his work in assisting the families of five primary school pupils to bring a legal case against the local authorities. The five pupils died when the school buildings collapsed in the earthquake in Sichuan in May. Their families believe that corruption – involving local authorities – resulted in poor standards of construction of some of the public buildings that collapsed in the earthquake. They are demanding compensation.

As this report goes to print, it is uncertain whether the authorities will release housing rights activist **Ye Guozhu** on 26 July 2008 when his sentence is due to come to an end. The authorities may use his attempts to challenge his conviction as a pretext to extend his imprisonment beyond the Olympic Games. Even if released, he remains at risk of tight surveillance by the police and restrictions on his rights to freedom of expression and

³⁶ This is officially known as *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 General Assembly Resolution 53/144 (Distr. GENERAL A/RES/53/144, 8 March 1999. For further information see ASA 17/045/2004.

³⁷ For further information on official harassment of Teng Biao, including arbitrary detention by the police, see ASA 15/050/2008, p. 8.

³⁸ See Amnesty International urgent action, UA 172/08, Incommunicado detention/fear of torture or ill-treatment, Huang Qi (ASA 17/084/2008). Huang Qi had previously served a five-year prison sentence for "subversion" after he set up a website www.64tianwang.com in 1998 to help family members trace missing relatives who remained unaccounted for following the crackdown on the 1989 pro-democracy movement. The website also included reports about the independence movement in the Xinjiang Uighur Autonomous Region and the banned Falun Gong spiritual movement. The court verdict also referenced the posting of an Amnesty International report on Huang Qi's website: *The People's Republic of China, Tiananmen – Eleven Years on – Forgotten Prisoners* (ASA 17/017/2000, May 2000).

association. The police had already employed similar tactics against his relatives, Ye Guoqiang and Ye Mingjun, by detaining them for continuing to protest forced evictions and warning them not to speak to foreign media following their release.³⁹

Ye Guozhu was convicted of “picking quarrels and stirring up trouble” on 18 December 2004 in connection with his efforts to organize a demonstration against alleged forced evictions in Beijing in connection with preparations for the Olympics. He reportedly continues to suffer from health problems, partly as a result of being beaten with electro-shock batons and being subjected to periods of “discipline” in prison.⁴⁰

On 31 March 2008, the IOC informed Amnesty International that they had raised Ye Guozhu’s case with the Chinese authorities who responded that his case was related to “an urban renewal project along the south central axis of the city” and had “no connection with Olympics venues or construction”. Amnesty International rejects these assertions. Ye Guozhu’s home and business were located within a “central axis line” (*zhongzhou xian*, 中轴线), which the Beijing city authorities explicitly listed as a site for redevelopment in 2003 as part of a broader “Cultural Olympics Heritage Protection Project” (*renwen aoyun wenwu baohu jihua*, 人文奥运文物保护计划).⁴¹ Both the verdict in Ye Guozhu’s case and an official document from the Xuanwu district government obtained by Amnesty International state that Ye Guozhu’s home was located on Guangmingli, Tianqiaonandajie, Central Axis Road (*Zhongzhoulu*, 中轴路) in the Xuanwu district of Beijing. The documents also confirm that his home was demolished after the area was listed as a “key environmental renovation project” in 2003. Online maps of Beijing show that the immediate vicinity contains several sports facilities, including the Xiannongtan stadium (先农坛体育场), located on or adjacent to the former site of Guangmingli, and described in the Chinese press as a “major Olympics site”.⁴²

Hu Jia was sentenced to three-and-a-half years in prison on 3 April 2008 for “inciting subversion” after being detained by police in December 2007. The previous month he had participated via web-cam in a European Union parliamentary hearing in which he stated that China had failed to fulfil its promises to improve human rights in the run-up to the Olympics. He had also made efforts to publicise his views in his writings and with foreign journalists. The verdict clarifies that some of these writings were essays about the plight of other activists and prisoners in China, including lawyer Gao Zhisheng and housing rights activist Ye Guoqiang (brother of Ye Guozhu). Another essay cited in the verdict is entitled “Police continue to violate citizens’ rights ahead of the 17th Communist Party Congress” (which took place in October 2007). The verdict also states that one aspect of his

³⁹ For further information, see ASA 17/050/2008 p.9

⁴⁰ For further information, see ASA 17/046/2006, p. 10 and ASA 17/015/2007, p.14

⁴¹ See <http://baike.baidu.com/view/17649.htm>

⁴² The stadium was reportedly constructed in the 1950s as China’s first sports venue equipped with floodlights. The area has reportedly seen extensive development in the run-up to the Olympics. See, for example, <http://en.beijing2008.cn/news/olympiccities/beijing/n214201139.shtml> and <http://chinavr.net/bj2008/index.htm>.

“crime” was to accept interviews with the foreign media in order to “incite others to subvert state power”.

Hu Jia is serving his sentence in Chaobai prison, just outside Beijing. Ye Guozhu was initially held in the same prison where guards reportedly beat him with electroshock batons towards the end of 2006. There are no signs that Hu Jia is being subjected to similar abuse, but there are continuing concerns about his conditions of detention.

Hu Jia suffers from liver disease due to Hepatitis B infection. Prison authorities verbally rejected Hu Jia's application for medical parole on 5 June 2008, telling his family that according to regulation, he could only apply for this after he finished one third of his sentence. The family has been unable to provide him with medicine. He is receiving some medication from prison authorities, but his family are concerned that this may not be adequate.

His wife, Zeng Jinyan, was able to visit him on 5 June 2008 together with his mother and baby daughter, and again on 9 July 2008. They were only able to communicate through a glass window and were concerned that he looked quite pale, apparently due to lack of outside exercise. According to his relatives, he is held in a single cell but guards have appointed four other prisoners to monitor him. He is not being forced to work at present, but is undergoing “reform”, which includes being forced to sing “reform songs”.

Zeng Jinyan continues to be held under tight surveillance with police officers still stationed outside her apartment building. They follow her when she leaves and search all visitors, forcing them to show their identity cards. This has also caused disruption to her neighbours and made it impossible for her to employ a nanny to help with childcare. The police allowed her to go and stay with Hu Jia's mother for approximately three weeks in June 2008, but they followed her there in police cars and continued to monitor her movements.

Blind activist **Chen Guangcheng** continues to serve a sentence of four-years-and-three-months in prison after he tried to bring local officials in Shandong to book for conducting a campaign of forced abortions and sterilizations in pursuit of birth quotas which affected thousands of local women. He continues to be denied access to Braille reading materials or a radio, and guards reportedly sometimes fail to bring him food at mealtimes.

Chen Guangcheng's wife, **Yuan Weijing**, continues to be monitored by around ten police officers stationed outside her home. Unknown individuals, apparently hired by the local authorities and acting under instruction from the police, physically stop her when she tries to leave her home. She is suffering from chronic toothache, but continues to be prevented from visiting a dentist.

Land rights activist, **Yang Chunlin**, continues to serve a five year sentence for “inciting subversion” after he spearheaded a petition campaign under the banner “We don't want the Olympics; we want human rights.” He has not yet been transferred to prison and continues to be held in Jiamusi Heitong police detention centre. When a member of his family complained about the beating he suffered in court, a court official apparently admitted

that it had been authorized by the court as a punishment for challenging the power of the state.

During a meeting with his lawyers on 28 March 2008, Yang said he was also beaten by detention centre guards on 5 March 2008 after he had criticized the conduct of some prison officials. This caused damage to his eye, apparently delaying the announcement of the verdict until 24 March when visible evidence of the injury had disappeared. He also told his lawyers that detention officers had chained his arms and legs together with one single iron chain for eight days in August 2007 making it impossible to move.

He was only able to have his first meeting with members of his family on 10 July 2008, one year after he was first detained by the police.

Media and internet freedom – promises unfulfilled

On 8 July 2008, with one month to go before the Games, the Chinese authorities opened three press centres for the Olympic Games, which were due to operate on a 24-hour basis beginning 25 July.⁴³ On the same day, a senior executive with state-controlled China Central Television (CCTV) confirmed that the station would broadcast Olympic events live “without time delay” so that the audience will see “what is really taking place as it happens”.⁴⁴ His comments appeared to be prompted by concerns expressed by the IOC and other Olympics stakeholders that the authorities may seek to incorporate a delay in transmission in line with current practice, even for so-called “live transmission”.

In view of current patterns of media censorship and control in China, concerns remain that the authorities may seek to block broadcasting of anything deemed sensitive or inappropriate during the Olympic Games. Despite the introduction of new media regulations increasing the freedom of foreign reporters to cover news stories in China, overseas journalists continue to report being obstructed or hampered from conducting interviews. The Foreign Correspondents Club of China (FCCC) documented approximately 180 incidents in 2007. By July 2008, this had increased to 230, including over 40 cases after the unrest in Tibet in March and more than 12 after the Sichuan earthquake in May.⁴⁵

This includes the case of an *Irish Times* journalist, Clifford Coonan who, together with a photographer, was turned away from the home of the parents of a child who had died in the Sichuan earthquake by plainclothes police. The local authorities later further “harassed Coonan, intimidated his Chinese sources in a bid to prevent them from giving interviews, and compelled the photographer to erase photos.”⁴⁶ The parents asked Coonan to accompany them to file a petition at the local court, but he was blocked by local police. “We were told to leave by a polite court official,” said Coonan. “Then as we were leaving, two extremely gruff uniformed police approached the car and made the photographer wipe his memory card.”⁴⁷

⁴³ These are: a main press centre, an international broadcast centre for accredited print and television journalists and an international media centre for non-accredited journalists. See “Largest media centre in Olympic history opens,” *SCMP*, 9 July 2008.

⁴⁴ “CCTV To Broadcast Olympic Events Live Without Delay”, *Xinhua*, 8 July 2008.

⁴⁵ See <http://www.fccchina.org/harras.htm>

⁴⁶ See <http://www.fccchina.org/harras.htm>

⁴⁷ See <http://www.fccchina.org/harras.htm>

As noted above, the authorities banned access to Tibet and Tibetan-populated areas of neighbouring provinces to all foreign journalists following the protests in March. On 26 June 2008, Foreign Ministry spokesperson, Liu Jianchao, announced that foreign journalists could again apply for permission to enter Tibet, after the region was officially re-opened to foreign tourists the previous day. It remains to be seen whether journalists will actually be granted permission, but several have expressed concern to Amnesty International that even if they apply the authorities will find a pretext to refuse permission. Many may be dissuaded from even applying after at least ten foreign journalists were targeted with anonymous death threats on the internet in China amid official allegations of bias in Western media coverage of the unrest and its aftermath.⁴⁸

In June 2008, the Chinese authorities intensified a security clampdown as the Olympic torch passed through the Xinjiang Uighur Autonomous Region, home to the mainly Muslim Uighur community. Foreign journalists covering the event noted that thousands of police and paramilitary troops kept a close watch over the route, lined by crowds of hand-picked onlookers.⁴⁹ One journalist told Amnesty International that local authorities in the southern city of Kashgar had explicitly warned him and other foreign reporters not to interview people on the street during the relay.

Chinese journalists continue to operate in a climate of official censorship and control, with many still languishing in jail for reporting on issues deemed politically sensitive. Internet controls have been increasingly tightened as the Olympics approach with control, regulation and censorship extending to various categories of internet users, including Internet Service Providers, bloggers and website owners. Numerous websites have been closed down for providing information deemed sensitive by the authorities. Internet users who post such information risk detention, prosecution and imprisonment.

In May the authorities blocked access to an internet forum which provided assistance to those infected with Hepatitis B in China.⁵⁰ This followed the censorship and closure of several HIV/AIDS websites earlier this year.⁵¹ Lu Jun, the main co-ordinator of “In the Hepatitis B camp” said the authorities did not provide a reason for shutting it down, but he suspected that it was connected with the Olympics.⁵² The site had already been shut down in November 2007 forcing the owners to move it onto an overseas server. Lu Jun said that at the time an official had told him that the closure was due to the upcoming Olympic Games.⁵³

Case updates

⁴⁸ “The Final Countdown: 100 Days ahead of the Beijing Olympics, Foreign Correspondents Club of China concerned about deteriorating reporting conditions”, 28 April 2008.

⁴⁹ “Tight security for Olympic torch in China’s Xinjiang”, *International Herald Tribune*, 19 June 2008.

⁵⁰ The World Health Organization considers Hepatitis B to be endemic in China with over 120 million people infected with the virus (around 10 per cent of the population). Even though it cannot be spread by casual contact, reports suggest that carriers of the virus are widely discriminated against in education and employment.

⁵¹ See ASA 17/050/2008, p.17.

⁵² “Blockade of NGO websites seen as pre-Olympics crackdown”, *SCMP*, 25 June 2008.

⁵³ “Group warns China on website shutdown”, *Financial Times*, 25 June 2008.

In separate cases, **Huang Jinqiu** and **Yang Tongyan** continue to serve 12-year prison sentences for “inciting subversion” because of material they wrote in support of political and democratic change that was posted on the internet. Amnesty International has received no further information about Yang Tongyan, but has learnt that Huang Jinqiu is currently taking a course in international business and trade in prison. He is allowed to call and speak to his family every month, and was pleased to receive around 100 greetings cards from people around the world in early 2007, including from Amnesty International members concerned about his situation.

Shi Tao continues to serve a 10-year sentence in Deshan prison for sending an email summarizing a Chinese Central Propaganda Department communiqué on how journalists should handle the 15th anniversary of the crackdown on the 1989 pro-democracy movement. Following a prison visit in May 2008, Shi Tao’s brother stated that his conditions of detention had improved. Shi Tao is not being forced to work and is allowed to read newspapers and listen to the radio. Also in May the SPC rejected an appeal to review his case which had been submitted by Shi Tao’s mother, Gao Qinsheng, stating that there was no appropriate procedure for such a review. The prison authorities have also turned down his mother’s request to grant Shi Tao medical parole due to stomach problems, but stressed that he would be given appropriate medical care in prison.

Foreign Olympics’ visitors – rights restricted?

On 2 June 2008, Beijing Organizing Committee for the Olympic Games (BOCOG) published guidelines which risk violating rights to freedom of expression and association of foreigners intending to visit China to attend the Olympics, including athletes, officials and other visitors.⁵⁴

The regulations state that foreigners must not “endanger state security, harm the rights and interests of society or disrupt social stability”. Foreign visitors are also prohibited from committing acts of “subversion” or other activities deemed to “endanger the national interest”. They are warned not to bring into China any materials (including printed matter, DVDs etc) which “harm China’s politics, economy, culture or morals” or to take any materials out of China whose contents “involve state secrets”. The guidelines also state that entry to China will be denied to anyone “considered likely to engage in activities which endanger state security and the national interest”.

The wording of such provisions parallels the vague and broad wording of state security offences in the Chinese Criminal Law which have long been used by the authorities to prosecute and imprison peaceful Chinese activists as prisoners of conscience in violation of their rights to freedom of expression (including the individuals listed above).

The regulations also prohibit foreign visitors from displaying any “slogans, banners or other materials of a religious, political or racial nature” in Olympics facilities.

⁵⁴ These are available in Chinese on the BOCOG website at <http://www.beijing2008.cn/news/official/bulletin/official/n214387789.shtml>
An unofficial Chinese translation prepared by Human Rights in China (HRIC) is available here: <http://hrichina.org/public/PDFs/PressReleases/Legal-Advisory-04Jun08-Guidelines-Translation.pdf>

This appears to be based on Rule 51.3 of the Olympics Charter which bans “demonstrations or political, religious or racial propaganda in Olympic sites, venues or other areas”. However, BOCOG’s guidelines contain an additional, broader prohibition on “the display of insulting slogans, banners or other materials at sporting venues”. No definition is given to the word “insulting”, but current practice suggests that it will be interpreted broadly to include anything which the authorities deem to be offensive. The guidelines provide examples of “socially disruptive behaviour” prohibited during “large scale public activities of a cultural or sporting nature”. The list includes “displaying insulting slogans, banners or other materials” as well as a catch-all category: “other behaviour which disturbs the order of large-scale public activities”.

In view of their vague, sweeping wording, Amnesty International fears that the Chinese authorities will use these guidelines as a tool to curtail rights to freedom of expression of athletes, officials and other foreign visitors to China at the time of the Olympics. Anyone bringing in materials, or staging peaceful activities, which are critical of the Chinese authorities risks being targeted.

On 25 June 2008, Amnesty International wrote to the IOC asking the organization to raise these concerns directly with BOCOG and in public to ensure that the guidelines are substantially amended so that they are not used to curtail basic freedoms. Amnesty International noted comments made in the media by Hein Verbruggen, Chairman of the Coordination Commission for the Games of the XXIX Olympiad Beijing 2008 and IOC President Jacques Rogge supportive of the right to freedom of expression of those who visit China for the Olympics.⁵⁵

Such sentiments also appear to be reflected in paragraph 1 of the “Guidelines on the interpretation of Rule 51.3 of the Olympic Charter”, issued by the IOC on 6 May 2008, which clarify that “participants at the Olympic Games may of course express their opinions”. However, Amnesty International is concerned about paragraph 4 of the guidelines which states that the conduct of participants must “comply with the laws of the host state”. Given that current restrictions on freedom of expression in law and practice in China do not comply with international human rights standards, Amnesty International notes that this appears to be inherently incompatible with paragraph 1.

The guidelines also define the scope of Rule 51.3 to be “every area for which an official Olympic accreditation is required”. Amnesty International has asked the IOC to clarify whether this would include non-sporting areas, such as Olympics press or broadcasting centres, where athletes or others may legitimately wish to express their views and should be allowed to do so.

Conclusion and Recommendations

Notwithstanding some important legislative and institutional reforms, Amnesty International considers that on balance the Chinese authorities have so far failed

⁵⁵ Namely, a comment made by Mr Verbruggen to AFP on 4 June that the IOC is not trying to “muzzle athletes”, and that the IOC’s prohibition is limited to “demonstrations in the field of play” http://sports.indiatimes.com/Were_not_trying_to_muzzle_athletes/articleshow/3100201.cms; and a comment by Jacques Rogge that “a person’s ability to express his or her opinion is a basic human right and as such does not need to have a specific clause in the Olympic Charter because its place is implicit”. (<http://www.nytimes.com/2008/06/03/world/asia/03china.html?em&ex=1212638400&en=b059c02f19d94137&ei=5087%0A>).

to fulfil their own commitments to improve human rights. In fact, the authorities have used the Olympic Games as pretext to continue, and in some respects, intensify existing policies and practices which have led to serious and widespread violations of human rights. Within the core areas monitored by Amnesty International, the only sign of significant reform is with regard to the application of the death penalty and the ability of foreign media to cover news stories in China. While these reforms are welcome, they have both been beset by structural weaknesses and a failure to make them fully operational in practice.

In other areas, official policy in the run-up to the Games has actually led to a deterioration in China's human rights situation. The treatment of domestic human rights defenders by the authorities is an important barometer of the extent to which any government respects human rights. Yet rights activists, including lawyers and journalists, have faced a growing risk of arbitrary detention, beatings or harassment as the Olympics approach, with many now silenced in prison. In defiance of local and international calls to abolish RTL, the authorities have actually used Beijing's hosting of the Games to extend its use to "cleanse" Beijing of "undesirables", including in some cases petitioners and human rights defenders.

While time is rapidly running out, it remains within the power of the authorities to lift such a climate of repression and persecution so that it does not become a lasting legacy of the Olympics for China. On 8 July 2008, with one month to go before the Olympics, Amnesty International published an Open Letter to President Hu Jintao urging his administration to grasp the opportunity of the Olympic Games to implement the following five recommendations - supported by many inside and outside China - before the Games begin:⁵⁶

Release all prisoners of conscience - including Ye Guozhu, Hu Jia, Yang Chunlin and any others detained in connection with the hosting of the Olympics solely for expressing their views peacefully;

Prevent the police from arbitrarily detaining petitioners, human rights activists and others as part of the pre-Olympics "clean-up";

Publish full national statistics on the death penalty, commit to a reduction in the number of capital crimes - especially those for non-violent offences - and introduce a moratorium on executions in line with UN General Assembly resolution 62/149 adopted on 18 December 2007;

Allow full access and freedom of reporting for both Chinese and international journalists in all parts of China in line with promises of "complete media freedom" in the run-up to the Games;

Account for all those killed or detained in the wake of the March 2008 protests in Tibet, particularly the 116 people officially acknowledged to still be in custody, and ensure that those detained for their involvement in peaceful protests are released and that others receive a fair trial.

Pressure from the international community is a key factor that can still help to secure change. To this end, Amnesty International reiterates its recommendations to other governments and the IOC:

⁵⁶ These are distilled from previous recommendations to the Chinese government. For a full list, please see ASA 17/050/2008.

In order to prevent a negative human rights legacy for the Beijing Olympics, Amnesty International calls on world leaders, including those who plan to attend the Olympic Games, to use their influence with the Chinese authorities to take urgent action in line with the above recommendations. Governments are urged to express these concerns publicly, especially over the plight of individual activists in China. A failure to express concerns strongly and publicly may also be interpreted as a tacit endorsement of the human rights violations perpetrated in preparation for the Olympic Games. In order to uphold the Fundamental Principles of Olympism with respect to “human dignity” and “universal fundamental ethical principles” and in attempt to secure a positive legacy of the Olympics for Beijing and China, Amnesty International urges the IOC to use its influence with the Chinese authorities to take urgent action in line with the above recommendations. The IOC should express these concerns publicly, especially over the plight of individual activists in China.

Amnesty International also urges the IOC to intervene over BOCOG’s guidelines for foreign visitors to China during the Olympic Games, urging the authorities to substantially amend the guidelines so as they are not used to curtail basic freedoms.

While welcoming efforts by the IOC to clarify the scope of Rule 51.3 of the Olympic Charter, in light of conflicting Chinese regulations, Amnesty International also urges the IOC to address the apparent incompatibility of paragraph 1 (which underscores that Olympic participants may express their opinions) and paragraph 4 (which states that the conduct of participants must comply with the laws of the host state). The IOC is also urged to clearly state whether it considers the scope of Rule 51.3 to include non-sporting areas, such as Olympics press or broadcasting centres.