



## **Human Rights in China**

### **Guo Feixiong and Freedom of Expression in China**

**Before the:**

**U.S. House of Representatives  
Committee on Foreign Affairs**

**Testimony by:**

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Thank you Mr. Chairman and members of this Committee; Amnesty International USA is pleased to testify at this important hearing.

This hearing is important because of the scale of human rights abuses in China and the urgent need for the US to address those abuses.

I would first want to address the main focus of this hearing, the plight of Guo Feixiong and followed that with a review of the current human rights situation in China.

### **Guo Feixiong**

Yang Maodong, better known by his pen-name Guo Feixiong, a human rights defender based in Guangdong province on the South China Sea coast, has been arbitrarily detained for over two months. He is at risk of torture and other ill-treatment. Amnesty International considers Guo Feixiong a prisoner of conscience, who should be immediately and unconditionally released.

Human rights defender Guo Feixiong was detained on suspicion of “gathering a crowd to disrupt order in a public place” on August 8, 2013. His sister received his detention notice on August 17. Neither his family nor his lawyer have received notification of his formal arrest, although the police have now detained him beyond the legal 37-day limit by which such a formal notice must be given. The charge of “gathering a crowd to disrupt order of a public place” carries a maximum sentence of five years in prison. He is being held at the Guangzhou City Tianhe District Detention Center, where he remains at risk of torture and other ill-treatment in detention.

Police denied Guo Feixiong's lawyers, Sui Muqing and Ling Qilei, access to him on five occasions, most recently on September 26 on the grounds that the case is of a "serious nature", and stating that the lawyers had to file a formal application to meet Guo Feixiong.

However, under China's Criminal Procedure Law, only crimes of "endangering state security, terrorism or a particularly serious crime of bribery" require lawyers to receive permission to meet with their clients.

Guo Feixiong's detention is believed to be in connection with his involvement with the "New Citizens' Movement", a grass roots movement of citizens calling for greater government transparency and an end to corruption.

In May 2012 in the article "China Needs a New Citizens' Movement", prominent human rights defender Xu Zhiyong describes the "New Citizens' Movement" as a peaceful cultural, social and political campaign. The activities he suggested people take include disseminating the "New Citizen Spirit" online and in the streets; practicing "New Citizen Responsibility" by rejecting corruption and by doing good for society; using the "Citizen" sign or other identifying methods; participating in civic life by holding meetings to discuss the political situation; helping the weak; and uniting to share and coordinate work.

Around 60 individuals have been criminally detained or subjected to enforced disappearance in the last few months in connection with this movement. Twenty-nine of these individuals are known to have been formally arrested to date.

Guo Feixiong is a writer; rights advocate and was once a legal adviser with the Beijing-based Shengzhi Law Office. He has supported various human rights causes in the past decade.

In 2005 he participated in a hunger strike in response to a call by prominent human rights lawyer Gao Zhisheng for a "hunger strike group" to protest the government's crackdown on human rights activists. The hunger strike was also a protest against his previous detention and beatings following his legal support of Taishi villagers who were calling for the ouster of a village official they had accused of corruption in 2005.

In 2007 he was sentenced to five years in prison for "illegal business dealings" (Article 225 of the China's Criminal Law). Guo Feixiong states that he was tortured into confessing this crime, leading him to attempt suicide. Guo Feixiong claims to have been deprived of sleep for seven nights, beaten and tied down for 40 days in custody in Guangzhou No. 1 detention center, Guangdong Province, in late 2006. On January 19, 2007, he was transferred to Shenyang city, Liaoning province, to "facilitate investigation." He was tortured allegedly by police who strapped him down onto a so-called "tiger bench" for four hours, hit him with an electric prod in arms and legs and genitals while hung from the ceiling by his arms and legs, and slapped him until his face was swollen. He claims he attempted suicide the following day.

In January 2013, Guo Feixiong supported the staff protest of Southern Weekly against political interference in editorial matters. In March 2013, he helped organize a signature campaign to urge the National People's Congress to ratify the International Covenant on Civil and Political Rights which China signed in 1998, but has not yet ratified.

Guo Feixiong has a wife and two children who were granted political asylum in the US in November 2009.

### **Current Human Rights Situation in China:**

Human rights violations in China are committed on an enormous scale. Let me speak briefly to the major categories of violations.

First, hundreds of thousands of individuals are held under administrative detention, including the "re-education through labor" system. They may be detained in labor camps for up to three years without charge or trial.

Second, China often intimidates, harasses, assaults, abducts, arrests, and places under house arrest lawyers and other human rights defenders who dare to speak out against injustice or try to protect the rights of others.

Third, China continues to execute more prisoners than the rest of the world combined, usually following unfair trials with no right of appeal.

Fourth, torture by law enforcement personnel is endemic, resulting in many prisoners' deaths while in custody.

Fifth, thousands face brutal religious persecution and political repression. Religious persecution has led to the detention and repression of thousands of Tibetans, Uighurs, "unofficial church" members, and Falun Gong practitioners. Other targets of repression include democracy activists, political dissidents, advocates of political reform, and people using the Internet to disseminate information deemed by the authorities to be politically sensitive or corrosive to state authority.

Mr. Chairman, the Chinese government's record on keeping its promises on human rights has not been impressive. Assurances by authorities that the human rights situation in China would improve if Beijing were awarded the 2008 Olympics have proved false, and repeated promises to reform the system of administrative detention in China have been left unfulfilled.

## **Below are some of Amnesty International's specific concerns:**

### **Freedom of Expression**

The authorities continue to abuse criminal law to suppress freedom of expression. Over 100 activists, bloggers and others were criminally prosecuted, detained, or placed under surveillance following “Jasmine Revolution” inspired activities which began in February 2011, during which many sought to promote democratic reforms through street gatherings, blog commentary and other forms of activism.

Harsh criminal sentences continue to be imposed on writers, bloggers, journalists, academics, whistle-blowers and ordinary citizens for peacefully exercising their right to freedom of expression, including publishing articles or posting comments online that advocate democratic reform and human rights, exposing official corruption or malfeasance, distributing information on banned religious groups, or touching on a steadily expanding range of politically sensitive topics, including Tibet, Taiwan, and other topics which suddenly generate widespread attention online.

### **Administrative and Arbitrary Detention**

Hundreds of thousands are arbitrarily detained in administrative forms of detention including in “re-education through labor” camps, enforced drug rehabilitation camps, compulsory psychiatric detention and “Legal Education Centers,” often referred to as “brainwashing centers”. They are held, often for years, without due process, including the rights to a fair and public trial by a competent, independent and impartial tribunal, access to legal counsel of one’s choosing, the presumption of innocence, and the opportunity to appeal their sentence through a process of judicial review.

China also operates a growing diversity of arbitrary and illegal forms of detention. Despite having reported their closure, the authorities continue to operate hundreds of “black jails” – make-shift detention facilities used primarily to detain petitioners seeking redress for perceived injustices, for days or months. These may be located in hotels, official hostels, mental hospitals, nursing homes, and other unofficial sites.

An increasing number of human rights defenders including their family members have been put under illegal house arrest, often for years, where they may be deprived of all means to communicate with the outside world.

### **Forced Evictions**

The forced eviction of people from their homes and farmland has become a routine occurrence in China and represents a gross violation of China’s international human rights obligations on an enormous scale. Despite international scrutiny and censure of such abuses amid preparations for the Beijing Olympics in 2008, the pace of forced evictions accelerated over the past three years, as local authorities seek to offset debts by seizing and selling off land. This is in part fuelled by fiscal incentives: unlike other

income streams, revenues from land lease sales are retained in full by local authorities. Such sales now account for the single largest source of revenue for local authorities. As a result, millions of people across the country have been forced from their residences without appropriate legal protection and safeguards.

Individual residents are rarely consulted about these evictions and are frequently given insufficient notice to vacate their homes. Evictees are often offered little or no compensation and inadequate alternative housing. Those who resist are routinely subjected to severe pressure and even violence. Housing rights activists and lawyers often face harassment, the loss of professional licenses, imprisonment and violence. At the same time, violence against evictees and their representatives is rarely prosecuted or punished.

Victims of forced eviction face many barriers to accessing effective remedies. Courts often refuse to accept eviction related appeals, and attempts to petition higher-level government agencies almost always fail. People who peacefully protest against forced eviction risk detention, imprisonment or detention in Re-education through Labor camps. Some resort to drastic measures, including setting themselves on fire or taking up violent forms of protest.

In January 2011, China issued regulations to outlaw the use of violence in urban evictions and granted urban owners facing evictions new protections. These regulations do not, however, provide protection to rural residents and their enforcement has been poor. Moreover, local officials continue to have a fiscal incentive to clear land for development.

## **Torture and Ill-treatment**

Torture and other ill-treatment remains widespread during criminal investigations to extract forced confessions, and continues to be a central feature of detention for the purported goal of “re-education”. Individuals detained on political grounds, in connection with exercising their right to freedom of expression, association, assembly, or belief, are often ill-treated or tortured while in custody in order to coerce them into abandoning their political or religious activities or beliefs that deemed offensive. Petitioners held in detention are routinely ill-treated and often tortured in order to coerce them into abandoning their petitioning activities. The authorities operate hundreds of “Legal Education Training Centers” across the country, designed specifically for the “transformation” of Falun Gong practitioners, where they are coerced into renouncing their beliefs. Those who refuse are at risk of escalating levels of mental and physical torture until they not only renounce their beliefs but actively cooperate with the authorities in the effort to “transform” other practitioners.

Amnesty International continues to receive reports of deaths in custody, some of them caused by torture, in a variety of state institutions, including prisons and police detention centers. Amnesty International has confirmed over a dozen deaths of Falun Gong practitioners in detention as a result of the torture associated with the “transformation”

process. On June 6, 2012, veteran dissident and labor rights activist Li Wangyang was found dead in hospital just days after an interview aired in Hong Kong, in which he spoke about being tortured. The authorities claimed he committed suicide by hanging himself; however, many have questioned the likelihood of this. Li Wangyang was blind, deaf and unable to walk without assistance as a result of being tortured when he was jailed after the 1989 Tiananmen crackdown. He had been jailed twice for a total of more than 21 years.

## **Ethnic Minorities**

The Chinese government's crackdown on any perceived challenge to its authority – which often amounts to nothing but a peaceful expression of opinion or belief – is particularly harsh against individuals belonging to minority groups including Tibetans, Uighurs and Mongolians. They continue to experience severe discrimination and to be harshly criminally punished for what authorities label “illegal religious” and “separatist” activities, but which are often peaceful expressions of cultural identity.

Chinese government policies, including those that limit use of the Uighur and Tibetan language, and severe restrictions on freedom of religion, are destroying customs and, together with employment discrimination, fuelling discontent and ethnic tensions. Such policies have led to at least 119 Tibetans to self-immolate since February 2009.

Hada, an advocate for Mongolian culture, was taken into custody in December 2010, immediately after he completed a 15-year sentence on charges of “espionage” and “separatism”. His wife, Xinna, and son, Uiles, have also been taken into custody a number of times, as punishment for speaking to foreign organizations about Hada's plight.

## **Prisoners of Conscience**

Nobel Peace Prize recipient **Liu Xiaobo** was charged with "inciting subversion of state power" and given an 11-year prison sentence on December 25, 2009 simply for co-authoring a proposal for political and legal reform in China. His wife, **Liu Xia**, has been under illegal house arrest since October 2010 and is not free to communicate with friends or the media.

**Gao Zhisheng**, a human rights lawyer in China, has been subjected to enforced disappearance, torture, illegal house arrest and detention as a result of his work. He has been imprisoned since December 2011 for apparently violating the conditions of his suspended three-year sentence. He has been repeatedly tortured since 2006, and continues to be at high risk of further torture.

Tibetan filmmaker **Dhondup Wangchen** was involved in making a documentary that features a series of interviews with Tibetans who voiced skepticism about the Chinese authorities' promises of greater freedom in the run-up to the 2008 Beijing Olympics. Chinese authorities suppressed the film and initially detained Dhondup Wangchen on

suspicion of "illegal journalism," which is not an offense under Chinese law. He was held without charge for more than a year during which he was beaten and deprived of sleep and food. Dhondup Wangchen was tried in secret and sentenced to six years' imprisonment in December 2009. He has been tortured, subjected to solitary confinement and at times forced to work up to 18 hours a day. He suffers from various medical issues, including Hepatitis B, for which he is not receiving treatment.

**US Government should urge the Chinese authorities to:**

- Immediately and unconditionally release Guo Feixiong and other prisoners of conscience, who were detained solely for peacefully exercising their right to freedom of expression;
- Ensure human rights defenders can voice their grievances and exercise their rights to freedom of association, expression, assembly and movement;
- Shut down all places of detention which deprive individuals of their liberty without due process, including the rights to judicial review and safeguards against torture and other ill-treatment, and to proceed rapidly with clear and transparent plans to reform and eventually abolish all forms of punitive administrative detention;
- Thoroughly investigate all allegations of torture in custody, including those raised by alleged victims or their lawyers, provide proper redress and compensation, and end the impunity of officials who engage in torture and other ill-treatment, including by implementing the necessary institutional reforms to ensure effective enforcement of existing laws prohibiting torture;
- Immediately halt forced evictions, explicitly prohibit them by law, and ensure that adequate safeguards and protections are put in place in line with international law.

Thank you for inviting Amnesty International to testify in this hearing.

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