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## Human rights and Ethics Updates– February 2010

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AsiaNews - [www.asianews.it](http://www.asianews.it)

02/26/2010 15:29

CHINA - TIBET

#### Death sentences and prison for three Tibetan activists. Beijing silences media

The death sentence is suspended; prison for 24 and 16 years. The closed court trial, took place in November, news emerging only in recent days. TCHRD activist: China carries out trials "in secret" and the Tibetans are afraid to spread the news in the fear of retaliation.

Dharamsala (AsiaNews) - The People's Court of Kardze has convicted three Tibetan for "inciting separatism" and "disturbing social order", with sentences ranging from death to 16 years in prison. The judges issued the ruling November 17 last, but the news has filtered through only in recent days. Human rights activists in Tibet explain that the authorities carry out trials "in secret" to prevent the spread of information and the Tibetans themselves are "more cautious" in sending news outside, for fear of retaliation by the Chinese authorities.

On 17 November, the Intermediate People's Court of Tibet Autonomous Prefecture (TAP) in Kardze, sentenced to death - but the sentence was suspended for two years - Pema Yeshe, 28. The courts have imposed a life sentence at Sonam Gonpo, 24 and 16 years in prison Tsewang Gyatso, aka Tsok Tsok, 32. Sources in the Tibetan Center for Human Rights and Democracy (TCHRD) reveal that the three Tibetans come from Thangkyi, the county town of Nyarong (Xinlong Xian, in Chinese), Sichuan Province. The three convicts are accused of "inciting separatism" and "disturbing social order".

The news of their arrest was published March 18, 2009 by the newspaper Ganzi Daily, which reports their arrest on the 11th of that month. According to the report they distributed leaflets praising the independence of Tibet and set fire to Thangkyi government buildings, causing severe damage.

For five months the family heard nothing about their fate until the following August. The three Tibetans, in fact, they were locked up in prison Chengdu and November 17 went on trial. The trial was held behind closed doors and without the slightest respect for human rights, among which there is also the right of defence of the accused. On 10 December, finally, local officials informed relatives of the sentence.

Tashi Choephel Jamatsang member of TCHRD, tells AsiaNews that "just last week we had the confirmation of the sentence" because the trial was held "in secret in November of 2009" and the family "was not informed until a month later ". The activist adds that "Tibetans are very cautious in sending information" abroad, because "too many have been arrested and charged with treason" for having "spread secrets to the outside world." "This - he concludes - explains the delay in releasing the news," but the "concern" about the sentence and the conditions of the Tibetan people remains.

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**Story from BBC NEWS:**

<http://news.bbc.co.uk/go/pr/fr/-/2/hi/asia-pacific/8529989.stm>

**Published: 2010/02/23 10:39:35 GMT**

## **Oxfam puzzled by China criticism**

By Annemarie Evans  
BBC News, Hong Kong

Notices attacking Oxfam Hong Kong as an organisation trying to infiltrate China have appeared on the websites of several universities in mainland China.

They appear to have been put there by China's Ministry of Education.

One of the notices called the development agency an illegal organisation with ulterior motives.

Oxfam staff have said they are puzzled by the accusations; China's Ministry of Education told the BBC it was investigating the issue.

Attributed to China's Ministry of Education, the notices tell students not to get involved in a training programme organised by Oxfam Hong Kong.

The notices claim that Oxfam's head is "a key member of the opposition camp". The head or heads being accused were not named.

'Back off'

The South China Morning Post newspaper in Hong Kong reported that the notice was written in the name of the ministry's Communist Party secretariat and asked students not to join Oxfam's training programme.

“ We've been doing it without any problems for four years and suddenly we get this posting telling the universities to have nothing to do with us ”

John Sayer Oxfam Hong Kong

It was posted initially on the recruitment website of the Minzu University of China on 4 February.

Oxfam Hong Kong's director general, John Sayer, said the development agency was very surprised by the notices.

Oxfam trained young graduates to become programme officers for non-governmental organisations on the mainland, he said.

They had trained 40 graduates so far and there had never been a problem until now, he added.

"We've been doing it without any problems for four years, and with no indication from the

government that there was any problem or it was in any way not suitable or sensitive in their eyes.

"And then suddenly we get this posting on the web telling the universities to back off and have nothing to do with us in regard to this programme," he said.

The students who take part receive a small payment per month, and most of the training takes place in impoverished western China.

It is part of Oxfam's wider poverty alleviation policy.

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## **South China Morning Post**

### **NGOs say they adapt to survive in China**

**Ng Tze-wei**

**Feb 26, 2010**

While it is becoming clearer that Oxfam Hong Kong has fallen foul of the mainland's education departments, crucial questions remain unanswered, including what the charity has done to deserve such treatment and what it means for other NGOs on the mainland.

NGO activists have long described the environment for survival on the mainland as "precarious" since most non-governmental organisations are technically illegal due to stringent registration requirements. However, many said this week that despite the apparent stepping up of government regulation of the NGO sector, as exemplified by the Oxfam incident, overall freedom for NGO work in the country had actually expanded.

There's a catch though: one must become an "NGO with Chinese characteristics".

"In China, to be a successful NGO, one must find the middle ground between maintaining independence, and working with the government," said Wang Liwei, editor-in-chief of *The Charitarian*, a magazine on China's charity work and corporate social responsibility.

"Governing NGOs is still a new thing for the Chinese government, and currently the relationship is still rather like a song we have here: I want to love you but it's not easy," Wang said. "The trend is to welcome international NGOs, but it wants to keep NGO work under government leadership."

While international NGOs have long been allowed into China and were pretty much ignored before due to their limited size and influence, they have been looked on more suspiciously in recent years, especially after the colour revolutions in former soviet states alerted the central government to the harm that international NGOs could do, experts said.

The "Shun Oxfam" notice, posted on a Minzu University website on February 5 but now taken down, did not give much explanation as to why the Ministry of Education called Oxfam "ill-intentioned", but

the apparent crime is that Oxfam arranged volunteer training programmes for university students and internships at so-called rights organisations.

Wang said he was not surprised to hear of the Oxfam incident, since there were signs of tightening regulations on NGOs last year with the closing down of the Gong Meng Open Government Initiative, a legal aid association best known for helping families affected by the melamine-tainted milk scandal.

However, some big, international NGOs are still not alert to the need to actively reassure the central government about their activities.

"In order to carry out work here, international NGOs must be careful in the partners they choose, appoint local executives familiar with the nuances of the Chinese officialdom, as well as put a strong emphasis on making their work transparent," Wang warned.

Dr Deng Guosheng, of Tsinghua University, who specialises in NGO research, said the central government's overall attitude towards NGOs was positive - there are at least 2,000 unregistered international NGOs working in China, according to his estimate. But the Oxfam incident highlights the sensitivity surrounding NGO activities which "promote rights awareness".

"The government's top goal right now is to maintain stability," Deng said. "Rights-promotion NGOs must strike the fine balance between helping the needy assert their rights, while maintaining stability."

Another NGO activist, who asked not to be named, said that Oxfam's weakness might have been its size. Having been on the mainland since 1987 - with hundreds of projects in more than 27 provinces and influence in many sensitive fields - Oxfam's work was likely to attract government scrutiny.

International environmental group Greenpeace said it was not worried about its future work on the mainland after the Oxfam incident since "the nature of work carried out by the two organisations is very different". Greenpeace China campaign director Sze Pang Cheung said: "We have been carrying out public work in China since 2002 and this itself shows tolerance."

But is tolerance good enough?

NGOs are still being closed down under the pretext of illegal association, tax evasion and conducting unauthorised surveys. And a recent tightening up on transfers of foreign funds to charities on the mainland could stifle some cash-strapped NGOs, mainland activists said.

But they still harbour hope.

"There is still immense pressure on us, but I'd say on the whole we see positive developments for our work," said Wan Yanhai of outspoken Aids organisation Aizhixing. "Yes, Gong Meng was closed down, but the founder was released in the end. This again gives us hope."

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**Radio Free Asia**

**Call To End China's Gulag**

**2010-02-22**

**A former official lobbies China's central government to abolish labor camps.**

HONG KONG—A former official in northeastern China who was sent to labor camp after she organized a petition calling for the abolition of China's gulag, has renewed her call in a letter to China's leaders ahead of this year's annual parliamentary sessions in Beijing.

Liu Jie, former director of a state livestock farm under the jurisdiction of Heilongjiang's provincial general land reclamation bureau, was herself sent for "re-education through labor" by administrative sentence, which can be imposed for up to three years without trial, after signing the October 2007 petition along with 12,000 others.

Liu, 56, was released in April 2009 after serving 18 months in a labor camp in Qiqiha'er, where she was sent for "instigating trouble" and "disturbing social order."

"I know Liu Jie," said Beijing-based civil rights lawyer Li Heping. "She made several official complaints but with no result. She has been beaten, detained, and sent to labor camp."

Li said the entire gulag system was based on a State Council document titled Guidelines for Management of Re-education Through Labor, which allowed the police to send people to labor camp for up to three years, with the possibility of extension to four years.

"Currently, a huge proportion of people are being sent to labor camp," Li said. "But there has been some change in the system. That is to say, according to police sources, that sentences are getting shorter."

"Mostly, sentences are now no longer than two years."

Remnant of slavery

Li said the labor camp system was unconstitutional.

"It is also against certain legislation in China. It is a fundamentally illegal thing...The [State Council] guidelines are null and void, and therefore any detention under those guidelines is unlawful."

"It is also a remnant of a slavery system, which shouldn't exist in a socialist society," Li said.

U.S.-based rights activist Liu Nianchun called China's gulag system an unregulated tool of punishment used by officials according to their whims.

"China's political system is a rule of individuals, not a rule of law," Liu Nianchun said. "It suits those in power, because it means that what they say is law."

"The police don't have to worry about whether anyone disagrees with them. They can use this punishment with total freedom."

He said the authorities were unlikely to respond to Liu Jie's request.

"It won't be abolished," Liu Nianchun said. "There's a lot more freedom inside a labor camp than in a prison, and I've been to both."

"In a labor camp you can pretty much do what you want to the inmates."

Liu Jie's letter, addressed to top legislator Wu Bangguo and top political adviser Jia Qinglin, also called for an end to the detention and harassment of China's thousands of petitioners who seek redress for grievances against the government.

She called for funds to be directed instead toward resolving some of the petitioners' complaints by addressing their grievances and allegations of official wrongdoing.

'Keep trouble in the townships'

China's State Council announced its intention last month to close thousands of representative offices of county-level governments in Beijing after their implication in a series of corruption and expense-account scandals.

The official magazine Outlook Weekly said central authorities had ordered the closures to occur within six months.

Meanwhile, a top law enforcement official has called on Chinese local authorities to "keep trouble in the townships," referring to the tens of thousands of clashes that happen annually between protesters and the authorities around the country.

In a clear endorsement of recent crackdowns on petitioners seeking redress for grievances against the government at a higher level of authority, Zhou Yongkang said "conflict should not be handed up to a higher level."

The U.S.-based Laogai Research Foundation estimates at least 500,000 people are currently detained in China's labor camps, including both laogai, or "reform through labor" camps, and lao jiao, or "re-education through labor."

The Chinese Ministry of Justice says 190,000 people are being "re-educated through labor."

The law permits non-judicial panels to sentence people without trial to three years in labor camps or other administrative detention programs, which can be extended by up to a year.

Original reporting in Mandarin by Yang Jiadai. Mandarin service director: Jennifer Chou. Translated and written for the Web in English by Luisetta Mudie. Edited by Sarah Jackson-Han.

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## Party's new code of ethics to stop river of corruption

by Wang Zhicheng

The guide lists 52 "unacceptable" practices from receiving bribes to being involved in business, from helping their relatives to owning shares in foreign companies. But the code is only for internal use with and without power. "It's like a patient trying to cure himself." Democracy excluded. Corruption affects about 3% of GDP.

Beijing (AsiaNews) - The Chinese Communist Party Central Committee has issued a new code of ethics for its cadres to ensure transparency at work and prevent corruption. According to President Hu Jintao corruption in the party so great it endangers its survival. There are 52 guidelines that specify "unacceptable" practices for leaders and managers, including: accepting cash or financial instruments as gifts, and using their influence to benefit their spouses, children or "special concerned persons" with regards to their employment, stock trading or business.

It fell to He Guoqiang, member of the Politburo Standing Committee, to present the guide, a revised and more analytical version of a similar publication, published in 1997. He stressed that leaders of the party must "serve the people" and should not mix their private interests in government land sales, construction, in housing developments, in mining, in industrial restructuring in the brokerage services. Party members are also urged not to design government buildings or buy luxury cars and use nabobs.

The new guidelines appear to describe as negative ("do not do ...") what in reality happens in the positive. Many of the riots, strikes, sit-ins that occur each day in China actually come from the frustration of the population that sees its leaders and members of the Party fatten at the public expense, seizing land for its own projects, provision and helping children to become industry manager, by providing precise percentages in bribes for contracts (10 to 25%), using public funds to private investment funds accumulated by illegally exporting abroad. The new ethical guide reveals that from 1978 to 2003 about 4 thousand corrupt government officials have fled abroad with at least 50 billion U.S. dollars. According to analysts, the endemic corruption of politicians and entrepreneurs (titles that often coincide), "costs" the equivalent of 3% of gross domestic product annually.

The Central Committee praised the new ethics guide as "an important rules of the Party." But according to analysts and dissidents, the problem lies here: the investigation on Party corruption is itself corrupt. "It's like a patient trying to heal himself," said an activist for human rights.

In the past, President Hu Jintao and Premier Wen Jiabao warned Party leaders that corruption is likely to be the battle ground for the very survival of the party. Until two years ago the introduction of internal democracy for party posts, so as to prevent the rise to power of corrupt members, was being discussed. But the discussion stalled and the latest promotions were all the "princes", the sons of prominent persons of the party.

A witness to the futility of these ethical codes is the data (offered by the Supreme Court of Beijing).

According to the latest available data, in 2006, out of 33 thousand officially reported cases of corruption, only 1600 officers were arrested and more than 80% of those criminally convicted avoided sanctions. Although officials are banned from having any economic interest in coal mines (as the new code reaffirms) in 2006 about 95% of officials involved in the ownership of collapsed mines were acquitted. In 2005, 110 thousand officials were punished, but most only with disciplinary action.

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**AsiaNews - [www.asianews.it](http://www.asianews.it)**

**02/16/2010 12:18**

**CHINA**

## **Liu Xiaobo's conviction killed the constitution, Bao Tong says**

**by Bao Tong**

The great dissident, a former secretary and friend of Zhao Zhiyang, urges the people of China to wake up and break the regime's chains as well as establish the rule of law and a real republic. The 11-year sentence inflicted on the author of 'Charter 08' shows that the Chinese live under a dictatorship and that for the Party "China's Constitution is a piece of useless paper".

Beijing (AsiaNews/RFA) – According to the Constitution, Chinese people enjoy "freedom of expression," however, a Beijing court has found Mr. Liu Xiaobo, who expressed his political opinion, guilty of speech crimes. According to the Constitution, not all political power in China rests with the Communist Party. Whom does it rest with? It rests with the people; however, according to the court judgement, Charter 08, which wanted to do away with a single party dictatorship, was guilty of subversion. Therefore, it was with the first verdict, and with the first appeal, which upheld the original verdict. This sort of final appeals process is very disappointing.

Liu Xiaobo's decision to continue to appeal was the last opportunity for the authorities to correct the mistake that had been made. It is regrettable in the extreme that they wasted this opportunity.

Speaking out

China's media were forced to keep silent after the first hearing, but there was an international outcry and some very severe criticism. Why was this? Because it is virtuous to care about other people. Internationally, people were speaking out for justice because they shared the same feeling with ordinary Chinese people. These people are good friends, capable of straight talk. It is a shame that the authorities were unable to accept or understand their good will.

Veteran Chinese intellectuals, lawyers, and Party members all pointed out to the government that they had made an astonishing error with the first verdict, including the error of disregarding the broad currents of civilization and universal values. The meaningful and heartfelt words of these elders interceded on behalf of the people, in the hope of progress for China, in the hope that those in the Chinese Communist Party would change their ways and not cover up their mistake to keep it hidden. These were sincere words spoken with a sincere heart. It is a shame their effort was wasted.

The judgment was not able to prove Liu Xiaobo's guilt using legal principles; on the contrary, it did the exact opposite. It proved that China's Constitution is a piece of useless paper. It proved that the

single-party authoritarian government is blatantly unconstitutional. The "freedom of expression" we enjoy in China is an illusion, a figment of the imagination, because we are not free to talk about human rights and democracy, and we're not free to talk about universal values and civilization, nor to discuss our dissatisfaction with one-party rule. Any Chinese citizen wishing to express his or her anger with the Party had better get ready to serve an 11-year jail sentence. If they happen to do this three times, then they can expect to spend the remainder of their lives in prison. This judgment was in effect a policy document, which laid bare for the whole world to see that this is how a one-party dictatorship treats the UN human rights covenants, and that this is the state of human rights in China at the "best-ever" period in its history.

### Ghosts of injustice

The past 60 years of single-party dictatorship are haunted by ghosts of injustice numbering into seven figures, perhaps even eight figures. If we include in the roll of victims their close relatives, and people who have had their homes and families ripped apart, then we are talking about eight figures at the very least, and quite possibly even nine figures: that's hundreds of millions. Whether the total number of victims is in the tens of millions or the hundreds of millions is a Party and state secret. If such tragedies continue to occur year after year while we turn a blind eye, eventually the Chinese people will become nothing more than chickens to be slaughtered and monkeys to be frightened. A republican system of government will never come to China, which will never take its place on the world stage as a responsible member of the international community.

It is a great pity that the government seems not to want progress; that it seems to have given up trying. The Chinese Constitution and the rights of its citizens have been recklessly trampled by the one-party system. There is no end to the number of cases of injustice, or miscarriages of justice that this system churns out. The case of Liu Xiaobo is just the latest warning sign: when economic conditions improve, the one-party dictatorship must not continue to keep us languishing in obscurity. We must decide that we want to join the community of universal values, and come out to fight for this of our own accord. The case of Liu Xiaobo and Charter 08 is not an isolated one, but it serves as a rallying cry.

### Barometer of change

The final verdict in this case is enough to make one tremble with fear. Because it means that the one-party system has turned a deaf ear to the rights of citizens and to the rule of law. I believe that there is only one logical conclusion: that we must keep up an unremitting pressure on the one-party dictatorship until it cannot eat or sleep from so much worrying, until it is forced to return power to the people. Only pressure will keep China moving forwards on the road to progress.

Liu Xiaobo has gone to jail for the human rights of 1.3 billion ordinary people who have no voice. As a representative of the powerless Chinese people, as a representative of Charter 08, a symbol of hope for the future of China, he is a barometer of the future direction of China, which was set by the one-party dictatorship's own hand.

To protect civil rights is to protect the Constitution. The struggle for the rule of law is by definition a legal struggle. Through this tenacious and unyielding struggle to protect citizens' rights and the rule of law, the republican vision will become a reality. The last days are here: spring cannot be far away!

## Malignant dictatorship

When all Chinese people truly enjoy the rights of citizenship, then that will be the final victory in the struggle for human rights. When we have finally shaken off the disastrous number of cases of injustice and miscarriages of justice, which have befallen us, then people of all nationalities will be able to live in our towns and cities, with free competition, and the basic guarantee of the rule of law to safeguard them from fear. Only then will we see a truly just and stable society. This will mean that democratic politics will come to our country, and we will be able to build a republic. As for the Chinese Communist Party, it will not lose anything that was truly worth having, only the malignancy that is one-party rule, which has brought calamity to the country and to the people. It is only when this malignancy was taken as the be-all and end-all that it spread in such a mad and uncontrolled manner, leading the Chinese people into corruption and decadence.

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### **Rights group says missing Chinese lawyer in Urumqi**

**By SCOTT McDONALD Associated Press Writer**

**Feb. 14, 2010, 8:26AM**

BEIJING — A Chinese lawyer missing for more than a year is in Xinjiang in the far west of the country, a human rights group says it was told by Chinese authorities. However, the lawyer's family said it still has not been able to contact him.

The case of Gao Zhisheng, one of China's most daring lawyers, has drawn international attention for the unusual length of his disappearance and for his earlier reports of the torture he said he faced from security forces.

A short statement from the San Francisco-based human rights group, the Dui Hua Foundation, said it had been told by the Chinese Embassy in Washington that Gao was working in Urumqi, the capital of the Xinjiang region.

It did not say what kind of work he was doing or where he was staying. Remote Urumqi is about 1,800 miles (2,880 kilometers) west of Beijing.

John Kamm, the executive director of the foundation, said while the news is a "tentative step in the right direction toward accountability," there are still many questions that need to be answered if it is true Gao is in Urumqi.

"What is he doing there? How long has he been there?" Kamm said Sunday from San Francisco.

Gao was known for his legal work on sensitive cases involving underground Christians and the banned Falun Gong spiritual group.

Gao disappeared from his home town in Shaanxi province on Feb. 4, 2009, and until now the government that so closely monitored him had not said where he was. The United States and the European Union have called on China to investigate Gao's disappearance.

In a written statement made public just before he disappeared last year, Gao described severe beatings from Chinese security forces, electric shocks to his genitals, and cigarettes held to his eyes during a 2007 detention.

Gao was arrested in August 2006, convicted at a one-day trial and placed under house arrest. State media at the time said he was accused of subversion on the basis of nine articles posted on foreign Web sites.

The constant police surveillance wore on his wife and children and they fled China a month before Gao disappeared and were accepted by the United States as refugees.

Previously, officials have been vague on his whereabouts, with a policeman telling Gao Zhiyi that his brother "went missing," and a Foreign Ministry official last month saying the self-taught lawyer "is where he should be." Chinese state-run media have not mentioned the case.

On Sunday, Gao Zhiyi said he did not know where his brother was, and he had been trying to contact Beijing police, "but no one answers the phone."

Jerome Cohen, an expert on China's legal system at New York University School of Law, said it is an important case because authorities had to be answerable for Gao's disappearance.

"Why the Chinese government chooses to play it this way is baffling," Cohen said from New York.

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**AsiaNews - [www.asianews.it](http://www.asianews.it)**

**02/13/2010 10:43**

**CHINA - VATICAN**

## **New Year in prison for the Chinese bishops. Two priests released**

**by Zhen Yuan**

The family of Msgr. Jia Zhiguo have been requesting his release for months, but they have not been answered. Two other bishops missing for years in police custody: Mgr. James Su Zhimin and Mgr. Cosma Shi Enxiang. The two priests released belong to the diocese of Zhengding.

Beijing (AsiaNews) - Despite repeated requests of Catholics and their families, Msgr. Julius Jia Zhiguo, underground bishop of Zhengding (Hebei), will remain under sequester during the festivities of Chinese New Year, which begins tomorrow. With him, two other underground bishops remain segregated in unknown places in the hands of police.

Meanwhile, police in Zhengding have in recent weeks released two priests of the diocese: Fr. Hu Baoguo, vicar general, was released on Jan. 29 at 10 pm, Fr. Ma Hong'en was released on 6 January. Both were often targeted and subjected to periods of imprisonment to force them to join the Patriotic Association, the state body that wants to build a National Catholic Church, separate from Rome.

In recent months, the family of Mgr. Jia, and especially his nephew, along with lay leaders of the diocese have constantly appealed to the leaders of the Religious Affairs Bureau to free the bishop for the New Year celebrations, which are an important appointment for families to come together. But

today it was confirmed that the bishop will remain in police custody.

Bishop Jia Zhiguo was arrested on 30 March, as the Vatican Commission on China held a closed-door encounter. At the conclusion of the meeting, a statement by the Vatican asked for his release (see: 31/03/2009 Police arrest underground Zhengding bishop Jia Zhiguo and 02/04/2009 Vatican's "sadness" over arrest of Bishop Jia Zhiguo. The Church and formation).

Catholics of Zhengding and the village of Wuqiu, home to the cathedral, continue to "pray for his release and his return to pastoral work." According to AsiaNews sources, "Mgr. Jia is in good health and his mind is clear". The prelate's nephew was able to visit his uncle in December.

During his detention, with Msgr. Jia has been allowed to celebrate Mass alone and to have the readings, including the Compendium of the Pope's letter to Chinese Catholics. A group of police officers charged with overseeing the cathedral and the bishop of Wuqiu, are present only on Sundays. When the bishop was there they made round the clock checks on the prelate.

The Bishop was also absent at the memorial Mass to commemorate a year after the death of his uncle, Fr Joseph Fuqin Jia, who died December 26, 2009.

Bishop Jia Zhiguo was arrested on 30 March, during a close encounter of the Vatican Commission on China. At the conclusion of the rally, a statement by the Vatican has asked for his release (see: 31/03/2009 seized by the police Msgr. Jia Zhiguo, underground bishop of Zhengding 02/04/2009 and "pain" of the Vatican to stop Msgr. Jia Zhiguo. The Church and training).

Just like Mgr. Jia, two other bishops remain seized in police custody in unknown locations.

The first is Mgr. James Su Zhimin (diocese of Baoding, Hebei), 75, arrested and disappeared since 1996. In November 2003 he was seen in a hospital in Baoding, controlled by the police, where he underwent treatment for the heart and eyes. But after a few days he disappeared again. The second is Mgr. Cosma Shi Enxiang (diocese of Yixian, Hebei), 86, who was arrested and disappeared April 13, 2001. Bishop Shi, ordained a bishop in '82, had been in prison for 30 years. The last time he was arrested in December '90, and released in '93. Since then he has lived in forced isolation until his latest arrest.

AsiaNews sources say that there are dozens of underground priests in prison or forced labor camps. And dozens of other underground bishops in isolation.

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## **The Washington Post**

### **Chinese court upholds prominent scholar's 11-year punishment**

**By Cara Anna**

**Friday, February 12, 2010; A17**

BEIJING -- A Chinese court upheld Thursday the unprecedented 11-year sentence given to a prominent scholar who had called for political reform, the latest in a string of harsh punishments for

dissenters.

The ruling -- the third legal defeat this week for veteran Chinese activists -- drew a rare public rebuke from the U.S. ambassador, who said Liu Xiaobo should be released immediately.

Liu's hearing at Beijing's high court took fewer than 10 minutes, and the activist was not given a chance to speak. "I'm innocent!" he called out before being taken away.

The United States and the European Union responded swiftly to Liu's failed appeal with statements condemning China's treatment of the scholar, who has been found guilty of inciting to subvert state power. China routinely uses the vaguely worded charge to jail people it considers troublemakers.

"Persecution of individuals for the peaceful expression of political views is inconsistent with internationally recognized norms of human rights," U.S. Ambassador Jon Huntsman said in an e-mailed statement. It was the first statement issued under his name since he took the post in August.

Asked whether China's treatment of dissidents might negatively affect its image overseas, Foreign Ministry spokesman Ma Zhaoxu responded, "There are no dissidents in China."

It was bad week here for activists: On Tuesday, a court in Sichuan province sentenced writer and activist Tan Zuoren to five years on the same charge as Liu after he investigated the deaths of thousands of children in a massive earthquake in 2008.

On Monday, the same court upheld a three-year prison sentence for another earthquake activist, Huang Qi, who was convicted on the ill-defined charge of illegally possessing state secrets.

A former university professor, Liu is among China's most prominent political activists. He spent 20 months in jail for joining the 1989 student-led protests in Tiananmen Square, which ended when the government called in the military -- killing hundreds, perhaps thousands, of demonstrators.

At the end of 2008, he co-authored a document calling for stronger civil rights and an end to Communist Party political dominance. About 10,000 people have signed it, though a news blackout and Internet censorship left most Chinese unaware that it exists.

After the court proceedings Thursday, Liu's wife was given 20 minutes with her husband and allowed to hug him.

"So thin!" Liu Xia said of her husband. "I just wanted to be able to hold him. It might be 11 years before I can hold him again."

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**AsiaNews - [www.asianews.it](http://www.asianews.it)**

**02/11/2010 16:18**

**CHINA**

**“The high walls of the prison cannot block the expression of freedom”**

**by Liu Xiaobo**

Judges reject the appeal by well-known Chinese dissident Liu Xiaobo, author of 'Charter 08' and uphold his 11-year sentence. In his defence (published below), he warns China that if it does not start respecting human rights it might disappear from the international scene.

Beijing (AsiaNews) – Liu Xiaobo does not repudiate anything he has done; on the contrary, he lays claim to it with pride. For him, the respect for human rights is the only path forward for China. If it continues to be a dictatorship, it runs the risk of collapsing. Today, the Appeal Court in Beijing turned down his application for a new trial, and upheld his 11-year sentence. We publish here the full text Liu Xiaobo had prepared in his defence, which the judges prevented him from reading. His trial ended on 25 December with his conviction after only a few hours of deliberation.

Considering the facts in the indictment against me, I have no disagreement, except the one which says that I collected more than 300 signatures [for Charter 08] (see "Charter 08, a plea for human rights in China | complete text," in asianews.it, 26 January 2009), which is inaccurate. I wrote the six articles [cited in the indictment] and participated in Charter 08, but I collected only about 70 signatures and not 300. I did not gather the other signatures. As to the charges I am accused of, I cannot accept them. During this period of more than a year during which I lost my freedom, I have maintained my innocence during questioning by police officers, investigators and judges. I argue my innocence on the basis of China's constitution, the Universal Declaration of Human Rights of the United Nations, the political reforms I have advocated and the trend of history.

One important result of China's reform and open-door policy has been the awakening of Chinese people to their human rights and the rise of civil protection of rights. This has pushed the Chinese government to progress in its thinking on human rights. In 2004, the National People's Congress revised the constitution to "protect and respect human rights", which gave constitutional protection to human rights, as a country ruled by law. The country must respect and protect human rights, according to the powers given to the people in Article 35 of the constitution. My freedom to express different opinions is the right to free speech given to me as a Chinese citizen by the constitution. Not only should it not be limited or removed by the government; on the contrary, it should be respected by the government and protected by the law. Therefore, the accusations against me infringe my basic rights as a Chinese citizen and are against the basic law of China. It is a typical case of "speech crime". The ancient practice of sending a writer to prison has continued. It should be criticised as unreasonable and against the constitution.

The indictment quotes statements as proof of my "spreading rumours, slandering and in other ways inciting the subversion of the government and overturning the socialist system". "Spreading rumours" means fabricating and creating false information and harming people. "Slandering" means harming the good name and character of others. My opinion is a critical opinion, an expression of a point of view, a value judgment and a judgment of what is true and false. It is not meant to harm any person. Therefore, my opinion has nothing to do with spreading rumours or slander. Criticising is not the same as spreading rumours; even less is opposition the same as slander.

The indictment uses statements from Charter 08 to accuse me of slandering the government and the party and "plotting the subversion and overthrow of the government". This accusation takes quotations out of context and completely ignores the overall tone of Charter 08 and the opinions I have consistently stated in my articles. First, Charter 08 describes the "human rights disasters" in

modern China. The anti-rightist campaign led to the unjust designation of more than 500,000 rightists; the Great Leap Forward created the unnatural deaths of over 100,000 people; the Cultural Revolution created a great catastrophe. June 4 was a bloodbath, in which many people died and many were thrown into prison. These events are universally recognised as "human rights disasters" and created dangers for China, "holding back the natural development of the Chinese race and the progress of human civilisation". Ending the monopoly of power and special privileges of a single party is only demanding the ruling party to hand the government back to the people and finally establish a free country, "for the people, by the people and of the people".

The values expressed by Charter 08 and the political reforms it proposes have the long-term objective of a federal state that is free and democratic. There are 19 reform measures, with reforms that are gradual and peaceful. Given that the current reforms have all kinds of shortcomings, we demand that the ruling party walk with two feet instead of one, implementing political as well as economic reform. This is a way for civil society to push the government to give it back power quickly; pressure from below to push the government to enact changes from top down. Therefore, the government and the public can work together in good co-operation and quickly implement the dream of a constitutional government cherished by Chinese for 100 years.

In the 20 years from 1989 to 2009, the opinions, which I have expressed, are about political reforms for China that are consistently gradual, peaceful, orderly and controllable. I have always opposed sudden reform [in favour of] one step [at a time]. Even more, I have opposed violent revolution. This idea of gradual reform is clearly expressed in my article "Changing the Political Power Through Changing Society", that is, by raising the awareness of the rights of civil society to expand the rights of people, increase their sense of their own power, develop civil society so that it can bring pressure from the bottom up and promote the reform of the government from the top down. In reality, the experience of reform in China over the last 30 years proves that the basic force for creative new reforms has come from reforms started by civil society. As the awareness of civil reform and influence expands, so the government is forced to accept new ideas and try them out on an experimental basis. This has changed the pattern of reform policies coming from the top.

To summarise, my key ideas for China's political reform are that they should be gradual, peaceful, orderly and controllable and should be interactive, from above to below and from below to above. This way causes the least cost and leads to the most effective result. I know the basic principles of political change, that orderly and controllable social change is better than one that is chaotic and out of control. The order of a bad government is better than the chaos of anarchy. Therefore, I oppose systems of government that are dictatorships or monopolies. This is not "inciting subversion of state power". Opposition is not equivalent to subversion.

One reason I am not guilty is that the accusations against me contravene internationally recognised human rights standards. In 1948, as a permanent member of the [UN] Security Council, China participated in the drafting of the Universal Declaration of Human Rights. Half a century later, in 1998, China made a solemn pledge in front of the international community in signing two UN conventions on human rights. One of these, the International Treaty on Citizens Rights and Political Rights, recognises freedom of speech as a basic universal right and demands that the government of each country respect and protect it. As a permanent member of the UN Security Council and a member of the UN Human Rights Board, China has an obligation to respect treaties and a responsibility to fulfil its own obligations. It should be a model in implementing the clauses of these treaties that protect human rights. Only in this way can the Chinese government fully safeguard the

human rights of its own people. It should make its contribution to promote the cause of international human rights and, in doing so, show the civilized demeanour of a great country.

Coming into the modern era, the Chinese Communist Party went from being weak to strong and finally triumphed over the Kuomintang. It drew its source of strength from its promise "to oppose dictatorship in the name of freedom". Before 1949, the Communist Party's Xinhua Daily and Liberation Daily regularly printed articles attacking the restrictions on free expression by the government of the Jiang family. It made a hue and cry about intellectuals punished for what they said. Mao Zedong and other party leaders often spoke of freedom of expression as a basic right. However, after 1949, from the anti-rightist campaign to the Cultural Revolution, from the execution of Lin Zhao to the cutting of the throat of Zhang Zhixin, the freedom of expression was lost in the Maoist era and the country fell into a deathly silence, like 10,000 horses standing mute. With the start of reform, the ruling party has corrected injustices and greatly increased the liberty for different opinions; the space for free speech by society has widened continuously and the number of writers thrown into prison has greatly decreased. However, the tradition of speech crime has not completely disappeared. From the April 5th movement to June 4th, from Democracy Wall to Charter 08, there have been examples of this. My indictment is only the most recent example.

In the 21st century, freedom of expression has become the common right of people in most countries and sending writers to prison comes when 1,000 people point the finger at someone. From an objective point of view, to block the expression of people is like blocking a river; the high walls of the prison cannot block the expression of freedom. A government cannot suppress the legitimate expression of different opinions and cannot depend on throwing writers into prison as a way to remain in power in the long term. The problems of the pen can only be solved by the use of the pen. As soon as you use the gun to solve the problems of the pen, you will create a disaster of human rights. Only by eliminating the practice of throwing writers into prison can you guarantee that the freedom of speech promised in the constitution will be given to each citizen. Then will the right of freedom of speech be protected in a systematic way and the throwing of writers into prison will be banished for ever from the land of China.

Speech crime is contrary to the principle of human rights set down in China's constitution and laws and is contrary to the UN declaration on International Human Rights. It goes against universal justice and the current of history. I plead innocent for what I have done and hope that I can earn the acceptance of this court. If so, this judgment would set a significant precedent in China's legal history, pass the test of the human rights clauses in China's constitution and international human rights treaties, show the pursuit of justice, and pass the test of history. I thank you all.

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## **China high court stresses 'mercy' in death penalty**

**Tuesday, February 9, 2010**

**BEIJING, China (AP) -- China's highest court has issued new guidelines on the death penalty that instruct lower courts to limit its use to a small number of "extremely serious" cases.**

The Supreme People's Court told courts to use a policy of "justice tempered with mercy" that takes into consideration the severity of the crime, the state-run Xinhua News Agency quoted court spokesman Sun Jungong as saying in a report late Tuesday.

The guidelines reflect the court's call last July for the death penalty to be used less often and for only the most serious criminal cases. China executes more people than any other country, but the high court has been more outspoken recently about the need to tone it down.

The court reviews all death sentences from lower courts before they are carried out, and its comments have indicated more of those death sentences could be overturned.

Still, China faced strong international criticism at the end of December when it executed a British man accused of drug smuggling, despite a plea for mercy from the British prime minister and concerns that the man had mental problems.

Rights group Amnesty International has said China put at least 1,718 people to death in 2008. China does not release an official count.

The death penalty is used even for nonviolent crimes such as corruption or tax evasion. In recent months, China has executed a dairy farmer and a milk salesman for their roles in a vast tainted milk scandal.

It also sentenced to death a businesswoman for cheating investors out of \$56 million, and an explosives maker who supplied an illegal iron mine with material that ignited and killed 26 miners.

One man was sentenced to death after killing four people in what was thought to be China's first death penalty for a drunk-driving case. The sentence was later reduced to life in prison.

The new guidelines say minors and senior citizens should be punished with leniency, Xinhua reported. But they also say crimes involving officials who have misused their position should be handled "with severity" — another strike in China's continuing fight against widespread corruption.

The China Daily newspaper has reported the Supreme People's Court overturned 15 percent of death sentences handed down in 2007 and 10 percent in 2008.

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## **Senior Chinese cadres call for dissident's release**

**The Associated Press**

**Sunday, Jan. 24, 2010 | 5:21 a.m.**

Four senior Communist Party officials known for their liberal views are pushing for the release of an imprisoned Chinese dissident who had issued a daring call for political reform, one of the group said Sunday.

The four have signed a strongly worded letter, addressed to "incumbent party and government leaders," urging authorities to reconsider the verdict against Liu Xiaobo, who was sentenced in December to 11 years in prison after being convicted of subversion charges.

"These four are senior cadres that have been quite an open-minded force within the party for many years," said Patrick Poon, vice president of the Independent Chinese Pen Center, which posted the letter on its Web site. "They have been always very supportive for pushing forward political reforms while the economic reform has been going well in China."

While the letter did not call specifically for Liu's release, He Fang, a cadre who signed the letter and is honorary member of the academic committee at the Chinese Academy of Social Sciences, was direct when asked what its purpose was.

"To reverse the verdict and to find that Liu is not guilty and to release him," he told The Associated Press in a phone interview. "Also, to safeguard the constitution and the rights of freedom of speech."

Liu was the co-author of an unusually direct appeal for political liberalization in China called Charter 08, which was signed by more than 300 people, including some of China's top intellectuals. Rights groups have said the harshness of Liu's sentence was a warning to others who challenge China's one-party rule.

The party officials' open letter was written by Hu Jiwei, a former chief of People's Daily newspaper, the mouthpiece of the Communist Party. The signatories are all in their 80s and 90s, according to the letter; their age could provide them with a certain degree of protection from harassment.

It said the main evidence against Liu was that he had called for the establishment of a Chinese "federal republic." But Hu and other signers contend that term was a "correct slogan" that had been used in the early days of the Chinese Communist Party.

"If the judge violates the constitution and has no knowledge of the history of the party ... and makes false and incorrect accusations that will seriously tarnish the image of the country and the party, then it's difficult to prove that China is a country ruled by law and a harmonious society," said the letter.

A woman who answered the phone at Hu's home said he was unavailable and does not accept media interviews.

The other signers were Li Pu, a former deputy chief of the official Xinhua News Agency, and Dai Huang, a former Xinhua senior reporter.

A woman who answered the phone at Li's home said he signed the letter because others asked him to, but she was not clear about other details. A woman at Dai's home said he was not in Beijing and unavailable to speak to reporters.

Liu, a former Beijing Normal University professor, spent 20 months in jail for joining the 1989 student-led protests in Tiananmen Square, which ended when the government called in the military — killing hundreds, perhaps thousands.

Liu has been the only person arrested over the charter, but rights groups said several signers had been harassed or fired from their jobs.

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## **Project Syndicate - Column**

### **Václav Havel, the Dalai Lama, Desmond Tutu and five others: Chinese activist deserves Nobel Peace Prize**

**Posted: Saturday, January 23, 2010 4:35 am**

PRAGUE -- On Christmas Day last year, one of China's best-known human rights activists, the writer and university professor Liu Xiaobo, was condemned to 11 years in prison. Liu is one of the main drafters of Charter 08, a petition inspired by Czechoslovakia's Charter 77, calling on the Chinese government to adhere to its own laws and constitution, and demanding the open election of public officials, freedom of religion and expression, and the abolition of "subversion" laws.

For his bravery and clarity of thought about China's future, Liu deserves the 2010 Nobel Peace Prize. There are two reasons why we believe that Liu would be a worthy recipient of that prestigious award.

First and foremost, he stands in the tradition of Nobel Peace Prize laureates who have been recognized for their contribution to the struggle for human rights. Nobel laureates such as Martin Luther King, Lech Walesa, and Aung San Suu Kyi are but a few of the many examples that the Nobel Committee has recognized in previous years.

We are convinced that the concepts that Liu and his colleagues put down on paper in December 2008 are both universal and timeless. These ideals -- respect for human rights and human dignity, and the responsibility of citizens to ensure that their governments respect those rights -- represent humanity's highest aspirations.

Should the Nobel Committee choose to recognize Liu's courage and sacrifice in articulating these ideals, it would not only draw global attention to the injustice of Liu's 11-year sentence. It would also help to amplify within China the universal and humanistic values for which Liu has spent so much of his life fighting.

The second reason why Liu deserves the Nobel Peace Prize resonates with Alfred Nobel's original intent for the award. In working to promote human rights, political reform, and democratization in China, Liu has made a significant contribution to the values of peace and fraternity among nations that Nobel had in mind when he created the award more than a century ago.

Of course, democratization does not automatically guarantee better behavior on the world stage. But it does facilitate a full and rigorous public debate over key questions of a state's foreign and domestic policies. This active and searching conversation, the hallmark of a democratic polity, is the best hope for better decisions by governments, both at home and abroad.

Liu's committed advocacy on behalf of democracy in China is, above all, intended for the benefit of the Chinese people. But his courage and example may help to accelerate the dawn of the day when China's participation in international affairs is aided by the expertise and oversight of civil society groups, an independent media, and an engaged citizenry able to express its views through the ballot box.

It is primarily for these two reasons that we believe that Liu would be a worthy recipient of the 2010 Nobel Peace Prize. In conferring on Liu one of the world's highest honors, the committee would be signaling once again the importance of human rights and democracy on the one hand, and world peace and international solidarity on the other.

Liu's harsh prison sentence was meant as an exemplary measure, a stern warning to all other Chinese who might want to follow his path. We are convinced that there are moments when exemplary civic engagement, such as Liu's, requires an exemplary response. Awarding him the Nobel Peace Prize is precisely the response that his courage deserves.

\* This column was submitted by eight authors. Václav Havel is a former president of the Czech Republic; His Holiness the Dalai Lama is the spiritual leader of Tibetan Buddhism; André Glucksmann is a philosopher; Vartan Gregorian is president of Carnegie Corp. of New York; Mike Moore is a former director of the World Trade Organization; Karel Schwarzenberg is a former foreign minister of the Czech Republic; Desmond Tutu is a Nobel Peace Prize laureate; and Grigory Yavlinsky is chairman of the Russian United Democratic Party, Yabloko. The column was provided by Project Syndicate, a Prague-based not-for-profit association of 390 newspapers in 145 countries.

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## **Human Rights Watch**

### **China: 2009 Marked by Political Hardening Rights Defenders Targeted in Face of Weak International Engagement**

**January 20, 2010**

(Washington) - Human rights protections in China faced significant setbacks in 2009 as the Chinese government, emboldened by increasingly weak international criticism of its rights record, pursued politically-motivated attacks against dissidents, human rights defenders, and civil society advocates, Human Rights Watch said in its annual World Report, released today.

Rather than relaxing restrictions imposed for the 2008 Beijing Olympic Games, the report points out that the government imposed severe penalties against groups and individuals perceived as threats, ranging from Tibetans and Uighurs to legal aid workers. The report also details restrictions on the freedoms of expression and religion, the slow pace of legal reform, and the Chinese government's ongoing relations with abusive regimes.

"That the Chinese government this year released a national action plan on human rights is ironic, as its real plan seems to entail steadily curtailing - not protecting - rights," said Sophie Richardson, Asia advocacy director at Human Rights Watch.

In December 2009 alone, the Chinese government displayed the breadth and depth of its disregard for human rights inside and outside its borders.

December 19: Under pressure from the Chinese government, the Cambodian government forcibly returned 20 Uighur asylum seekers, including two children, to China. The group had fled to Cambodia in the wake of a massive security crackdown on Uighurs in their home province of Xinjiang,

following ethnic violence there in July 2009, and had been designated as "persons of concern" by the United Nations High Commission for Refugees. The Chinese government's routine disregard for due process in Xinjiang puts the repatriated Uighurs at high risk of torture, disappearance, and arbitrary detention.

December 25: The Beijing Intermediate People's Court sentenced veteran dissident Liu Xiaobo to an 11- year prison term. The sentence rests on spurious charges of "incitement to subvert state power" for Liu's contribution to the drafting of "Charter '08," a political manifesto calling for human rights and the rule of law in China, as well as several articles he had published in previous years. Liu was arrested on December 8, 2008, and detained for over a year before being convicted.

December 28: The Xining Intermediate People's Court sentenced Tibetan filmmaker Dhongdup Wangchen to six years on charges of "inciting separatism" for producing a documentary film, *Leaving Fear Behind*, which criticized Chinese government policies in Tibet. Police arrested Wangchen in March 2008. In July 2009, Xining judicial authorities arbitrarily replaced the lawyer chosen by Wangchen, Li Dunyong, with a government-appointed lawyer. Wangchen had only been allowed to meet with Li once, in July 2009. Li reported that his client had been tortured in order to extract a confession, and that he remained in pain a year later.

December 29: The Chinese government executed UK citizen Akmal Shaikh on drug smuggling charges. The execution followed more than two dozen interventions by the British government, which argued that Shaikh's bipolar disorder warranted a forensic examination of that might have exempted him from criminal responsibility according to Chinese law. In the wake of Shaikh's execution, the Chinese government cancelled the annual UK-China bilateral human rights dialogue.

December 31: A Sichuan court sentenced Phurbu Tsering, a senior Tibetan cleric, to an eight-year prison term on politically-motivated charges of illegal weapons possession after an investigation and prosecution marred by numerous violations of due process. Phurbu stated in court that while he was in detention, police interrogated him continuously for four days and nights, forcing him to assume painful physical positions throughout. While being subjected to this treatment, he was told that if he did not confess to the weapons charge, his wife and son would be detained. Despite Phurbu's statements to the court, officials did not inquire into the circumstances of his interrogation.

International concern about these abuses was muted. The EU gave in to Chinese pressure and limited NGO participation in two rounds of the "EU-China Human Rights Seminar" in 2009, including the session in Europe. En route to Beijing in February 2009, US Secretary of State Hillary Clinton stated that human rights "shouldn't interfere" in the US-China relationship, and President Barack Obama decided not to meet the Dalai Lama prior to his November visit to Beijing. While in China, Obama raised human rights broadly in his public statements but did not directly engage pressing issues of freedom of expression, religious minorities, the disbarment of civil rights lawyers, or ongoing crackdowns in Xinjiang and Tibet.

"Agreeing to raise human rights only behind closed doors in Beijing is a losing proposition," said Richardson. "We've seen through China's behavior this year that doing so only makes foreign governments look tentative and weak."

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