

# THE CASE OF FU XIANCAI

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The peril faced by rights defenders under increasingly harsh official suppression is epitomized by the case of Fu Xiancai, a petitioner for displaced peasants who was permanently crippled by a physical assault in June.

Fu Xiancai, a 47-year-old former resident of Maoping Township in Zigui County, Hubei Province, rose to prominence through organizing and petitioning on behalf of some of the 1.9 million people displaced and resettled for the \$24 billion Three Gorges Dam, the world's largest hydroelectric project. Now he lies paralyzed at the No. 1 People's Hospital in Yichang City, Hubei Province.<sup>1</sup>

## **A long struggle for justice**

Since the 1990s, Fu Xiancai and others forcibly resettled for the Three Gorges Dam project have been petitioning provincial and state authorities over resettlement terms and compensation. Many villagers have been resettled on land greatly inferior to that of their original homes and deprived of the compensation promised to them by corrupt local officials.

The Maoping villagers represented by Fu refer to an agreement signed by then-Premier Li Peng, which originally promised them compensation of a minimum of 56,000 yuan per mu of land over a period of 15 years. In actuality, the villagers say, local officials paid them only 1,408 yuan per mu, and they received compensation payments for only one year. The government had also paid only 5,000 yuan of the resettlement payment of 30,000 yuan set for each villager. In all, villagers suffered losses totaling more than two million yuan while being resettled under substandard living conditions in Yangguidian Village.

In particular, the villagers complained that local factories owned by Zigui County Sibao Paper Company Ltd. and Huafamei Pharmaceuticals Ltd. had seriously polluted the Maoping River, the major water source for the village's residents. Residents suffered from skin allergies after wearing clothes washed in the river water and complained of foul-smelling air tainted by factory exhaust. The number of villagers dying from kidney disease was reported to have risen dramatically in recent years.

The resettled residents had petitioned various levels of the government dozens of times, and had also applied for the case to be accepted by the courts, with no success. In the meantime, their leaders had been repeatedly subjected to detention, interrogation and imprisonment. In October 2004, Fu Xiancai sent a petition signed by 650 villagers to the relevant United Nations bodies in hopes that the international community would assist them in obtaining appropriate compensation.

Although the Chinese authorities continued to ignore or suppress the villagers' claims and complaints, the issue attracted increasing international attention, including a visit to Yangguidian by an American journalist in May 2005. From then onward, Fu Xiancai became the target of constant official surveillance, and he and his family were subjected to repeated harassment, threats, assaults and injuries by criminal elements. Fu reported several incidents to the local authorities, but they failed to apprehend the culprits or provide any protection:

*May 14, 2005*—After Fu was interviewed by the American newspaper journalist, the leader of the security squad of Zigui County's Public Security Bureau (PSB), Wang Xiankui, reportedly delivered several threats to Fu and his family, saying that Fu would be severely punished for unlawfully accepting an interview from the foreign press.

*May 20, 2005*—Tan Bixuan, another representative of Three Gorges villagers, received an anonymous phone call telling him to instruct Fu to gather up a large sum of money, or Fu's son would be killed. Fu notified the Yichang City police, but there was no apparent follow-up to initial police inquiries.

*August 2005*—Zigui County PSB head Jia Li and more than 20 others intercepted Fu and several other petitioners when they attempted to go to Beijing to petition the central authorities.

*September 20, 2005*—When Fu and some other petitioners once again attempted to go to Beijing, they were assaulted by village cadres while Zigui County officials and PSB officers stood by. One police official reportedly threatened Fu with more serious injury if he did not stop his activities.

*October 22, 2005*—Around 3:00 a.m., someone drove up and threw rocks at Fu's house, breaking a window. Later that morning, Fu departed on a petitioning trip to Beijing. Upon his return on the afternoon of October 26, two thugs burst into his

home and beat him with wooden poles, fracturing his leg. Fu reported the incident to the police, but no one was apprehended.

**November 7, 2005**—Around 9:00 p.m., Du Erhu, the deputy head of the Maoping Township PSB dispatch station, reportedly told Fu that he if he went petitioning or left his home, his life would be in danger. On **November 8**, Fu was assaulted at the Sandouping Ferry Pier by three thugs wielding police batons. He required three stitches to a wound on his head. A report filed with police yielded no results.

**November 17, 2005**—During the night, someone placed funeral wreaths outside Fu's home, and Fu received several threatening anonymous phone calls. Fu provided the phone numbers of two callers to the police, but there were no arrests.

**January 15 and 18, 2006**—Fu's home was pelted with stones in the early hours of both mornings. When Fu reported the incidents to the Maoping Township PSB dispatch station, deputy station head Du Erhu reportedly said to him, "If you continue with your lawsuit, your family will never have peace and will be constantly harassed. I don't believe that if we arrest you, the American devils will invade China." The next night, someone left a stack of fake money used in funeral offerings in front of Fu's door.

### The attack

On the morning of **June 8, 2006**, Zigui County PSB security squad leader Wang Xiankui called Fu in for questioning about an interview he had provided to German public television station *Das Erste* for the program "A Celebration of the Construction of the Three Gorges Dam," which was broadcast on **May 20**. Wang reportedly warned Fu that this kind of "oppositionist" interview "would not have good consequences" for him and his family.

While Fu was walking home after the meeting, an unknown person struck him from behind with a heavy object, causing him to tumble down a hillside path and leaving him unconscious. Approximately half an hour later, a passerby discovered Fu and called for emergency assistance. Fu was taken to the hospital, where X-rays determined that three vertebrae in his neck had been fractured. He was paralyzed from his shoulders down and lost control of all bodily functions except his ability to speak.

Since the local hospital lacked the resources to perform the necessary surgery on Fu, he was transferred to the No. 1 People's Hospital in Yichang City. There, police officers were placed on 24-hour watch outside of Fu's hospital room, and only his immediate family members were allowed to visit him.

Nevertheless, news of the attack on Fu quickly spread through his contacts with *Das Erste* and Human Rights in China. The case raised particular concern in Germany. On **June 12**, Jobst Plog, director general of *Das Erste*'s parent organization, Norddeutscher Rundfunk (NDR), and chairman of ARD, the joint organization of Germany's public broadcasting agencies that includes *Das Erste*, sent a letter to Ma Canrong, China's Ambassador to Germany, protesting the attack on Fu Xiancai.

Noting that NDR and its ARD Beijing Office would be covering the Beijing Olympics in 2008, Plog wrote, "I earnestly

ask you to do everything in your power to ensure that Fu Xiancai gets all available and necessary medical treatment. I also would like you to use your influence to ensure that Chinese citizens do not have to fear for their health or lives in the future, just because they make a factual statement on German television. Otherwise, any successful and constructive coverage of the People's Republic of China will be impossible."

Copies of the ARD letter were also sent to the German government and to the German embassy in Beijing, and according to the German radio station *Deutsche Welle*, the German foreign ministry demanded an explanation from the Chinese government through Germany's Beijing Embassy.

### Delayed treatment

On **June 14**, Dr. Du Yuanli of the No. 1 People's Hospital reportedly told Fu that he could receive the surgery he required on **June 16**, but said, "The faster you have your surgery, the better the chances of success. We sympathize with your situation, but ultimately we have little choice—the surgery will cost a minimum of 60,000 yuan, and you must pay 30,000 yuan before we can undertake the surgery."

Fu Xiancai was the sole breadwinner in his family, which includes two sons, the elder of whom is in college, and the family only managed to collect a total of 20,000 yuan from friends and relatives.

On the evening of **June 15**, three officials from the German Embassy in Beijing visited Fu Xiancai at Yichang No. 1 Hospi-



Fu Xiancai awaiting surgery at the No. 1 People's Hospital in Yichang.

Photo: Associated Press

tal, but police soon required them to leave. The next morning, the three German diplomats returned to the hospital in the company of a Hubei Province foreign affairs official, and after consultation with hospital administrators, they were allowed to visit Fu Xiancai again. After expressing their wishes for Fu's swift recovery, one of the German diplomats reportedly promised that they would continue to follow Fu's case closely.

Ultimately, the German government provided the 60,000 yuan required for Fu's surgery on June 18, ten days after he was attacked. Chinese officials subsequently criticized the German government for its intervention in the case.

### Aftermath

Fu suffered some reversals immediately after surgery, including intermittent fevers and a pulmonary infection requiring a tracheotomy that left him unable to talk. As his condition gradually stabilized, he regained some feeling and movement in his arms. However, doctors reportedly do not expect Fu to ever regain the ability to stand or walk.

Meanwhile, Fu learned that the investigation into his attack was being carried out by the Zigui County PSB, which had not only ignored his previous reports of harassment, but had actually participated in it. This "investigation" included three police officers interviewing Fu for five hours without taking any notes, and a search of Fu's home as part of their inquiries into the source of the wooden club used to attack Fu.

At the same time, police conducted 24-hour surveillance on Fu's family and fellow petitioners, greatly restricting their personal freedom and preventing them from collecting funds to support Fu's medical expenses.

On June 26, police and Party officials informed Fu Xiancai and his son, Fu Bing, of the results of the police investigation:

- The PSB had brought in several nationally recognized forensic pathologists to examine Fu Xiancai's injuries, and these experts had concluded that the injuries were self-inflicted;

## Human Rights and the Chinese Underworld

BY HE QINGLIAN

*A number of cases of serious human rights violations this year have highlighted a trend of underworld tactics by Chinese authorities that is becoming the biggest obstacle to improving human rights in China.*

Ordinary Chinese people are already at an enormous disadvantage in attempting to influence the government with their views. Official power is monopolized by the Chinese Communist Party, and the news media are overwhelmingly Party mouthpieces. "Non-governmental organizations" such as the All-China Federation of Trade Unions and the All-China Women's Federation, which should be in a position to engage in constructive dialogue with the government, are in reality government organizations. Only the Chinese government's concern with "face" obliges it to tolerate a semblance of civil activism and engagement over pressing social issues.

It should be noted that there has been a shift in the international community's attitude toward the Chinese government since last year, fueled by changes in the European political situation. After the new German government began improving its relations with the United States, concern over China's human rights situation finally regained its place on the European Union's agenda. After U.S. President George W. Bush received three Chinese dissidents in the White House in May 2006,<sup>1</sup> other western countries quickly arranged their own meetings with Chinese activists. In addition, Edward McMillan-Scott, the vice-president of the European Parliament, publicly declared that the EU would allocate a project budget of 142 million euros (about \$160 million) for assistance to countries that have not yet democratized.

The Chinese government's response to this increased concern has been less than encouraging. Three Gorges activist Fu Xiancai is now paralyzed from the shoulders down following an attack after the broadcast of an interview he gave the German television station ARD. The difficulty of Fu's case—the inability to identify his attacker—is shared by many other incidents of physical attacks on rights defenders, dissidents and other activists. The nature of the targets inevitably points to the Chinese authorities as directing or instigating the attacks.

Directing "unidentified ruffians" to attack dissidents benefits the Chinese government in at least two respects:

First, the authorities need accept no responsibility other than promising to investigate the attacks. Even if public opinion suspects government involvement, where is the evidence? Even if the international community raises an outcry over the violence, as the German government did in the Fu Xiancai case, who can force the Chinese government to take legal responsibility? Furthermore, the Chinese government's promises to investigate these attacks are limited to cases that come to the attention of the international community, such as Fu Xiancai's. If no one outside of China is aware of the case, or if the international community loses interest, the Chinese authorities can simply ignore domestic calls for an investigation. For instance, rights defender Guo Feixiong was beaten several times during his involvement in the Taishi Village controversy, but there has been no sign of any official efforts to track down the perpetrators.<sup>2</sup>

Second, the intervention of underworld forces puts maximum psychological pressures on dissidents. Dissidents are primarily motivated by a sense of political mission.

- The local PSB had also carried out an investigation of the scene of the attack, and had found no footprints other than those of Fu Xiancai;
- On the basis of this evidence, the PSB concluded that Fu had not been injured by someone else, and that no criminal act had been committed.

Police said that a stick found near Fu after the attack was too thin to have been used to beat him, and they believed Fu had simply slipped down a 15-foot slope before falling another 15 feet onto a concrete path below. However, Dr. Du Yuanli told the *South China Morning Post* that injuries to Fu's legs, and lack of injury to his hands, were not consistent with slipping down a long slope.<sup>2</sup>

The police reportedly told Fu not to appeal this decision or file a new complaint, even though the written "Conclusion of Investigation" given to Fu Xiancai stated clearly that he had the right to appeal the decision.

They can gauge and anticipate the kind of pressure they will receive from the government, and knowing the source of potential violence, they also know that the government, for the sake of its own reputation and self-respect, must set a certain bottom line rather than degenerate into Saddam-style thuggery. But underworld elements need not concern themselves with a bottom line; any method that engenders and increases fear in their victims will be employed without the least hesitation. The bravest of the dissidents may disregard their own safety, but few, if any, will proceed if a threat is extended to their families.

This *modus operandi* is much more effective than the raw brutality of Saddam Hussein and Kim Jong Il. Saddam's habit of punishing his critics by cutting out their tongues turned him into an international pariah. The Chinese government, presenting itself as a "world power" becoming more civilized and progressive by the day, has no desire to be compared with Saddam, at least for now. Allocating the task of official violence to "unidentified ruffians," as in its dealings with Fu Xiancai, allows the Chinese government to halt a barrage of questions from the international community with a high-handed official statement through its Foreign Affairs spokesperson. As for Fu's medical treatment and the punishment of the perpetrators, all that depends on the government's will. No international human rights organization, however influential, can hope to have any effect on "unidentified ruffians" in another country. It is similarly unfeasible for overseas governments to apply economic sanctions against underworld organizations.

In 2003, this writer noted the emergence of "privatiza-

Fu and his family have rejected the findings of the official investigation, and they are preparing to seek legal remedies.

In some ways, Fu Xiancai was more fortunate than many petitioners victimized by the suppressive actions of the state. The high profile that earned him the displeasure of local officials gave his case an international dimension that brought him support, including financial assistance, from all over the world.

Most of China's petitioners remain completely unknown to the outside world, even though many, like Fu, are harassed and persecuted, some to the point of suicide or death by unnatural causes. These courageous individuals form the bedrock for rights defense in China.

#### NOTES

1. HRIC has issued several press releases regarding Fu Xiancai and his petitioning activities. All are available on HRIC's Website at [www.hric.org](http://www.hric.org).
2. Didi Kirsten Tatlow, "Did Activist Fall or Was He Pushed?," *South China Morning Post*, August 9, 2006.

tion of public rights, legalization of political violence and the official adoption of underworld tactics" in China.<sup>3</sup> Under these circumstances, attempting to control the actions of the Chinese authorities through the application of widely-accepted international values such as human rights, democracy and freedom is like climbing a tree to catch fish. The only real hope lies in people who care about the Communist Party and the future of China recognizing that deputizing the underworld to administer the country will have no long-term effect other than intensifying conflict and poisoning society.

Translated by Wang Ai

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#### NOTES

1. On May 11, 2006, President Bush met with Li Baiguang, Wang Yi and Yu Jie, dissident intellectual activists who are also part of China's underground Christian movement.
2. Guo Feixiong was detained in September 2005 and held for three months after attempting to provide legal assistance to villagers demanding the recall of their village head. He had reportedly been beaten by unidentified individuals earlier in the year. Several journalists, lawyers and activists were also beaten at various times during the Taishi controversy.
3. He Qinglian's 2003 article, "Wei quan tongzhixia de Zhongguo xianzhuang yu qianjing [China's Current Situation and Future Prospects Under Authoritarian Rule]," can be accessed on a number of Web sites, including that of Boxun.com: [http://www.boxun.com/hero/heql/24\\_1.shtml](http://www.boxun.com/hero/heql/24_1.shtml).