

TAKE ACTION



IR2008

INCORPORATING
RESPONSIBILITY

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Human Rights in China's **Incorporating Responsibility 2008 Take Action Campaign** (IR2008) highlights individuals in detention and systemic human rights challenges. Each month, the Take Action Campaign provides detailed background on a selected case. The May focus is on labor activist **Yao Fuxin** and the Olympics and labor rights, the July focus is on Tibetan monk **Tenzin Delek Rinpoche** and the issue of religious education for ethnic minorities, and the September focus is on rights defender **Guo Feixiong** and torture. You can find more information on the campaign website about the human rights actions that the Chinese government and the international community can take for positive change. For additional updates and background, visit the IR2008 Take Action Campaign at <http://www.ir2008.org>.



Photo Credits: REUTERS/Reinhard Krause.

**Name**

Yao Fuxin

Date of birth

September 29, 1950

Criminal detention

March 17, 2002

Formal arrest

March 30, 2002

Charge

Subversion [Article 105, paragraph 1, of the Criminal Law]

Sentence

Seven years in prison and three years' deprivation of political rights

Current location

Lingyuan No. 2 Prison, Liaoning Province

Anticipated release

March 16, 2009

MAY: YAO FUXIN

Yao Fuxin (姚福信), 57, was secretly detained in March 2002, and formally charged with “gathering a crowd to disturb social order” for his role in leading tens of thousands of workers from Liaoyang factories in a peaceful demonstration protesting against corruption and demanding the payment of back wages and pensions. He was later charged with the far more serious crime of subversion, due to alleged involvement in the banned China Democracy Party. A former employee at the Liaoyang Steel Rolling Factory, Yao is married to Guo Sujing, and has one daughter, Yao Dan. During his trial, Yao insisted on his innocence, affirming his belief in the government and his desire to resolve workers’ grievances. He was sentenced in 2003 to seven years in prison, which he is serving at Lingyuan No. 2 Prison in Liaoning Province. As part of the sentence, he is to be deprived of his political rights for an additional three years after his release. His family fought for a retrial with the assistance of Yao Fuxin’s defense lawyer, Mo Shaoping, but the Liaoning Province Higher People’s Court rejected the appeal and upheld the original sentence on June 25, 2003.

Since his detention, Yao has been plagued by serious health problems. Family members, who visit him regularly, say he remains in very poor health. Yao’s family and Liaoyang workers have repeatedly appealed to authorities as high as the National People’s Congress (NPC) and the Supreme People’s Court (SPC) to release Yao on medical parole. But these appeals have been unsuccessful. Yao was also repeatedly denied permission to visit his dying mother, who passed away on April 7, 2008.

TAKE ACTION FOR YAO FUXIN

Write a direct appeal to the Prison Director and Chinese authorities, and publish or blog for Yao Fuxin. Visit <http://www.ir2008.com/05/action.php> for more information.

ABOUT THE ISSUE: THE OLYMPICS AND LABOR RIGHTS

While the Chinese government touts its goal of creating a “harmonious society,” it has failed to protect internationally recognized workers’ rights, both in law and in practice, and continues to allow gross violations of workers’ human rights. Several recent high-profile incidents have underscored inhumane conditions and weak protections for workers in certain sectors of the economy in China. In June 2007, an extensive network of illegal brick kilns in Shanxi and Henan provinces was found to employ kidnapped slave labor. Although progress has been made on paper in enacting more legal protections for workers, the government continues to deny fundamental rights such as the right to organize independent unions and the right to strike. Abuses range from forced labor and child labor to violations of health and safety standards and the non-payment of back wages and unemployment benefits.

TAKE A STAND FOR WORKERS IN CHINA

Write letters to authorities in China and international labor organizations. Visit <http://www.ir2008.com/05/issue-action.php> for more information.



JULY: TENZIN DELEK RINPOCHE

Tenzin Delek Rinpoche (བསྟན་འཛིན་བདེ་ལེགས་) is a Tibetan monk and spiritual leader who has been in prison since 2002, and is serving a life sentence for “crimes of terror” and “incitement of separatism.” He continues to assert his innocence.

Before his arrest, Tenzin Delek Rinpoche sought to strengthen the Tibetan community, including by working to build schools, monasteries, and medical facilities, and by reaching out to the poor. Tenzin Delek Rinpoche supported the Dalai Lama, developed Tibetan cultural and religious institutions, and was also active in the local environmental movement, speaking out against deforestation practices that were harmful to the local community.

Tenzin Delek’s activism on this range of issues made him a target of the Chinese authorities, who for ten years attempted to limit his work and influence. He was detained and then arrested on April 7, 2002, accused of involvement in a series of bombings in Sichuan Province between 1998 and 2002. Another Tibetan, Lobsang Dondrup, had been arrested for an April 3, 2002, bombing in Chengdu, and the authorities stated that he linked Tenzin Delek Rinpoche to the bombings in his confession, though no record of the confession exists.

Following his arrest, Tenzin Delek was held incommunicado for eight months. On November 29, 2002, his trial with Lobsang Dondrup opened at the Ganzi Tibetan Autonomous Prefecture Intermediate People’s Court [甘孜藏族自治州中級人民法院]. During the trial, no evidence other than the confession of Lobsang Dondrup was offered to link Tenzin Delek Rinpoche to the bombings, and Tenzin Delek Rinpoche maintained his innocence throughout. Moreover, he had no access to the lawyer his family had appointed for him, and despite his final conviction, no court documents have since been released by the court, shrouding the proceedings in secrecy.

On December 2, 2002, Tenzin Delek Rinpoche was convicted of “causing explosions [and] inciting the separation of the state” and was sentenced to death with a two-year reprieve. Tenzin Delek Rinpoche appealed the conviction, but his appeal was denied by the Sichuan Higher People’s Court, which subsequently commuted his sentence to life imprisonment in January 2005.

Lobsang Dondrup was sentenced to death on the basis of his confession on November 29, 2002; he refused to appeal and was executed on January 26, 2003.

TAKE ACTION FOR TENZIN DELEK RINPOCHE

Write direct appeals to Chinese authorities or publish or blog for Tenzin Delek Rinpoche. Visit <http://www.ir2008.com/07/action.php> for more information.

ABOUT THE ISSUE: RELIGIOUS EDUCATION FOR ETHNIC MINORITIES IN CHINA

Despite formal protections set forth in many domestic laws, regulations, and policies, ethnic minorities in China continue to face numerous barriers in their access to religious education.

Name

Tenzin Delek Rinpoche

Date of birth

1950

Formal arrest

April 7, 2002

Charge

Crimes of terror and incitement of separatism

Sentence

Death sentence with two-year reprieve, later commuted to life imprisonment

Current location

Chuandong Prison, Sichuan Province

Anticipated release

No pending release date; serving life sentence

The authorities have established both legal and practical obstacles to religious education. Religious practitioners face official interference in religious training, restrictions on entry into religious buildings, and limitations on the observance of religious customs in public places. At the same time, authorities have implemented an aggressive campaign of Chinese nationalist-themed patriotic education programs, which are instituted in primary and secondary schools, as well as in centers of religious learning such as monasteries and mosques.

TAKE ACTION TO SUPPORT RELIGIOUS EDUCATION FOR CHINA'S ETHNIC MINORITIES

Support campaigns for the release of human rights defenders, and write letters to Chinese authorities. Visit <http://www.ir2008.com/07/issue-action.php> for more information.



SEPTEMBER: GUO FEIXIONG

Guo Feixiong (郭飞雄), also known as Yang Maodong (杨茂东), is a Guangzhou-based activist and writer. He also worked as a legal adviser at the Beijing-based Shengzhi Law Office and provided legal assistance on a number of controversial rights defense cases, including helping the villagers of Taishi, Guangdong Province, to remove their corrupt village chief in 2005. Immediately following his activities in Taishi, he was detained for three months on “suspicion of disturbing the public order.” Guo went on a hunger strike for 59 days during detention.

Name

Guo Feixiong
(a.k.a. Yang Maodong)

Date of birth

August 2, 1966

Criminal detention

September 14, 2006

Formal arrest

September 30, 2006

Charge

Illegal business activity

Sentence

Five years' imprisonment and fine of 40,000 yuan

Current location

Meizhou Prison, Guangdong Province

Anticipated release

September 13, 2011

In November 2005, the Shengzhi Law Office was shut down because its founder, prominent human rights lawyer Gao Zhisheng, represented Falun Gong practitioners and posted three letters on the Internet criticizing the Chinese government for its repression of the Falun Gong. In February 2006, Guo participated in a hunger strike organized by Gao to protest the government's crackdown on human rights activists. When Gao was detained in August 2006, Guo also provided legal assistance to Gao. Guo was formally arrested in September 2006 on the charge of “illegal business activity” in connection with the 2001 publication of *Shenyang Political Earthquake* (沈阳政坛地震), a book he edited about a political scandal in Shenyang, Liaoning Province. In November 2007, he was sentenced to five years in prison and fined 40,000 yuan.

According to Guo's wife, Zhang Qing, during his 15-month detention in Guangzhou and Shenyang, Guo was tortured numerous times, including the following episodes:

- He was interrogated for 13 consecutive days and nights right after his initial detention.
- He was tied down to a wooden bed for 42 days with his arms and legs shackled.
- He was hung from the ceiling by his arms and legs while the police electrocuted his genitals with a high voltage baton. Guo attempted suicide the following day.

According to Zhang, Guo's conviction was based on the confession he gave during the torture with electric baton. In December 2007, a month after his conviction, Guo was trans-

ferred to the Meizhou Prison, Guangdong Province, to serve his sentence. Upon arrival at the prison, Guo began a hunger strike to protest his treatment. A few days later, he was severely beaten by a fellow inmate while 200 other inmates watched. The prison authority also threatened to send him to a mental institution. At Meizhou Prison, he went on hunger strike several times. During one of these strikes, in February 2008, he was forced a liquid that made him vomit for more than a week and turned his urine red.

Guo is married and has two children. Because of his activities, Guo's family has also become a target of the authorities. Guo's wife, Zhang Qing, lost her job. Guo's son Yang Tiance (杨天策) was denied admission to the local public school, Hua Kang primary school (华康小学), for one year and was finally permitted to enroll in 2008. Guo's daughter, Yang Tianjiao (杨天娇), is still barred from enrolling in the local public middle school, Tianhe No. 47 middle school (天河区47中学).

TAKE ACTION FOR GUO FEIXIONG

Send appeals to Meizhou Prison and Guangzhou education officials, and publish or blog for Guo Feixiong. Visit <http://www.ir2008.com/09/action.php> for more information.

ABOUT THE ISSUE: TORTURE

Torture is prohibited by international law, and by China's own Constitution and domestic laws. But despite these prohibitions, there is ample evidence from first-hand accounts by detainees and prison inmates that the use of torture by police, state security, and prison officials is prevalent in China. In addition, the use of torture as a tool of political repression is frequently reported by victims, domestic activists, international media, civil society groups such as social service and church groups, and non-governmental organizations.

In recent years, following the revelation of wrongful convictions in several murder cases, the Chinese government has acknowledged that the use of torture to extract confessions from criminal suspects remains a serious problem in China's criminal justice process and a major cause of miscarriage of justice.

TAKE ACTION TO END TORTURE IN CHINA

Support campaigns to end torture in China. Visit <http://www.ir2008.com/09/issue.php> for more information.