
FOUR ARTICLES

Radio Free Asia

Activists Report Clampdown

2009-09-17

Chinese democracy activists receive visits, warnings from the police.

HONG KONG—Authorities in the southern Chinese city of Shenzhen have warned activists in the city against holding public meetings ahead of politically sensitive anniversary celebrations next month.

Shenzhen-based activists Li Tie, Guo Yongfeng, and Zhao Dagong all said they had received warnings from China's state security police ahead of lavish celebrations of the 60th anniversary of Communist Party rule Oct. 1.

"The first time they came to talk to me was around the same time they spoke to Zhao Dagong," Li said.

"It was the state security police who contacted me, saying that I shouldn't cause trouble for them and make them look bad."

Li said he was warned against gathering in the next couple of weeks with any other activists, including Zhao, Yang Yong, and Guo Yongfeng.

He was also been warned against printing T-shirts with anti-government slogans on them and organizing any activities.

*** Round-the-clock watch

Guo said he was also visited Wednesday and warned against meeting up with other activists.

"They came to talk to me. The state security police have been stationed outside my home around the clock for the past few days," he said.

"When I went downstairs [to the street] they watched me and followed me, and I couldn't go anywhere until I'd thrown them off."

On his return, Guo said, the state security police approached his landlord, asking him to speak to Guo on their behalf.

"They are trying to put pressure on me by talking to my landlord," he said.

The activists said the police frequently asked them out for dinner as a way

of keeping an eye on them.

But they vowed to maintain their rights as private citizens.

*** 'Illegal demands'

Li said he has ignored the warnings as far as he is able.

"I tell them I have heard them, but I refuse to respond to what they say. If I did, that would mean I was ready to do as they wanted."

"They are making illegal demands on a citizen. How can I reply to that? All I will do is give them the time of day and hear what they have to say," Li added.

Chinese authorities are implementing a nationwide security clampdown ahead of the Oct. 1 National Day celebrations, closing key Web sites and discussion boards and detaining people who try to lodge complaints in Beijing about local governments.

"I walked past the complaints department offices this morning, and I saw a lot of police and official cars to detain petitioners. There were a lot of officials waiting there, each holding a pair of hand restraints," a Beijing resident surnamed Yang said.

"There were official buses there to take the petitioners away, parked on both sides of the road even," he said.

"This 60th anniversary celebration for the nation, for the Communist Party, has become a disaster for petitioners."

* Original reporting in Cantonese by Ho Shan and in Mandarin by Yan Xiu. Cantonese service director: Shiny Li. Mandarin service director: Jennifer Chou. Translated and written for the Web in English by Luisetta Mudie. Edited by Sarah Jackson-Han.

South China Morning Post

Beijing rains on provinces' parades with ban on marking anniversary

Cary Huang in Beijing
Updated on Sep 17, 2009

One party, one parade.

That's the edict from top Communist Party leaders and the State Council to provinces and cities, other than Beijing, which have been planning public celebrations for the 60th anniversary of the founding of the People's Republic of China.

Top leaders fear a terrorist attack or social disturbance that would

sabotage celebrations on October 1, and also want to avoid appearing extravagant at a time of economic hardship.

The ban was imposed in July after the violent clashes between rioting Han Chinese and members of the Uygur ethnic minority in Urumqi , Xinjiang , that officially left 197 people dead and hundreds more injured. However, mainland media have not reported it.

Governments in China's regions should not stage big public gatherings or parades to celebrate the anniversary, a circular issued by the government and the party's Central Committee said, according to a party source who was briefed about it.

If any government felt it had special grounds for staging such events, they must seek central government approval, the circular said.

It specifically banned all "reviews of troops" outside the capital.

In the past, provincial, regional and municipal governments have staged celebrations - involving mass gatherings in city parks or big street parades - in milestone years such as those marking the republic's 40th, 45th, 50th and 55th anniversaries.

A senior official in charge of publicity in one province said: "As a result [of the circular], several cities in our province have stopped their programmes even though most of them had begun their preparatory works as early as the beginning of this year." Such an official would usually be directly involved in preparations for public celebrations of the sort that authorities had been planning.

Another reason for the ban was to prevent "extravagance and waste" at a time of rising unemployment amid the global economic downturn, this official said, citing the document.

While most governments revealed little about their plans for celebrations, those in Sichuan and Guangzhou had announced fireworks shows on October 1. Guangzhou's was budgeted to cost as much as 3.3 million yuan (HK\$3.75 million).

"The authorities decided to hold simple and thrifty National Day programmes this year, as the new-generation leadership headed by Hu Jintao has pledged to avoid extravagance and bring people practical benefits," the official said.

Social unrest has been on the rise across the mainland, with some disturbances involving tens of thousands of people. Often these are sparked by resentment over such issues as corruption, pollution, land seizures and judicial bias. Last year, state media reported 70,000 "mass incidents" - the government euphemism for riots and street protests. The figure represented an increase of nearly 50 per cent from 2005.

Even the central government has cut its budget for the National Day celebration. Only 200,000 people will participate in this year's parade and

celebration in Tiananmen Square, compared with the one million who marked the republic's 10th, 20th, 30th and 40th anniversaries and the 500,000 who joined 50th anniversary celebrations in 1999.

Party leaders worry that if they relax their grip even slightly, there could be more "mass incidents". With National Day two weeks away, the government has embarked on a campaign to head off unrest. Authorities in Beijing have reactivated the blanket security plan used for last year's Olympics.

On Saturday, Zhou Yongkang , the Politburo Standing Committee member in charge of security, called for all-out efforts to maintain stability during the National Day holiday. He urged law-enforcement agencies to "fully prepare themselves for the most complicated situation".

Vice-President Xi Jinping was earlier put in charge of a public security campaign aimed at preventing and responding swiftly to social unrest in a year ripe with sensitive anniversaries - the others are the 50th anniversary of the Tibet uprising, the 20th anniversary of the Tiananmen crackdown and the 10th anniversary of the outlawing of Falun Gong.

South China Morning Post

Anti-torture measures in works, paper says

Ng Tze-wei
Aug 11, 2009

The mainland will soon release a judicial document that will for the first time spell out that confessions obtained through torture will not be admissible evidence in court, according to The Southern Metropolis News.

Even though the mainland criminal code has long banned torture during the questioning of suspects, and even made it a criminal offence, forced confessions still overshadow the judicial system.

The Renmin University School of Law recently researched 137 wrongful convictions imposed in the 1980s and determined that 164 men and women had been wrongfully deprived of a total of 720 years of freedom, one had been executed, and another had died in prison. Half of the wrongful convictions involved murder charges.

The Southern Metropolis News, which is based in Guangzhou, quoted Renmin University professor Liu Pinxin as saying that the reason wrongful convictions tended to concentrate on felonies was that police were under pressure to solve the cases within a time limit, and there was little social sympathy for people suspected of serious crimes.

As the mainland reviews its Criminal Procedure Law, debate has been rekindled over whether criminal law should follow the principle of "protecting individual rights" or "protecting the masses through heavy

punishment". The way evidence is obtained is one of the issues at the forefront.

Using the death penalty as a starting point, the Supreme Procuratorate will soon introduce a new regulation on death-penalty trials and the use of evidence, which will specify the inadmissibility of confessions obtained through torture.

China University of Political Science and Law professor Wang Shunan hailed the pending regulation as "an extremely important step". He said it would also force the country's police and procuratorates to shift from an emphasis on confession and testimony to collecting solid circumstantial and documentary evidence.

"In the past it was endorsed only in theory; now it will be given as a procedure," Professor Wang said. "So if torture is used now, there will be clearly stated legal repercussions."

Under the new regulation, the procuratorate must also investigate and bring charges if it becomes aware of torture or any form of tampering with evidence. It will also specify six scenarios in which evidence will be considered to have been gathered illegally and cannot be used in court.

Criminal lawyer Xia Lin said he would reserve judgment about the changes until he saw the details.

"The key is who will have the liability to prove that the confession was obtained through torture. Right now unless a defendant dies or suffers serious injuries, it is very difficult for the defendant to prove that he has been tortured," Mr Xia said.

"The police should bear the burden of proof that they have not used torture."

Other measures such as filming whole interrogations, allowing the presence of lawyers during interrogation and separating interrogation facilities from detention facilities are also aimed at stopping torture.

The New York Times
August 24, 2009

Without Explanation, China Releases 3 Activists

By MICHAEL WINES

BEIJING – Chinese authorities unexpectedly released three political activists from detention on Sunday, including one whose case had drawn global attention.

Officials offered no reason for the releases, but they occurred one day after the new American ambassador to China, former Gov. Jon M. Huntsman Jr.

of Utah, arrived in Beijing.

The government did not say whether it had also suspended criminal tax-evasion charges made last week against the most prominent of the freed men, Xu Zhiyong, a public-interest lawyer, that could result in a prison sentence of seven years were he to be convicted.

The prosecution of Mr. Xu in particular has attracted scrutiny abroad because of his role in other cases that are seen as a test of the Chinese legal system's fairness. Mr. Xu, 36, and a co-worker, Zhuang Lu, were released more than three weeks after they were seized in their homes on July 29. The authorities also shut down Mr. Xu's Gongmeng legal center, also known as the Open Constitution Initiative, from which Mr. Xu and others had taken on cases against government authorities.

Recently, Mr. Xu's center represented parents whose children were sickened by chemical-tainted milk, a regulatory scandal that embarrassed the government and led to the collapse of one of the nation's biggest dairy companies.

In a separate case, Beijing authorities also released Ilham Tohti, an economist, Internet activist and ethnic Uighur detained after deadly riots erupted in the western Xinjiang region in early July.

Mr. Tohti, 39, ran a Web site called Uighur Online, a popular forum for ethnic Uighurs, who live mostly in Xinjiang, to discuss issues important to them. After the July rioting, Xinjiang's governor, Nur Bekri, charged that the site had helped foment the violence by spreading rumors. The Web site has since been closed.

The government has accused Mr. Xu of evading taxes on a \$100,000 grant that Yale University gave the Gongmeng center for legal programs. The charges are widely regarded by outsiders as punishment for Mr. Xu's advocacy of the rule of law.

China's court system is controlled by the ruling Communist Party, and legal decisions – especially in cases with important political or social ramifications – are often regarded as skirting written law to reflect the dictates of party officials.

The accusation against Mr. Xu was filed during a general crackdown by Chinese authorities on independent activists, and particularly on those activists who receive financing from foreign sources. In a recent speech, China's justice minister warned lawyers that their primary duty was to support the Communist Party and promote a "harmonious society," and said that party minders would be sent to law firms to enforce that doctrine.

China scholars and political analysts have speculated for months about whether the crackdown is temporary, perhaps linked to government concerns about disruption of the October celebration of the 60th anniversary of modern China's founding, or whether it is part of a broader and longer-lasting effort to curtail free speech.

Mr. Xu's detention and later arrest have surprised many here because his Gongmeng center is regarded as among the most cautious and conservative of China's small band of public-interest organizations.

While the center has pursued some high-profile cases, it has been careful to work within the parameters of Chinese law and to focus on helping Chinese citizens secure already recognized legal rights.