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HUMAN  
RIGHTS  
WATCH

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President Hu Jintao  
People's Republic of China  
Zhongnanhai, Xichengqu, Beijing  
People's Republic of China

Dear President Hu,

We, the undersigned human rights advocates, lawyers, and scholars, write to urge your commitment to ensuring the civil rights of advocates for social justice. We note with concern the sharp increase in official retaliation against such advocates and their families through persistent harassment, banishment, detention, arrest, and imprisonment. We note, too, the frequent use of state secrets charges to discourage social activism.

For the international community to take seriously China's oft-stated commitment to a rule of law, and for China's own citizens to trust the judicial system to redress legitimate grievances, it is urgent that China's central leadership not look the other way when local courts and law enforcement officials ignore China's laws and legal procedures with impunity. It is equally urgent that judicial authorities throughout China cease to use China's state secrets laws to prevent defendants in politically sensitive cases from exercising their rights to fair and impartial hearings.

Several recent cases cast doubt on your government's willingness to take those principled steps. Four such cases are of particular concern, those of rights defenders Gao Zhisheng, a lawyer, Chen Guangcheng, a legal activist, Zhao Yan, a journalist, and Hu Jia, a grassroots HIV/AIDS activist. Their apprehension, the charges against Messrs. Gao, Chen, and Zhao, Mr. Chen's and Mr. Zhao's subsequent trials and sentencing, and Mr. Hu's forcible removal to a police station without a warrant are representative of China's legal system at its worst. We urge the immediate releases of those still held, the dismissal of all charges, and the immediate restoration of Mr. Gao's license to practice law.

Beijing public security officers seized Mr. Gao, a prominent human rights defense lawyer, on August 15, 2006, in Shandong province. On August 18, Xinhua reported that he was detained on suspicion of involvement in "criminal activities." His whereabouts are unknown. Police officers illegally prevent access to his home, as they so often do to the families of lawyers who assist people in asserting their rights; his wife, daughter, and son may not leave; no one is allowed in.

All Mr. Gao's activities were peaceful and legal. He defended journalist and former professor Zheng Yichun whose Internet writings questioned official policies, house church pastor Cai

Zhuohua who freely distributed bibles, and fellow legal activist Yang Maodong, better known as Guo Feixiong. He also defended Beijing residents forcibly evicted from their homes, rural residents whose lands were seized, Falungong practitioners, and striking workers.

However, in November 2005, after Mr. Gao continued to protest against local officials' abuse of power, sent an open letter to you and to Premier Wen Jiabao urging that the persecution of Falungong practitioners cease, and took on more politically sensitive cases, the Beijing Municipal Bureau of Justice suspended his law firm, the Shengzhi Law Office in Beijing, for one year. In December, his license to practice was revoked.

Mr. Gao made good his promise to "continue to work for the rights of ordinary citizens, as an ordinary person myself if they refuse to let me operate as a lawyer." On February 4, 2006, he and Mr. Hu initiated a symbolic hunger strike movement to draw attention to official mistreatment of human rights defenders.

Mr. Gao was particularly concerned, as we are, with retaliation against Chen Guangcheng, sentenced on August 24 by local Yinan county (Shandong province) officials to four years and three months in prison for allegedly organizing a mob to disturb traffic and willfully damaging public property. Mr. Chen, a blind legal activist, had investigated villagers' claims that local officials used illegal practices to enforce population control laws. The National Population and Family Planning Commission (NPFPC), responding to his concerns, agreed that illegal family planning practices did exist. It is our belief that the charges were baseless and brought in response to his activism. It would have been extremely difficult, if not impossible, for Mr. Chen, who was forcibly detained at home and denied any means of communication, to organize a mob or damage public property. Furthermore, even if the charges were true, the sentence was disproportionate to the alleged offenses.

We are equally concerned about the physical attacks on Mr. Chen's legal team. Prior to the trial, local officials and unknown assailants prevented the team from collecting evidence and interviewing witnesses. On the day of the trial, Mr. Chen was represented in court by two lawyers whom he had never met because his own lawyers were prevented from attending the trial. One of Mr. Chen's lawyers, law professor Xu Zhiyong, was accused of petty theft and beaten, then held by the police until Mr. Chen's trial was over.

Other activists, such as Hu Jia, were prevented from going to Shandong to demonstrate support for Mr. Chen, or apprehended when they arrived. In another instance, local Yinan county police detained writer Deng Yongliang when he arrived on August 18, then transferred him back to Xi'an. As of this writing, it is unclear whether he is still in detention. On August 19, security personnel told Zhao Xin, executive director of the Empowerment and Rights Institute, a Chinese human rights NGO, to leave Beijing and return to his home town in Yunnan province. Mr. Zhao had spoken out in defense of both Chen Guangcheng and Gao Zhisheng. Two Beijing law professors, Teng Biao of the Chinese University of Politics and

Law and Xu Zhiyong from the Beijing University of Posts and Telecommunications, were repeatedly warned by their universities to stay away from the case.

Zhao Yan, a former journalist for the official *Zhongguo Gaige (China Reform)* magazine, used the media to expose government mistreatment of farmers and publicly assisted many who tried to reclaim their land or realize just compensation. State Security Bureau agents kept Mr. Zhao under surveillance and harassed him. Under pressure, Mr. Zhao resigned from the magazine in April 2004; a month later he began work as a researcher for the *New York Times*. Six months later he was formally arrested for “leaking state secrets to a foreigner” after the *New York Times* correctly predicted that former president Jiang Zemin would resign from his last official post. The *New York Times* and Mr. Zhao consistently maintained that he was not the source of the information.

On June 1, 2005, when no evidence to sustain the state secrets charge had been found and Zhao’s time in detention had exceeded allowable limits, the government brought an unrelated fraud charge based on an alleged 2001 incident. According to the government, Mr. Zhao agreed, in exchange for approximately U.S.\$2,500, to use his State Council connections to help a local official avoid serving an 18-month re-education through labor sentence. Mr. Zhao has denied he ever took money and has asked for a lie-detector test. On August 25, 2006, two months after his closed trial, the court dismissed the state secrets charge but convicted Mr. Zhao of fraud and sentenced him to a three-year term.

A charge of state secrets may be justified in the interest of public order or national security. In Mr. Zhao’s case, neither was compromised by the *New York Times* prediction. What was compromised was the ability of Mr. Zhao’s lawyers to act as defense counsel, in particular because the authorities limited the lawyers’ access to their client and to the prosecutor’s evidence and refused to hear the defense witnesses.

On September 7, 2006, some dozen plainclothes officers seized Mr. Hu Jia from his home in Beijing and insisted he accompany them to a local police station. They offered no identification nor did they produce a warrant. He was released after twelve hours, but was warned that he was suspected of “criminal activities.” The following day, September 8, police officers took him back to the station for another day of interrogation. Mr. Hu has been held in house arrest since mid-July for his on-going attempts to investigate and publicize the disappearances and detentions of other rights activists. At the time he was seized, he was trying to arrange legal help for Mr. Gao and to collect information on additional disappearances. In February 2006, Mr. Hu “disappeared” for over a month following his and Mr. Gao’s initiation of a rotating symbolic hunger strike. Mr. Hu’s early activism targeted environmental and HIV/AIDS-related abuses.

These incidents, taken together, suggest that those who try to make Chinese officials more accountable, whether through journalism, legal activism, or other peaceful and internationally recognized channels, will be prosecuted through a legal system that lacks impartiality and denies them basic guarantees of fairness. So long as the government may,

with impunity, persecute and punish those whom they perceive as challenging its collective power, the international community and China's friends and allies will remain deeply skeptical about China's commitment to reform, to transparency, and to the rule of law.

We therefore urge again that Messrs. Chen, Gao, and Zhao be released immediately with all their rights fully restored, and that Mr. Hu no longer be confined to his home. We urge that the overhaul of state secret laws, in order to bring them into conformity with international standards, be made a priority. We urge that local officials be held accountable when they use the law to punish and harass would-be challengers. And we urge your public commitment to use your office to further these reforms sooner rather than later.

Sincerely,

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