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July 15, 2003

Rt Hon. Tony Blair MP  
10 Downing Street  
London SW1A 2AA

Dear Prime Minister,

We write to you about your forthcoming visit to China and Hong Kong to urge that human rights issues be prominent on your agenda when you meet with President Hu Jintao and other senior officials. We urge that you raise the following issues:

- use of the war against terrorism as a cover for human rights abuses in the Xinjiang Uighur Autonomous Region and elsewhere in China;
- escalating arrests and police violence against HIV-positive protestors in Henan province;
- restrictions on the right to freedom of association for workers nationwide;
- the ongoing campaign against Tibetans who question restrictions on their rights to freedom of religion, expression, and association;
- forced repatriation of North Korean refugees living in China;
- denial of the right to free expression on the Internet; and
- reconsideration of passage of Hong Kong's National Security Legislative Provisions Bill.

We further urge you to support international efforts seeking the release of all political and religious prisoners. China has promised that the U.N. Special Rapporteur on Torture and the U.N. Working Group on Arbitrary Detention would be invited "without conditions" to visit China. These visits have not yet taken place. We urge you to insist that these invitations be issued as soon as possible.

### **Counter-terrorism and the "Strike Hard" campaign**

Hoping to gain support for its internal crackdown, China after September 11, 2001, began to equate Uighur movements for independence or autonomy in the Xinjiang Uighur Autonomous Region with international terrorism. Human Rights Watch recognizes that there may be some Uighur separatists associated with international terrorist movements, but the Chinese government has not made the distinction between such individuals and those involved in separatist activities, or between separatists involved in armed struggle and those pursuing their claims through entirely peaceful means.

In December 2001, the Chinese Communist Party Committee in Xinjiang urged that Xinjiang's participation in the nationwide "Strike Hard" law and order campaign, begun in the 1980s and renewed in April 2001, be specifically directed against terrorists and separatists. The campaign, which significantly speeds up the judicial process, has been linked with systematic violations of due process and the right to a fair trial, and with a sharply increased rate of executions. Strict censorship has limited the available information as to the numbers caught up in the campaign, their crimes, and the severity of the punishments. Nonetheless, reports have indicated large numbers of detainees and harsh sentences.

Significantly, China has also applied the term “terrorist” to activists outside Xinjiang. Wang Bingzhang, a well-known Chinese dissident, was sentenced to life imprisonment for “organizing and leading a terrorist group.” In Sichuan, Tenzin Delek Rinpoche (discussed in more detail below) was sentenced to death with a two-year reprieve for engaging in “acts of terror” and “incitement to separatism.” His co-defendant, Lobsang Dhondup, was executed. Both men were denied access to lawyers of their own choosing and other requirements of a fair trial.

## **Recommendations**

We urge that you call on the Chinese government to:

- abide by international standards of due process and fairness in criminal trials;
- allow the public and independent national and international observers at all trials;
- end the practice of labeling separatists or other political opponents as terrorists for political purposes; and
- end the Strike Hard campaign, which has led to systematic human rights violations around the country.

## **HIV/AIDS**

Britain is the world’s largest international donor to AIDS programs in China.

Two decades after the first case of HIV/AIDS was diagnosed in China, the country faces what could be the largest AIDS epidemic in the world. In the last several years, Beijing has become increasingly open to international assistance in fighting the AIDS epidemic and has made moves towards greater transparency about rising HIV infection rates. However, the deepening cover-up of the Henan provincial government’s role in the spread of HIV and escalating police violence against HIV-positive protestors undermine efforts by Beijing and its international partners to prevent the spread of AIDS.

In countries that have successfully contained the spread of HIV/AIDS, people with AIDS have been in the forefront of the battle. In China, state censorship of information about epidemics and the systemic violation of rights to freedom of association and assembly make it nearly impossible to form grass-roots organizations for people with HIV/AIDS.

In Henan, HIV-positive villagers have mobilized to provide local services in affected villages and have peacefully protested to demand access to antiretroviral treatment and care for people with HIV/AIDS. One complaint has been the alleged misappropriation of AIDS funds by officials. Violence and arbitrary arrests have been the response to these protests in three separate incidents since May.

One factor fueling the unrest in Henan is that the central government has done little to hold local officials accountable for cover-up of blood scandals that led to the spread of the virus in Henan’s villages. Local officials not only covered up, but apparently profited from management of a contaminated blood sales network that helped spread HIV to approximately one million men,

women and children. China banned international and Chinese journalists attempting to report on the epidemic, harassed doctors trying to speak out, and blocked access to AIDS organizations offering much-needed services to whole villages of dying farmers and their children. Some of the officials involved have even been promoted.

## **Recommendations**

We urge you to press the Chinese government to:

- provide medical care, including antiretroviral treatment, to Henan villagers who were infected with HIV at state-run blood collection centers;
- end the use of violence against peaceful protestors and discipline police and other security officials responsible for the recent attacks on villagers in Henan;
- order an independent, credible investigation of the Henan blood scandal and the alleged mismanagement of state AIDS funds in the province, and to hold those responsible accountable;
- seek technical assistance from UNAIDS, and other organizations involved in the international fight against HIV/AIDS. It would be particularly useful to seek the advice and assistance of Hong Kong AIDS NGOs and Hong Kong government colleagues in the development of human rights protections for people living with HIV/AIDS;
- lift restrictions on the formation of independent grass-roots organizations.

## **Worker rights**

China does not permit workers to organize independently. The All-China Federation of Trade Unions (ACFTU), the only recognized union, is a proxy of the government and the Chinese Communist Party. The International Covenant on Civil and Political Rights, which China has signed but has not yet ratified, states that “everyone has the right to free association...including the right to form and join trade unions.” The International Covenant on Economic, Social and Cultural Rights (ICESCR) protects the same right. However, when China ratified the ICESCR it made application of the covenant contingent on China’s own Trade Union Law, which prohibits independent organizing. However, Human Rights Watch believes that China is still bound to uphold this fundamental right. China is also a member of the International Labor Organization. Although the government has not ratified ILO conventions dealing with free association and collective bargaining, by virtue of its membership China is obliged to recognize these rights.

The fate of two workers in Liaoyang, Liaoning province, is a case in point. In March 2000, after a state-owned enterprise declared bankruptcy, tens of thousands of laid-off workers demonstrated against the loss of their pensions and the refusal of management to pay back wages. According to the workers, a thoroughly corrupt process profited management at their expense. Yao Fuxin and Xiao Yunliang were arrested, initially on charges of failing to obtain permission to demonstrate. The prosecutor’s office later added subversion to the charges. In May 2003, Yao and Xiao received terms of seven and four years respectively in a hearing held in the absence of their lawyer. Their appeals were denied.

## **Recommendations**

We urge you to call for:

- the immediate and unconditional release of Yao Fuxin and Xiao Yunliang;
- amendment of all laws and regulations prohibiting workers from organizing independently; and
- ratification of ILO conventions No. 87 and No. 98, which protect freedom of association and the right to bargain collectively.

## **Tibet**

Repression against Tibetans and Tibetan activists continues. On April 7, 2002, police in the Ganzi (Tibetan: Kartse) Tibetan Autonomous Prefecture in Sichuan province seized Tenzin Delek Rinpoche, a locally renowned Tibetan lama who had long championed social welfare and environmental initiatives, for alleged involvement in a series of bombings. He was sentenced to death with a two-year reprieve. Lobsang Dondrup also was arrested and later executed for his alleged participation. No evidence connecting either of the two to the crime has been made public. Reports that Lobsang Dondrup was severely tortured after capture could not be investigated. Every aspect of the judicial process failed to meet international standards.

Several monks who worked closely with Tenzin Delek were also arrested and have served one-year administrative sentences for abating “splittism.” Another is reportedly serving a five-year sentence; still another reportedly was sentenced to seven years in prison. However, there has been no official word about the sentences, the charges against the detainees, where they were or are being held, or their medical conditions. All appear to be political prisoners. Since April 2002, others who attempted to leak news of what was happening to the men have been detained. One man who went into hiding is now safe in India. At least four others are in hiding. Surveillance in the affected area has been heightened. Authorities closed one monastery, while others have had to curtail their activities.

These cases are symptomatic of the harsh treatment meted out to those even suspected of loyalty to the Dalai Lama and of the interference of the government in matters of conscience and religion.

## **Recommendations**

We urge you to press the Chinese government to:

- make public the whereabouts of Tenzin Delek Rinpoche and others detained and imprisoned in relation to his case, the charges against them, any evidence supporting the charges, and their medical conditions. Independent doctors must be allowed to visit these detainees and prisoners;
- abide by international standards of due process and fairness in criminal trials and allow the public and independent national and international observers at all trials;

- rescind regulations permitting interference by the government in religious affairs and agree quickly to a visit without conditions by the U.N. Special Rapporteur on Religion, who last visited China in 1994; and
- release all prisoners held for non-violent political activities such as calling for an independent Tibet.

### **Internet**

On May 9, 2003, almost three years after he was first detained, Huang Qi, a webmaster in Sichuan province, was sentenced to a five-year prison term. Postings on his website that criticized government policy led to his conviction on charges of subversion. Huang is one of many currently in custody for charges stemming from the posting of political opinions on bulletin boards and chat rooms. On May 28, 2003, four young intellectuals—computer scientist Yang Zili, journalist Xu Wei, geologist Jin Haike, and writer Zhong Honghai—were sentenced to prison terms of eight and ten years. Liu Di, a young student, is in detention awaiting trial. Chinese users cannot access foreign sites that government officials consider “sensitive,” such as Human Rights Watch or Amnesty International. Domestic sites are regularly shut down, and a host of regulations forbid sites to publish news that has not been officially cleared. Monitoring by “cyber police” is routine and ubiquitous.

### **Recommendations**

We urge you to request the Chinese government to:

- immediately and unconditionally release Huang Qi, Liu Di, Yang Zili, Xu Wei, Jin Haike, Zhong Honghai, and all others held for postings on the Internet that challenge government policies;
- change its Internet regulations so as to conform to international standards of free expression.

### **North Korean refugees**

China has continued its policy of forced repatriation of North Korean refugees and asylum seekers to an uncertain fate in North Korea. Human Rights Watch has documented the torture and humiliation returnees suffer at the hands of North Korean officials, and the trafficking of North Korean “wives” for Chinese men, including with the assistance of Chinese border officials. As a signatory to the 1951 Convention relating to the Status of Refugees, China is obliged not to repatriate North Korean asylum seekers to places where they face persecution (including the death penalty). Aid workers who attempt to assist the refugees face arrest and harassment.

## **Recommendations**

We urge you to press China to:

- end the forced repatriation of North Koreans who are refugees or asylum seekers;
- work with the U.N. High Commissioner for Refugees (UNHCR) to establish a screening process for North Korean asylum seekers; and
- permit UNHCR and international humanitarian organizations access to the China-North Korea border to provide desperately needed humanitarian assistance.

## **Hong Kong**

Human Rights Watch welcomed postponement of the second reading of the National Security Legislative Provisions Bill (commonly referred to as Article 23). It is clear from the outpouring of public opinion to Article 23 that a thorough review of the legislation in its entirety is necessary. Even with the amendments recently suggested by the government, the proposed legislation would threaten basic human rights and fundamental freedoms through the introduction of Chinese-style laws that do not meet international legal standards. We believe that passage of any such bill should occur only after the government addresses the issues of universal suffrage and genuine democratic rule in Hong Kong, another requirement of the Basic Law.

## **Recommendations**

We urge you to press China and the Hong Kong authorities to:

- refrain from setting a deadline for passage of the National Security Legislative Provisions Bill;
- undertake a full review of the bill and amend it so that it is consistent with international standards; and
- move quickly to implement the provision of the Basic Law calling for direct election of the government by Hong Kong citizens.

We urge you to keep the subject of human rights at the forefront of your thoughts and statements about relations with China. We believe that discussion of the issues noted above is a precondition to constructive meetings in Beijing and Hong Kong.

Thank you for your consideration.

Sincerely,

Brad Adams  
Executive Director  
Human Rights Watch, Asia Division