



IR2008

INCORPORATING
RESPONSIBILITY

BEIJING 2008

TAKE ACTION

TIANANMEN: 2008 AND BEYOND

In the final 100-day countdown to the 2008 Olympic Games, the Chinese government still has a valuable opportunity to demonstrate its commitment and respect for its international obligations, including international human rights and Olympics host promises of greater openness, social development, and environmental progress. The international community—media, foreign governments, professional organizations, and global citizens of conscience—all have a role to play. Join HRIC and support the Chinese rights defenders in this critical year and beyond to 2009.



RELEASE ALL INDIVIDUALS STILL IMPRISONED IN CONNECTION WITH THE 1989 PROTESTS

One year from the 20th anniversary of Tiananmen, numerous individuals in China remain imprisoned for participating in the nationwide protests that occurred from April to June 1989. While almost all of the well-known prisoners from the Tiananmen protests have been released, “hundreds if not thousands” of lesser-known prisoners continue to languish behind bars, many for offenses such as the destruction of property or participation in “counterrevolutionary activities,”¹ crimes that were abolished in the 1997 revision of the Criminal Law. The Dui Hua Foundation has estimated that, as of March 2008, 60 to 100

known Tiananmen protesters are still in prison,² while other estimates of this number by the U.S. Department of State, Amnesty International, the Congressional-Executive Commission on China, and Human Rights in China range from 20 to 200.

WANG JUN

Scheduled for release on December 11, 2009

Wang was an 18-year-old worker from Shaanxi who was sentenced to death after participating in a “serious political disturbance” at the Xincheng Factory in Xi’an in April 1989. Upon appeal, Wang’s case was transferred to the Supreme People’s Court in Beijing, which recommended the death sentence with a two-year reprieve.³ His sentence was reduced another four times. Wang is now being held at the Fuping Prison in Shaanxi.

WEI YINGCHUN

Scheduled for release on January 24, 2010

Wei, a Shanghai factory worker, was 20 when he was accused of setting fire to a train that had run into protesters blocking the tracks while in protest of the crackdown in Beijing. Wei was sentenced to life imprisonment in June 1989 for participating in counterrevolutionary riots⁴ and damaging transportation equipment. His sentence has since been reduced, and Wei is currently scheduled to be released from Shanghai’s Baoshan Prison in 2010.

Photo credits: REUTERS/ David Silverman.

HU SHIGEN

Scheduled for release on May 26, 2010

Hu, a lecturer at the Beijing Languages Institute who helped establish the China Freedom and Democracy Party and the China Free Trade Union, was active in planning June Fourth memorial activities and calling for a reassessment of the government's violent crackdown on the 1989 Democracy Movement. Hu was detained on May 27, 1992, and formally arrested on September 27 that same year. On December 16, 1994, he was convicted of organizing a counter-revolutionary group and counterrevolutionary propaganda, and was sentenced to 20 years' imprisonment, followed by five years' deprivation of political rights. Hu suffers from serious health problems and is currently being held at the Beijing No. 2 Prison. His sentence was reduced by seven months in December 2005 and by an additional 17 months in early 2007.

The UN Working Group on Arbitrary Detention determined that Hu's detention was arbitrary on November 25, 2005. In addition to Hu Shigen, other individuals in HRIC's Take Action campaign whose detentions have also been determined by the Working Group to be arbitrary include: 1) journalist **Shi Tao**, 2) barefoot lawyer **Chen Guangcheng**, 3) labor activist **Yao Fuxin**, and 4) religious activist **Li Chang**. The release of these individuals would demonstrate compliance with and respect for international human rights decision-making processes.

For additional information on Hu, visit HRIC's "Take Action for Hu Shigen," June 2008, <http://www.ir2008.org/06/action.php>.

LIU ZHIHUA

Scheduled for release on January 16, 2011

Liu was one of a group of workers that organized a June 1989 strike that led to the closure of the

Xiangtan Electrical Machinery plant in Hubei Province. He was sentenced to life in prison in June 1989 for "hooliganism" and inciting a mob to "beat, smash, and loot." This sentence was later reduced to 18 years' imprisonment. Liu is currently being held at the Hunan No. 6 Prison.⁵

GU XINGHUA

Scheduled for release on February 28, 2011

Gu, an ethnic Miao farmer from Guizhou Province, was 25 when he created the People's Solidarity Party in 1988. He was detained in June 1989 on suspicion of planning military activities after the Tiananmen crackdown, formally arrested in September 1990,⁶ and sentenced to life imprisonment for counterrevolutionary rebellion and gathering people to make weapons. His sentence was subsequently reduced four times. Gu is currently being held at Guiyang Prison.

MIAO DESHUN

Scheduled for release on September 15, 2018

Miao, a Beijing resident, was detained in June 1989, and convicted of counterrevolutionary arson.⁷ He was originally given a death sentence with a two-year reprieve, which was reduced to life in prison in 1991, and then reduced again to 20 years' imprisonment. According to the Dui Hua Foundation, by the time Miao is released in 2018, he will have served 29.5 years in prison for starting a fire. He is being held at the Beijing No. 2 Prison.

In addition to releasing individuals determined to be arbitrarily detained by the UN Working Group on Arbitrary Detention, the Chinese authorities should release other individuals pursuant to the special pardon allowed under Article 64 of the PRC Constitution (2004); medical parole; or other remedial relief requested by the families or their lawyers.



RATIFY THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

Over the past 20 years, China has become an increasingly active and influential actor in the international human rights community. It is a member of the new UN Human Rights Council; it has signed and ratified core international human rights treaties (see chart below); and it signed in 1998, but has not yet ratified, the ICCPR. This growing engagement reflects greater sophistica-

tion regarding human rights concepts, language, processes, and mechanisms and demonstrates a recognition of the significance and relevance of international human rights discourse and practice.

At the same time, China has made limited progress in implementing recommendations issued by international human rights bodies and UN special procedures. These include the following: 1) China should respect and protect its citizens' right to form **independent trade unions**, 2) China should clarify the legal definition of **discrimination**, and 3) it should respect **freedom of expression**, including religious, cultural, and linguistic expressions of ethnic groups. (Review of the First Periodic Report of the PRC on Implementation of the International Covenant on Economic, Social and Cultural Rights, 2005.)

China's recent signing of the new Convention on the Rights of Persons with Disabilities demonstrates its ongoing integration into the international human rights framework. In the spirit of China's Olympics promises on freedom of expression and press freedom, China must now ratify the ICCPR signed ten years ago.

International Human Rights Treaties Ratified or Signed by China

TREATY	SIGNED	RATIFIED
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	December 12, 1986	October 4, 1988
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	July 17, 1980	November 4, 1980
Convention on the Rights of the Child (CRC)	August 29, 1990	March 2, 1992
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	—	December 29, 1981 (accession)
International Covenant on Economic, Social and Cultural Rights (ICESCR)	October 27, 1997	March 27, 2001
International Covenant on Civil and Political Rights (ICCPR)	October 5, 1998 ¹⁰	<i>Pending ratification</i>
Convention on the Rights of Persons with Disabilities	March 30, 2007	<i>Pending ratification</i>

Photo credits: REUTERS/Denis Balibouse (SWITZERLAND).



ADDRESS THE APPEALS OF THE TIANANMEN MOTHERS

The Tiananmen Mothers group has repeatedly called on the government to review its official assessment of the Tiananmen crackdown and change its stance toward June Fourth victims and their families. The group has asked China to allow an independent inquiry into the events of spring 1989, give a

public account and appropriate restitution, and prosecute the persons responsible.

Over the years, the Chinese government has failed to respond to the requests of the Tiananmen Mothers and has subjected the group to harassment, surveillance, and detention. Yet the Tiananmen Mothers have refused to give up their fight against the cycle of impunity that has allowed perpetrators of violations of human rights in China to go unpunished again and again. As further public evidence of the tragic events of 1989, the Tiananmen Mothers have compiled two maps that indicate places and hospitals where individuals died. These maps, along with other resources, contribute to a more complete record of the deaths and will be available soon at a new Tiananmen Mothers website, as well as linked to from HRIC's website.

HRIC urges the Chinese government to publicly address these concerns and begin engaging in dialogue with the Tiananmen Mothers.



CONDUCT AN INDEPENDENT INQUIRY INTO THE EVENTS OF SPRING 1989

To this day, China has yet to permit an independent and impartial investigation into the events of spring 1989. Various groups have urged the Chinese government to allow such an inquiry, to no avail. In June 2004, the 15th anniversary of Tiananmen, the United States Congress passed a bill condemning the government crackdown and appealing to

China for the establishment of a "June Fourth Investigation Committee."¹¹ Domestic groups and international human rights organizations, such as the Tiananmen Mothers and Amnesty International, have also asked China to initiate an independent Tiananmen investigation. The Tiananmen Mothers have exhorted the government to find and punish those who were responsible for the crackdown.

HRIC joins the appeal of the Tiananmen Mothers and other human rights groups to China to allow a fair, independent inquiry into the events surrounding the Tiananmen crackdown. Names and numbers of those who perished should be disclosed, and the full process and results of this inquiry should be made available to the public to ensure government accountability.



ALLOW TIANANMEN EXILES TO RETURN

Exiled Tiananmen activists have repeatedly called for the Chinese government to allow them to return to China. The Chinese government has canceled or refused to renew passports, and barred Chinese citizens from returning home. There are also blacklists⁸ containing the names of these exiled activists, including all of the principal student leaders of the Tiananmen Square Democracy Movement who escaped from China, together with other intellectuals, writers, and former government officials who participated in the movement.

These exiled activists currently live in North America, Europe, and other Asian countries. While the authorities have recently allowed a few individuals to return, in the lead-up to the 20th anniversary of the 1989 Democracy Movement and violent crackdown on June Fourth, the Chinese authorities should allow the remaining majority to return, without conditions, to their homeland. This would demonstrate respect for humanitarian concerns, which would also contribute to a true harmonious society.

Notes

1. John Kamm, "China's June Fourth Prisoners: The Long Road to Justice, Remarks to the Foreign Correspondents' Club of Hong Kong for the 12th Annual Human Rights Press Awards," The Dui Hua Foundation, March 29, 2008.
2. John Kamm, "China's June Fourth Prisoners: The Long Road to Justice, Remarks to the Foreign Correspondents' Club of Hong Kong for the 12th Annual Human Rights Press Awards," The Dui Hua Foundation, March 29, 2008.
3. For more information on the death penalty in China, see: Human Rights in China, "China's Death Penalty Reforms," *China Rights Forum 2* (2007), http://hrichina.org/public/PDFs/CRF.2.2007/CRF-2007-2_Penalty.pdf. When death sentences are handed down with a two-year reprieve (*sixing huangqi liangnian zhixing*), the death penalty is automatically commuted to life imprisonment if the convicted person does not willfully commit an additional crime during the two-year period.
4. Human Rights in China, "In Custody," *China Rights Forum 2* (2004), http://www.hrichina.org/public/PDFs/CRF.2.2004/rf4_InCustody6.2004.pdf.
5. Human Rights in China, "In Custody," *China Rights Forum 2* (2004), http://www.hrichina.org/public/PDFs/CRF.2.2004/rf4_InCustody6.2004.pdf.
6. Human Rights in China, "In Custody," *China Rights Forum 2* (2004), http://www.hrichina.org/public/PDFs/CRF.2.2004/rf4_InCustody6.2004.pdf.
7. Human Rights in China, "In Custody," *China Rights Forum 2* (2004), http://www.hrichina.org/public/PDFs/CRF.2.2004/rf4_InCustody6.2004.pdf.
8. Congressional-Executive Commission on China, "China: Enforced Exile of Dissidents, Government 'Re-entry Blacklist' Revealed," January 6, 1995, <http://www.cecc.gov/pages/roundtables/120902/blacklistFu.php>.
9. Human Rights in China, "HRIC Statement: Chinese Authorities Should Respond to Calls for Dialogue by the Tiananmen Mothers," February 27, 2008, <http://www.hrichina.org/public/contents/press?revision%5fid=47515&item%5fid=47439>.
10. China has stated its intent to ratify the ICCPR on numerous occasions. See, e.g., Permanent Mission of the People's Republic of China to the UN, *Aide Memoire*, April 13, 2006.
11. H. Res. 655, "Condemning the Crackdown on Democracy Protestors in Tiananmen Square, Beijing, in the People's Republic of China on the 15th Anniversary of the Tragic Massacre," 108th Congress, 2nd Session, June 1, 2004, <http://thomas.loc.gov/cgi-bin/query/D?c108:2:./temp/~c108f3JDdf>.

MONITORING PROGRESS

Over the next 12 months, HRIC will track progress on these significant human rights benchmarks and monitor the PRC government’s willingness to address the human rights situation, so that Chinese society can move forward onto a path of genuine stability and justice.

Look for additional suggestions for actions you can take on these cases and related issues on the IR2008 website, <http://www.ir2008.org>.

Write a Letter

- Write letters to relevant officials to call for the release of these imprisoned activists (templates available online).

Join a Campaign

- Join campaigns for the release of these individuals by nongovernmental organizations and on social networking sites like Facebook.

Are you a member of a business or professional association?

- If you are a member of your local business or professional association, encourage your organization and its committees to support Chinese activists in the same profession (such as journalists and lawyers) and learn more about restrictions on those individuals.

Do you write, publish or blog?

- If you blog, download the banners created by HRIC and link back to the Take Action website (<http://www.ir2008.org>) to encourage others to help make a difference.



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