

# THE OBSERVATORY

## for the Protection of Human Rights Defenders

### L'OBSERVATOIRE

pour la Protection des Défenseurs  
des Droits de l'Homme

### EL OBSERVATORIO

para la Protección  
de los Defensores de Derechos Humanos

#### URGENT APPEAL - THE OBSERVATORY

#### New information

**CHN 004 / 0406 / OBS 044.4**

Detention / Torture and ill-treatment

**The People's Republic of China**

July 5, 2007

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in the **People's Republic of China (PRC)**.

#### New information:

The Observatory has been informed by « Chinese Human Rights Defenders » (CRD) about the torture and ill-treatment suffered by Ms. **Mao Hengfeng**, a Shanghai activist who has been active in defending housing rights, opposing forced evictions and also in promoting women's reproductive rights.

According to the information received, Ms. Mao Hengfeng was severely beaten and harassed on May 15, 2007. At around 6 am, when she was transferred from the police detention center to prison, she was only given one very thin and loose shirt to wear, which could hardly cover her body. She said that she was almost naked when she was sent to prison. When she protested, police beat her up and upon arrival at the prison, she was immediately put in solitary confinement.

She subsequently started a hunger strike to protest against her situation. On three occasions, prison guards forced her to eat, tying her hands and opening her mouth by force, inserting a tube into her throat, and pushing food down the tube. Prison guards then assigned several inmates to watch her. They were also ordered to abuse her verbally. She allegedly suffers from high blood pressure and arthritis with painful joints. Moreover, her detention conditions are extremely harsh: with no chairs or bed provided to her, she has to sit or lie on the cold and wet floor.

Ms. Mao's husband visited his wife on June 28, 2007, and subsequently reported the ill-treatment she had been suffering to the CRD. He requested that the prison authorities allow Ms. Mao's lawyer to visit her and help her prepare for an appeal against her sentence. Her family also requested that the inhumane conditions under which Ms. Mao's is being held be changed.

The Observatory reiterates its deep concern about the situation of Ms. Mao Hengfeng, and considers her detention as arbitrary, as the grounds for her sentencing very probably aim at sanctioning her activity in favour of human rights. The Observatory further expresses its concern about the recurrent acts of physical abuse and other violations against Ms. Mao in the framework of her detention. The Observatory calls upon the Chinese authorities to guarantee in all circumstances her physical and psychological integrity.

The Observatory condemns more generally the recurrent use of torture and cruel, inhuman and degrading treatment against human rights defenders, in violation of the provisions of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ratified by the PRC, and of UN General Assembly Resolution A/RES/61/153 which provides that freedom from such treatments "is a non-derogable right that must be protected under all circumstances"

The Observatory wishes to recall that the National People's Congress amended the Chinese Constitution in 2004 to include that « the State respects and safeguards human rights » and that in April 2006, the PRC submitted a document to the UN Secretariat in order to support its candidacy to the Human Rights Council's first election<sup>1</sup>, in which it affirmed that the amendment to the Constitution was aiming at « defining the position of human rights in the overall national development strategy ». The Observatory further wishes to point out that as a member of the Human Rights Council, China « shall uphold the highest standards in the promotion and protection of human rights »<sup>2</sup>.

### **Background information:**

During a general roundup of petitioners shortly before the 2006 anniversary of the June 4 Crackdown, Ms. Mao Hengfeng was arrested on May 23, 2006, by the police from Shanghai's Yangpu District Public Security Dispatch Station, without any warrant. Police subsequently charged her with "violating the terms of residential surveillance", and placed her under "soft detention" in a guest-house in Shanghai's Yangpu District, where she was forced to share a room with six other persons. While protesting against the illegality of her detention, Ms. Mao broke two lamps in her room. As a result, on June 30, 2006, police placed her under detention in prison for "intentional destruction of property".

In August 2006, the Prosecutor's office sent the case back to the Public Security Bureau (PSB) for further investigation, and Ms. Mao was formally indicted on December 1, 2006.

In addition, according to her family, before her trial in January 2007, Ms. Mao was held in a very small cell where urine and excrement covered the floor. Guards covered the only window in the cell, and Mrs. Mao was unable to sleep due to the smell.

On April 16, 2007, the Shanghai Municipal No. 2 Intermediate People's Court confirmed the original sentence against Ms. Mao Hengfeng. The session lasted only ten minutes, during which only her judgment was read. Neither Mrs. Mao nor her lawyer were permitted to present any argument or evidence. During her appeal, Mrs. Mao Hengfeng's husband, Mr. Wu Xuwei, and her lawyer had presented new evidence with regard to the value of the lamps to demonstrate the disproportionate nature of her sentence. Further, only her family was able to attend her hearing, and her lawyer, Mr. Li Boguang, was prevented from entering the room.

Ms. Mao Hengfeng had already been subjected to various acts of harassment and detentions in the past (See Observatory Annual Reports 2005 and 2006).

### **Actions requested:**

Please write to the authorities in the People's Republic of China, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Mao Hengfeng;
- ii. Release Ms. Mao Hengfeng as well as all petitioners that are currently arbitrarily detained, and put an end to any kind of harassment against her;
- iii. Put an end to the harassment against all human rights defenders in China;
- iv. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels", and Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";

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<sup>1</sup> <http://www.un.org/ga/60/elect/hrc/china.pdf>.

<sup>2</sup> See OP9 of the General Assembly resolution A/RES/60/251.

- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by the People's Republic of China.

**Addresses:**

- President Hu Jintao, People's Republic of China, c/o Embassy of the People's Republic of China, 2300 Connecticut Ave., NW, Washington, D.C., 20008, USA, Fax: +01 202 588-0032;

- Ambassador Sha Zukang, Permanent Mission of the People's Republic of China, Chemin de Surville 11, P.O. Box 85, 1213 Petit-Lancy 2, Geneva, Switzerland, Fax: +41 22 7937014, E-mail: [mission.china@ties.itu.int](mailto:mission.china@ties.itu.int);

- Minister of Justice of the People's Republic of China, Zhang Fusen Buzhang, Sifabu, 10 Chaoyangmen Nandajie, Chaoyangqu, Beijingshi 100020, People's Republic of China, Fax: +86 10 6529 2345;

- Minister of Foreign Affairs of the People's Republic of China, Li Zhaoxing Buzhang Waijiaobu, 2 Chaoyangmen Nandajie, Beijingshi 100701, People's Republic of China, Fax: +86 10 6588 2594, Email: [ipc@fmprc.gov.cn](mailto:ipc@fmprc.gov.cn);

- Embassy of the People's Republic of China in Brussels, Avenue de Tervuren, 463 1160 Auderghem, Belgium, Tel: + 32 2 663 30 10 / + 32 2 663 30 17 / +32 2 771 14 97 / +32 2 779 43 33; Fax: +32 2 762 99 66 / +32 2 779 28 95; Email: [chinaemb\\_be@mfa.gov.cn](mailto:chinaemb_be@mfa.gov.cn).

Please also write to the diplomatic mission or embassy of the People's Republic of China in your respective country.

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Paris - Geneva, July 5, 2007

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)

Tel and fax FIDH + 33 (0) 1 43 55 20 11 / +33 1 43 55 18 80

Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29

**fidh**

International Federation for Human Rights  
17, Passage de la Main d'Or  
75 011 Paris, France



World Organisation Against Torture  
Case postale 21 - 8 rue du Vieux-Billard  
1211 Geneva 8, Switzerland