**Questionnaire for International Organizations and Civil Society by the**

**UN Special Rapporteur on the situation of human rights defenders**

Mary Lawlor, 9 February 2021

**Subject**: Human Rights Defenders mandate: Submission to the Questionnaire

**Date**: 18 March 2021

**To**: defenders@ohchr.org

**Contact Details**

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| Type of Stakeholder (please select one) | [ ]  International or Inter-governmental Organisations **X Civil Society Groups or Organisations** [ ]  Individual human rights defender[ ]  Academic/training or research institution[ ]  Other (please specify) |
| Name of Stakeholder/Organization (if applicable)Name of Survey Respondent | Safeguard Defenders |
| Email | info@safeguarddefenders.com  |
| Can we attribute responses to this questionnaire to you or your organization publicly\*? \*On OHCHR website, under the section of SR on human rights defenders. |  **X** **Yes** NoComments (if any): |



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**1) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on charges that carry a prison sentences of at least 10 years or more? Please provide a list of cases.**

**Ilham Toxti** (伊力哈木), a Uyghur economist serving a life sentence on separatism charges (Criminal Law, article 103). He is a vocal advocate for the implementation of regional autonomy laws, was the host of Uyghur Online, a website founded in 2006 that discusses Uyghur issues, and is known for his research on Uyghur-Han relations. In 2014, he was accused of spreading the ideology of separatism, and sentenced to life imprisonment.

**Qin Yongming** (秦永敏), a human rights activist serving a 13 years sentence in China on subversion the state power charges (Criminal Law, 105). He is an author, political commentator, human rights activist and co-founder of the Democratic Party of China. China’s most prominent political prisoner. He had served in prison for 22 years before he was last imprisoned again in 2015. After 3 years in pre-trial detention, he was sentenced again.

**Zhang Haitao** (张海涛), an online writer serving a 19 years sentence in China, for inciting subversion of state power (Criminal Law, 105), and providing intelligence overseas (under Criminal Law, article 111). In 2015, Zhang was taken and later sentenced due to his writing and contribution to media overseas. He writes and posts opinions online that frequently criticized Chinese government policies on current affairs, particularly restrictions on freedom of religion for Uyghur Muslims in the Xinjiang Region.

**Chen Shuqing** (陈树庆), an author and democracy activist serving a 10.5 years sentence in China, on inciting subversion state power (Criminal Law, 105). Chen was arrested in 2014, after signing an open joint statement that called for the release of detained rights defenders. Subsequently sentenced in 2016. According to the indictment against Chen, his alleged “crime” was his involvement in the China Democracy Party, and publishing essays about the party on overseas websites. Previously, he had served another 4 years sentence for the same allegation (2007-2010).

**Lu Gengsong** (吕耿松), an author and democracy activist serving a 11 years sentence in China, on inciting subversion state power (Criminal Law, 105). Same as Chen Shuqing (below), Lu was arrested in 2014 and sentenced in 2016. His trials focused on essays attributed to him that were published on overseas websites as well as their activities with the banned China Democratic Party. Previously, he had served another 4 years sentence for the same allegation (2007-2010).

**Huang Qi** (黄琦), a human rights serving a 12 years sentence in China, on Illegal providing state secrets abroad (Criminal Law, 111). Huang is the first “cyber dissident” of China, whose website reported on sensitive topics including human rights. Huang was most recently [detained](https://cpj.org/data/people/huang-qi/index.php) on November 28, 2016. Huang has previously been imprisoned twice, serving eight years in total.

**Li Huaiqing** (李怀庆), an entrepreneur and philanthropist serving a 20 years sentence in China, on subversion the state power, fraud, extortion and false imprisonment charges (Criminal Law, 105, 266, 274, and 238). Li was arrested in 2018 and sentenced in the name of a nationwide campaign on organized crimes in 2020, for circulating comments critical of the Communist Party and other offences on Wechat, a Chinese social media platform.

**Wang Bingzhang** (王炳章), a human rights activist serving a life sentence in China, on espionage and terrorism charges (Criminal Law, 110, 120). In June 2002, Wang was kidnapped to China from Vietnam by Chinese secret agents. Subsequently was sentenced to life prison in 2003. Wang was imprisoned due to his active role in promoting democracy, including established China Spring, the first pro-democracy Chinese magazine overseas.

**Liu Yao** (刘尧)**,** a human rights Lawyer and whistleblower serving a 20 years sentence in China, on “extortion,” “fraud,” and “buying trafficked children” charges (Criminal Law 274, 266, and 240). Liu was arrested by police in December 2015, after exposing corrupted officials, for their involvement in the illegal appropriation of a vast tract of farmland for a golf course project, and covered up for a group of unscrupulous merchants selling counterfeit steel.

**Alimjan Yimit** (阿里木江·依米提)**,** a Uyghur house church clergyman serving a 15 years sentence in China, on “stealing, penetrating, purchasing and illegally providing state secrets to overseas” charges (Criminal Law, 111). Alimjan was arrested on national security related charges in January 2008 and tried secretly in July 2009. He is an agricultural worker. Likely sentenced because of preaching Christianity.

**Niu Tengyu** (牛腾宇), an IT worker serving a 14 years sentence in China, on ““picking quarrels and provoking disturbances,” “infringing on citizens’ personal information,” and “illegal business operation” charges (Criminal Law 293, 253, 225). Niu received a heavy sentence due to his website is linked to other websites that exposing the personal information of daughter of China’s leader Xi Jinping. Niu was arrested in August 2019, and placed under RSDL before his trial, during the period in RSDL, he was subjected to torture and forced confession.

**Zhao Haitong** (赵海通)**,** a human rights defender and democracy promoter serving a 14 years sentence in China, on “inciting subversion” charges (Criminal Law, 105). Zhao was taken by police in August 2013, subsequently trialed secretly in May 2014. Previously Zhao was placed in prison for participating 1989 Tiananmen protest. The current imprisonment is because Zhao’s effort on human rights activism and helping local Uyghurs to defend for their rights. According to his lawyer, Zhao has been in poor health in detention.

**Ju Dianhong** (鞠殿红) **& Liang Qin** (梁琴), both women and both house church pastors, were sentenced to 13 years and 10 years respectively, accused of leading (Ju) and assisting (Liang) an ‘evil cult’, by the Yun County People Court in Yunnan province, on December 28, 2017. Both believed to be held in Prison for Women, Kunyang Town, Jinning District, Kunming City.

**Bao Guohua** (包国华) **& Xing Wenxiang** (邢文香), pastor and wife respectively from a Christian church in Jinhua city, Zhejiang province, were detained July 26 2015, and later sentenced to 14 and 12 years of imprisonment on 25 February 2016 for various crimes, including illegal gathering, misappropriation of funds, illegal business operation, and concealing accounting. Their detention happened after they refused to cooperate with local authorities which hard ordered the removal of the cross on the church, as part of a nationwide campaign to remove symbols of Christianity from churches.

**Chen Xi** (陈西)**,** a democracy and human rights advocate serving a 10 years sentence in China, on “inciting subversion of state power” charges (Criminal Law, 105). Chen was detained in November 2011, subsequently trialed in December 2011. Chen previously was imprisoned twice (In 1989 and 1995), for a total of 13 years. His current sentence due to 26 essays he authored that were posted on overseas web sites. His sentence will end in November 2021.

**Zhang Shaojie** (张少杰)**,** a pastor serving a 12 years sentence in China, on fraud and assembling a crowd to disrupt social order charges (Criminal Law, 266, 290). Zhang was arrested in November 2013 while he was serving as a pastor in a country level Christian church, later sentenced in July 2014. Zhang was arrested due to him leading believers to petition for forced demolition of the church.

**Yeshe Choedron** (益西曲珍)**,** a retired doctor in Tibet serving a 15 years sentence in Tibet, on “espionage” charges (Criminal Law, 110). Yeshe was detained in March 2008, was sentenced in November 2008. She was accused of providing “intelligence and information harmful to the security and interests of the state” and “the Dalai clique’s security department”. It is believed that her case relates to the with “2008 Tibetan unrest”.

**Migmar Dhondup** (米玛顿珠), a NGO worker and tour guide serving a 14 years sentence in Tibet, on “espionage” charges (Criminal Law, 110). Migmar was arrested in connection with the 2008 protest in Tibet, he was sentenced in November 2008. He was accused of collecting “intelligence concerning the security and interests of the state and providing it to the Dalai clique. Migmar works for an NGO doing community development work, and also as a tour guide.

**Wangdu** (旺堆)**,** a NGO health worker serving a life sentence in Tibet, on “espionage” charges (Criminal Law, 110). Same to Migmar above, Wangdu was accused of “providing intelligence” to the “Dalai clique”, and sentenced in November 2008. Previously, Wangdu was sentenced to three years “e-education through labor” having participated in protests in Lhasa in 1989, although he was then sentenced to a total of eight years imprisonment for signing a petition while in the labor camp insisting Tibet was independent prior to China’s invasion.

**Karma Samdru** (噶玛桑珠)**,** a prominent environmentalist and philanthropist serving a 15-year sentence in Tibet, on “grave robbing and trafficking in cultural relics” charges (Criminal Law, 326). A well-known collector of Tibetan art and founder of the award-winning Three Rivers Environmental Protection Group, he and his brother Rinchen Samdrup were imprisoned on August 7, 2009, after their efforts to conserve wildlife in their home area of Chamdo Prefecture in the Tibet Autonomous Region clashed with local authorities.

**Sogkhar Lodoe Gyatso** (洛珠加措)**,** a Tibetan independence and world peace advocate serving an 18 years sentence in Tibet, on unknown charges. Lodoe was secretly sentenced to prison in 2018, after marching around the Potala Palace holding a portrait of the Dalai Lama and carrying out a demonstration for world peace. Lodoe has already spent more than two decades in a Chinese prison following a prior solo protest for calling independence of Tibet.

**Kunchok Tsephel** (贡却才培), an official in an environmental department serving a 15 years sentence, on “disclosing state secrets” charges (Criminal Law, 398). Kunchok was sentenced in November 2009, after he was held incommunicado for almost nine months with his family only hearing of his whereabouts when they were summoned to court to hear the verdict. He had undergone an earlier period of detention in 1995 linked to suspicion of involvement in political activities in which he was tortured and interrogated.

**Thabkhe Gyatso** (坦科加错), a Tibetan protester serving a 15 years sentence, on “Inciting Separatism” charges (Criminal Law, 103). Thabkhe was detained in March 2008 as accusation of protesting in “2008 Tibetan unrest”, and sentenced in May 2009. A visitor described Thabkhe Gyatso as "half-paralyzed and is suffering from weak eyesight." He reportedly spent much of 2018 in the prison hospital.

**Tsultrim Gyatso** (塔开加措), a Tibetan protester serving a life sentence, on “Inciting Separatism” charges (Criminal Law, 103). Case related to, with same data on detention and sentence as Thabkhe Gyatso (above).

**2) Do you know of any human rights defender(s) currently detained by States, who have been imprisoned on continuous sentences amounting to 10 years or more?  For example, a defender who completes a sentence of four years in detention but instead of being released is given another six year sentence? Please provide a list of cases or examples if possible.**

**3) Do you know of any human rights defender(s) whose time in pre-trial detention and/or
administrative detention by States combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.**

**Guo Quan** (郭泉), a human rights activist currently in detention. Guo was a post-doctorate researcher in a university. He was arrested in January 2020 due to his criticism on the handling of corona virus outbreak of Chinese government, now awaiting trial. Guo was previously imprisoned for 10 years in 2009 on inciting subversion charges (Criminal Law, article 105), for his articles published online on democracy, and establishment of China New Democracy Party.

**Hu Shigen** (胡石根), a human rights activist currently serving a 7 years imprisonment, on the charge of subversion the state power (Criminal Law, 105). Hu was detained in the summer of 2015, and sentenced in August 2016. Hu is a democracy veteran in China. He previously served a total of 16 years imprisonment from 1992 to 2008, due to his activities of promoting democracy and defending human rights.

**4) Do you know of any human rights defender(s) falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.**

**Hu Shigen** (胡石根), see above. His sentence was reduced twice due to his health issues.

**Xu Wanping** (许万平), a human rights activist in China. Xu started promoting democracy in China since 1980s, and co-founder of the China Democracy Party in 1998. He was placed in prison (1989 to 1996) and re-education through labor (1998 to 2000. In 2005, Xu received a 12 years sentence in the charge of inciting subversion. His sentence was reduced 3 times, released after serving 9 years in prison.

**5) What actions do you suggest the Special Rapporteur can take to:**

* Prevent defenders from being detained for long terms in connection to their human rights work? and
* Have those human rights defenders arbitrarily detained under long sentences released?

In general, there is an urgent need for greater coordination is initiating communication with the Chinese state based on credible allegations, especially outside of only individual cases, received from NGOs, in particular related to WGAD and WGEID.

More specifically, a greater focus on follow up on past statements, regarding, for example the joint allegation letter that established use of ‘residential surveillance at a designated location’ (RSDL) as often tantamount to enforced or involuntary disappearances (2018-08-24, OL CHN 15/2018). Practice often used for up to six months before heavy sentences issued on HRDs. Despite receiving comprehensive report on RSDL, which used government’s own data to prove the practice is systemic and widespread (2020-08-18), the Special Rapporteur has not issued any follow up. That is, *tracking* developments and continuing to push for initiating communication with the perpetrating State (China) as developments progress, especially when such developments are highly negative.

Likewise, many harsher sentences are preceded by forced confessions, some of which are also televised, many times against the victim’s knowledge. A comprehensive review of this practice was filed 2020-08-11, yet the Special Rapporteur has not issued any letter of allegation or initiated communication on subject. A follow up on this issue was sent on 2020-12-03.