



Chinese Human Rights Defenders (CHRD)

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Promoting human rights and empowering grassroots activism in China

“Black Jails” in the Host City of the “Open Olympics”

Overview

As preparations for the 17th Communist Party Congress and the 2008 Summer Olympics enter their final stages, clean-up operations to rid the city of protesters and “trouble makers” have also intensified. In recent weeks, official operations in Beijing have driven out, intercepted, detained, intimidated, and repatriated petitioners (persons who travel from the provinces to Beijing to lodge grievances with the central government). Local officials from provincial and municipal governments have used their liaison offices or rented spaces in the capital as temporary detention and interrogation centers before escorting petitioners back to their home provinces, where they often face interrogation, mistreatment, and imprisonment.

“These detention facilities, known as ‘black jails’ due to their secret locations and under-cover operations, operate completely outside China’s judicial system. They have no legal basis in Chinese law. They violate due process rights and arbitrarily deprive people of liberties guaranteed in international human rights conventions,” said Mr. Zhong, who participated in documenting the cases in this report.

The arrests and interrogation, in most cases involving beating and other forms of mistreatment, are carried out not by law enforcement officers, but by government officials or staff members who work in the Beijing liaison offices of the various provinces or cities, as local governments are pressured by the central government to control the flow of petitioners into Beijing. These operations take place under the eyes of the Beijing police, and often with their cooperation,.

Most petitioners are taken from the streets, often in front of the State Council’s Office of Letters and Visits. They are intercepted by officials or staff from their own local cities or provinces’ Letters and Visits Offices, which have set up temporary or permanent stations in Beijing, or by men hired by these liaison officials.



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According to petitioners interviewed, the hot spots for intercepting petitioners or taking them into custody are Majia Building (Ma Jia Lou), areas near the Beijing Public Security Bureau's South Train Station; Fuyou Street Police Station; the area surrounding the State Council Office of Letters and Visits, and the National People's Congress Office of Letters and Visits; as well as nearby cheap restaurants and inns where the petitioners gather.

The detainees can be incarcerated in the "black jails" for days or months. They are crowded into small rooms, poorly fed, without proper sanitation facilities or health care. Many are elderly and some have children, while significant numbers have medical conditions or are disabled. They are prohibited from contacting the outside world. They can only be released if (1) their local governments, notified by those running the detention facilities, send officials to escort them home or to local detention centers, or (2) the local governments do not want to pay for their detention and agree to monitor them and make sure they stop petitioning the government, or (3) the detainees sign a paper promising to stop petitioning, generally under duress.

Chinese Human Rights Defenders calls for the immediate closure of these illegal detention facilities and investigation of officials responsible for the abuses. We highlight the abusiveness and arbitrary nature of this form of detention with the following cases involving petitioners recently detained or mistreated at such "black jails" in Beijing:

Detention facility managed by the Beijing liaison office of Nanyang City government, Henan Province:



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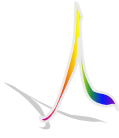
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The detention facility managed by the Beijing Liaison Office of the Nanyang City government in Henan Province is located behind the Jingyuan Inn in Wulidian, Fengtai District, Beijing. The jail is located in a converted two-storey building (see “Picture 1” and “Picture 2” in *Appendices*) with 19 bunks (38 beds) and 25 single beds. The building is guarded by seven to eight guards at all times, and its doors, corridors and windows are fitted with iron gates and bars.

Some petitioners detained there come from Henan Province, but most are from other parts of China. The Nanyang Liaison Office and officials from other provinces have hired private security guards to manage the facility. According to Mr. Chen (who asked that only his last name be used), who was jailed there for eight days in August 2007, upon arrival at the facility, the petitioners do not go through any process of documentation or registration. The guards tell detainees that the facility is operated by the government and assure them that issuing no detention warrants and leaving no registration records are good for them since their punishment will not enter their permanent official records. The detainees’ mobile phones and identification cards are confiscated. They are held incommunicado. On August 8, one individual was discovered calling the emergency number 110 using a second phone that had not been confiscated. The guards warned that anyone making such calls would be put under formal criminal detention and taken to Reform Through Labour Camps.

Petitioners are detained in this jail for varying lengths of time, depending on how long those who have paid for their detention want them to stay. The jail charges the respective local governments or their liaison offices in Beijing RMB300 per petitioner-- RMB200 for each day of detention plus other miscellaneous fees like medical fees. There are people with a variety of chronic diseases. Medical treatment can be sought at a local clinic after sick petitioners obtain permission from those who have paid for their detention. Petitioners are often detained without their belongings and can be held for days without a change of clothing.

Mr. Chen, in his mid-30s, from Xiamen in Fujian, was one of the petitioners forcibly intercepted and detained in this jail between August 9 and August 17. He had come to Beijing to complain about retaliation by local officials after he reported on corruption in the state-owned company where he worked. He believed that he was released because Xiamen authorities had notified the jail that they



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would not send personnel from Fujian to take him home but had promised to monitor his activities after release.

Another man, Mr. Liu, in his 50s, from Gulang Islet, Fujian Province, was also a detainee in the jail. In Fujian, he claims to have been mistreated for his exposure of local government corruption. His wife was permanently disabled following severe beatings by local police, and his daughter was threatened. On July 24, 2007, his family went to Beijing Public Security Bureau to petition but was intercepted by Fujian officials stationed in Beijing. The officials were assisted by guards running the Nanyang Liaison Office jail. They promptly brought the family to the jail. The family was detained for three days and released on July 26. On August 10, his family went to petition again but was intercepted and sent back to the same facility for eight days. At the jail, the family was given left-over food to eat. Mrs. Liu was sick at the time and developed serious diarrhea. However, the guards refused requests for medical treatment. The family was released after one week, possibly because the jail did not want to pay medical bills. By then, Mrs. Liu was so sick and dehydrated that she had to be rushed to a hospital emergency room. Immediately after the release, the Liu family went again to the Ministry of Public Security to complain about the illegal detention. At the complaints window, they were kidnapped by guards hired by Nanyang officials and detained for a further three days. Altogether, Mr. Liu's family was detained three times within one month.

(On September 14, 2007, two journalists from the British Channel 4 TV station, Andrew Carter and Aidan Hartey, tried to interview petitioners at the Nanyang Liaison Office inside the Jingyuan Inn. They were attacked and detained for six hours by the guards. They were released after they were forced to sign papers admitting to violation of Chinese law and destroy the interviews they had filmed.)

Facility managed by the Beijing liaison office of Jixi City, Heilongjiang Province:

Similar jails are found elsewhere in Beijing. Mr. Kuang, a petitioner in his 50s from Jixi City, Heilongjiang Province, was detained for three days in the basement of an Inner Mongolian inn located



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behind the Beijing Art Museum in Dongcheng District in June 2006. Mr. Sun was a street vendor who claimed to have been beaten up by city officials from the tobacco regulation agency for purchasing cartons of cigarettes from an unlicensed vendor. He suffered mild braindamage as a consequence and came to Beijing to lodge a complaint because his efforts to seek compensation had not got anywhere in Jixi. According to Mr. Kuang, the basement was converted into the third guest house of the liaison office of Jixi City in Beijing. He was detained there in a room with a locked iron door and security guards watching at all times.

On March 5, 2007, Sun Wenyuan (孙文远), another petitioner from Jixi City, was intercepted and incarcerated in the same facility. He was searched to make sure he did not have a lighter or cell phone. He managed to hide his phone, however, and called the police. Twice the local police came, but after speaking with the guards and the innkeeper the police left. Mr. Sun spent the night shouting for help but nobody came to his aid. He was detained together with four other individuals: Mr. Chai, age 75, Mr. Wang, age 39, Ms. Liu, age 48, and Ms. Xu, age 38 (for their protection, they are referred to here only by their surnames). They were detained under degrading and inhumane circumstances: they had no water unless they drank from the toilet cistern and were fed only two or three plain steam buns every day. During his four days of detention, Sun ate only one proper meal, after he pleaded with the guard and paid him RMB 00 to get food for him. After his release, he reported his detention to the police, but the latter refused to record his report.

Other detention facilities in Beijing

On the basis of numerous visits and interviews, CHRD believes that there are many such black jails in Beijing and surrounding suburbs. CHRD has further verified the existence of the following black jails, but does not have much detail on them.



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Beijing liaison office of Shiyan City, Hubei Province:

Since September 2005, Zheng Dajing, real name Zheng Ruifeng (郑瑞峰, a.k.a. 郑大靖), male, 46, from Chengguan town, Yunxi County, Shiyan City, Hubei Province, has several times brought his wife and children to Beijing to petition. Many times he was illegally detained and beaten up. On March 15, 2007, Zheng was detained at the Beijing liaison office of Shiyan City. He was taken there by the following officials: Zhou Guodong (周国栋), an official from the Shiyan liaison office; Gao Bo (高勃) and Zhang Wanfu (张万福), officers from Yunxi County Public Security Bureau; and Zhang Gong (张功), an official from Chengguan Township, Yunxi County government. On March 16, Zheng was transferred by the same officials to another illegal jail at Beijing Dongfeng Inn.

Beijing liaison office of Liaoning Province:

Ms. Lu, 51, from Fengcheng City, Liaoning Province, has been detained many times by the Beijing police for petitioning for her sister and mother and has been handed over to the Beijing liaison office of Liaoning Province. On September 29, 2005, Lu was detained at the office. While there, she was severely beaten by officials who tried to force her to promise to stop petitioning. Ms. Lu told us that she suffered injuries on her head, face, and eyes and five of her ribs were broken.

The Green Tree Inn:

Another black jail is situated in a two-storey building at the northwestern corner of Taoran Ting Park, in the back wing of the Green Tree Inn, about five hundred meters south of the Supreme Court. (See Picture 4 in the Appendices. Notice the police car in front of the hotel.) Many petitioners intercepted when they enter the city of Beijing are first brought here and detained. They are then returned to their



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regions of origin or sent to other detention facilities. Between April and June 2006, Henan petitioner Mr. Zhao was detained in the jail three times. In addition, in March and September 2006, Mr. Zhao was twice detained in the jail run by the Nanyang liaison office. In August 2006, he was detained at the Beijing liaison office of Tanghe County, Henan Province (outside the Beijing No. 4 bus terminal).

Beijing liaison office of Pingdingshan City, Henan Province:

Not far from the above jail, at the southwestern corner of Taoran Ting Park, there is a black jail in the basement of the Beijing liaison office of Pingdingshan City, Henan Province, to jail petitioners from Pingdingshan, such as Mr. Wang who has been detained there since August 27.

There is also a detention facility in the Tianmei Inn at 131 Canlan Lane, which is across the street from the Nanheng Street stop of the No. 381 bus that leaves Beijing South Train Station. The place is for the detention of Harbin petitioners in Beijing.

“Black jails” and other detention facilities outside Beijing

Currently, one of the major tasks of most Beijing liaison offices run by city, county and provincial governments is intercepting, intimidating, and forcibly repatriating petitioners. However, detention and punishment do not end outside the gates of these facilities. This report focuses on the facilities in Beijing, but we do not want to give the wrong impression that “black jails” only operate in Beijing or that they are the only arbitrary detention facilities in China.

When the detainees are fetched by their local governments or escorted by liaison officials back to their hometowns, many are sent directly to local “black jails,” or they are formally detained at the local PSB detention centers, or sent to Reform Through Labor Camps, or forcibly detained in mental hospitals.



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For example, to assist in the clean-ups in Beijing, the government of Shijiazhuang City, Hebei Province, has detained locally many petitioners and sent many to Reform Through Labour Camps to prevent them from going to Beijing or to punish them for having done so. According to a report on July 20 by the official *Yanzhao Evening Newspaper*, on July 19, Shijiazhuang City took action against petitioners who had adopted “unusual means” to petition. The city police bureau detained four petitioners on criminal charges, administratively detained Wu Zhiyun (吴志云), Li Wenxiu (李文秀), Chang Yindi (常银笛) and Zhang Rongting (张荣廷), and sent Wang Guoying (王国英) and Gao Baochai (高宝钗) to a Reform Through Labour Camp.

“Black Jails” Violate Chinese Laws and International Human Rights Laws

The “black jails” have no basis in Chinese law, and actually violate specific provisions of the law.

Local Letters and Visits Offices are part of the local government administration and have no authorized power to detain individuals. According to Article 3 of the PRC Criminal Procedure Law and Article 16 of the PRC Law on Administrative Penalties, public security organs are the only government organs authorized to detain individuals on suspicion of violating the law. According to Article 47 of the State Council Regulations on Letters and Visits, if petitioners violate any law, staff from Letters and Visits Offices must hand the cases over to the police, which shall handle the cases in accordance with relevant Chinese law. There is no evidence that staff from these offices attempted to do so.

Moreover, according to Article 11 of the Prison Law, the establishment of prisons is subject to the approval of the judicial administration under the State Council. Local Letters and Visits bureaus have no authority to set up such jails in Beijing or elsewhere.



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According to Article 64 of the Criminal Procedure Law, when an individual is detained, a public security organ must produce a detention warrant. The public security organ must also notify the detainee's family or work unit of their detention, and interrogate the detainee within 24 hours of the detention (Article 65). If no reason for detention is found, the detainee should be immediately released. Then, Article 69 stipulates, if a detainee needs to be arrested, the police should submit an arrest request within three days of detention. If such a request is approved, according to Article 71, a warrant is presented when arrest is made. None of these procedures have been followed in the jails, and petitioners are held without a detention warrant, incommunicado and without charge or trial.

Due to reasons stated above, CHRD believes that the "black jails" are illegal under the Chinese law and those who have violated the law in detaining petitioners in this way should be investigated for criminal responsibility and brought to justice.

Moreover, these jails seriously violate international human rights law.

The mere fact that, in Chinese law, there is no legal basis in detaining these individuals means that these detentions are arbitrary according to the UN Working Group on Arbitrary Detention. Detention in these jails is arbitrary also because it violates the right to liberty and security under Article 9 of the Universal Declaration of Human Rights (UDHR) and Article 9 under the International Covenant of Civil and Political Rights (ICCPR). They also violate the right to a fair and public hearing under Article 10 of the UDHR and Article 14 of the ICCPR. The UN Working Group on Arbitrary Detention also considers an instance of detention arbitrary if it is the result of the detainee's exercise of their rights under Articles 13, 18, 19, 20 and 21 of Universal Declaration of Human Rights, i.e., rights to freedom of movement, thought, expression, assembly, and political participation. The Chinese government is a signatory to the ICCPR since 1998 (which entails the obligation not to violate the rights protected under this treaty, though China has not ratified the Covenant).

Recommendations



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CHRD urges China's law enforcement and judicial authorities and the national legislative body to intervene and shut down all illegal and unconstitutional detention facilities including the "black jails," releasing all detainees immediately and unconditionally.

CHRD also urges the relevant government agencies to investigate officials responsible for illegal acts and human rights abuses related to the operation of illegal jails and to hold them legally responsible. Authorities should take such actions as required by Chinese law and regulations, e.g., Article 44 and 45 of the Regulations on Letters and Visits, Article 238 of Criminal Law and Article 37 of the PRC Constitution.

To urge government officials to take these actions, please contact:

Prime Minister Wen Jiabao, State Council

The State Council
9 Xihuangcheng Genbeijie
Beijingshi 100032
P.R. China

Minister Zhang Fusen
Ministry of Justice
10 Chaoyangmen Nandajie
Chaoyang-qu
Beijing-shi 100020
P.R.China.



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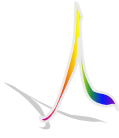
Procurator General Jia Chunwang
Supreme People's Procuratorate
Beiheyuan Street 147
100726 Beijing
P.R.China

Chairman of the National People's Congress WU Bangguo
Quanguo Renmin Daibiao Dahui
Renmin Dahuitang
Beijingshi 100800
People's Republic of China

Chairman of the National People's Congress Law Committee
Yang Jingyu Zhuren
Quanguo Renda Changweihui Falu Weiyuanhui
Renmin Dahuitang
19 Xijiaominxiang, Xichengqu
Beijingshi 100805
People's Republic of China

Bureau chief Wang Xuejun, State Council Bureau of Letters and Visits
No. 9, Xi Huang Cheng Geng Bei jie, Western District, Beijing

Phone: 861066180114



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Appendices:

Appendix 1. Addresses/locations in Beijing of “black jails” documented in this report:

- (1) In the back building of the Jingyuan Inn in Wulidian, Fengtai District, run by the Nanyang City government, Henan Province

- (2) In the basement of the Inner Mongolian Inn, located behind the Beijing Art Museum in Dongcheng District, run by Jixi City government, Heilongjiang Province

- (3) In the Beijing Liaison Office of Shiyan City government, Hubei Province

- (4) In Beijing liaison office of Liaoning Province

- (5) In the back wing of the Green Tree Inn, at the northwestern corner of Taoran Ting Park, about five hundred meters south of the Supreme Court

- (6) In the Beijing liaison office of Pingdingshan City government, Henan Province, at the southwestern corner of Taoran Ting Park

- (7) In the Tianmei Inn at 131 Canlan Lane, across the street from the Nanheng Street stop of the No. 381 bus



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Appendix 2. Exterior views of several “black jails” in Beijing



Pic 1: Black jail run by the Nanyang City, Henan Province Liaison Office



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Pic 2: Black jail run by the Nanyang City, Henan Province Liaison Office



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Pic 3: Black Jail managed by Beijing liaison office of Jixi City, Heilongjiang Province

