



## Chinese Human Rights Defenders (CHRD)

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Promoting human rights and empowering grassroots activism in China

### Let there be Light, Let there be Sincerity

The Illegal House Arrest of Chen Guangcheng  
and the Unprecedented Grassroots Campaign to End it

Chinese Human Rights Defenders

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## Introduction

Chinese citizens have launched an impressive campaign to challenge the unlawful house arrest of blind human rights activist and legal advocate Chen Guangcheng (陈光诚) and his family. Within a few months, the campaign has galvanized tens of thousands of netizens and attracted an unprecedented degree of attention to the local government's abusive treatment of Chen, his wife Yuan Weijing (袁伟静) and their six-year-old daughter. At the center of the campaign is a new crop of activists who have bravely attempted to "liberate" Chen from imprisonment in his home in Dongshigu Village, Shandong Province, through direct, nonviolent action. The activists have invariably been met with obstruction and violence by guards and thugs hired by the local government.

Based on interviews with a number of activists involved in the current campaign to free Chen, CHRD traces the genesis of this remarkable mobilization, which has spread beyond the small circle of human rights activists: citizens from all walks of life are undertaking trips to Dongshigu Village and participating in online activities in an effort to draw attention to Chen's situation. Drawing on the meaning of Chen's given name, they have coined the slogan for their movement from which this report takes its name: "Let there be light, let there be sincerity!" (要有光, 要有诚).

In this report, CHRD outlines the horrendous conditions of the house arrest to which Chen and his family have been subjected following his release from Linyi Prison in September 2010.<sup>1</sup> It details how the treatment of Chen violates Chinese law and the international human rights standards which the Chinese government has vowed to uphold. The report shows how both central and local governments have completely failed in their duty to protect the rights of Chen and his family, and how this has emboldened local officials by tacitly approving the abusive measures they have employed.

CHRD urges the international community to support the campaign to free Chen and his family by pressing the Chinese government to end his detention, and by insisting on visiting them to verify the central government's claim that he is "living a normal life." CHRD calls on the UN Committee on the Rights of Persons with Disabilities to censure the Chinese government during its current review of the government's implementation of the Convention to Protect the Rights of Persons with Disabilities, which China ratified in 2008. CHRD also urges the High Commissioner for Human Rights to make a public statement demanding Chen's release. CHRD calls on concerned governments to set up targeted travel and visa bans on Chinese officials suspected of ordering and carrying out abuses against Chen and his family.

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<sup>1</sup> For details about the earlier unlawful house arrest, torture and imprisonment of Chen Guangcheng between April 2005 and June 2006, see CHRD's report "China vs. a Blind Human Rights Defender," February 20, 2007. <http://chrnet.com/2007/02/27/china-vs-a-blind-human-rights-defender/>.

### ► Background: activism & retaliation (April 2005-September 2010)

Chen Guangcheng (陈光诚), a human rights activist widely known to those working in the human rights field outside China, has until recently been comparatively unknown to China's own citizens. That may now be changing: as the nature and scale of the abuse Chen has suffered at the hands of the government has become more widely known, it has triggered expressions of outrage among China's citizens.

Chen, born in 1971, has been blind from a young age due to a serious illness. He trained as a practitioner of traditional Chinese medicine and also taught himself law. He is the recipient of several international awards, including the prestigious Ramon Magsaysay Award and the Index on Censorship Freedom of Expression Award. In 2006 he was included in Time Magazine's list of the "Top 100 People Who Shape Our World." Since 2005, thanks to the efforts of a small group of Chinese activists and lawyers who put their personal safety at risk to draw attention to Chen's history of house arrests and imprisonment, the international human rights community has repeatedly raised his case with the Chinese government and demanded his release.

Chen lives with his family in Dongshigu Village, Linyi City, Shandong Province.<sup>2</sup> His involvement in human rights activism began in the late 1990s, when he became involved in campaigning for the rights of farmers and the disabled. Chen was promoted as a role model for the blind by the government until April 2005, when he and his wife, Yuan Weijing (袁伟静), began investigating villagers' claims that Shandong's Linyi City authorities were employing violence in its efforts to meet government birth quotas. They compiled evidence to support the villagers' complaints and helped victims to file lawsuits against the officials involved in the abuse. Their work, and that of the activists and lawyers who visited the area to assist them, represented the first known collective effort to challenge the use of violent methods in the enforcement of China's family planning policy.

Between August 12, 2005, and March 11, 2006, Chen and his family were unlawfully held under house arrest by public security officials. On March 11, 2006, Chen was detained by Yinan County Public Security Bureau (PBS), who then notified his wife that her husband would be held for 24 hours "for investigation." The following day Yuan received a "Notice on Continuation of Interrogation" from the PSB, informing her that her husband's detention would continue until the evening.<sup>3</sup> However, four months were to pass before Yuan received any further information about her husband. On June 10, 2006, the PSB served a formal detention notice on Chen, which accused him of "intentionally damaging property" and "gathering crowds to undermine traffic

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<sup>2</sup> Chen lives with his wife, Yuan Weijing, and their daughter and his elderly mother. Prior to Chen's release from prison the couple's son was sent to live with his extended family. Chen's address is: Dongshigu Village, Shuanghou Township, Yinan County, Linyi City, Shandong Province.

<sup>3</sup> 继续盘问通知书. See the notice issued to Chen here:  
<http://www.peacehall.com/news/gb/china/2006/06/200606131926.shtml>

order.” On August 24, 2006, in seriously flawed proceedings at the Yinan County Court, he was tried and convicted and given a jail term of four years and three months.

During her husband’s imprisonment, Yuan’s confinement under house arrest continued and she was frequently—and forcibly—prevented by local officials and hired thugs from leaving her home. She was also blocked from traveling to the Philippines to receive the Magsaysay Award on Chen’s behalf.<sup>4</sup> Yuan was also repeatedly barred from visiting her husband and also her son, who was being cared for by family members. She was also prevented from seeking medical attention.<sup>5</sup> The couple’s supporters were retaliated against by officials, and visitors and friends who came to see Yuan were attacked and beaten by guards stationed outside the house.<sup>6</sup>

Chen has suffered from chronic gastroenteritis since July 2008, but during his confinement in Linyi Prison he was denied proper medical attention for his condition. On at least one occasion he was beaten by fellow inmates.<sup>7</sup> Chen’s application for parole was ignored by the prison authorities, as was his request to be released on bail to receive medical treatment.<sup>8</sup> On a number of occasions Chen’s wife and his brothers were prevented from visiting him.<sup>9</sup> Prison officials also denied him access to books brought to him by his lawyer and family members.<sup>10</sup>

#### ► **Chen Guangcheng & family imprisoned in their own home (September 2010- )**

After serving the whole of his prison sentence, Chen did not leave Linyi Prison a free man: since September 9, 2010, he, his wife and their six-year-old daughter, have been confined to their home and are policed by thugs in the pay of the local government.<sup>11</sup> The intensity of the repressive measures currently being imposed on Chen and his family are unprecedented, even in China, where activists and dissidents are routinely harassed and persecuted. Since September 2010, international inquiries directed to the government about Chen have been consistently rebuffed with the claim that “Chen is free” and is “living a normal life with his family.”<sup>12</sup>

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<sup>4</sup> CHRD, “Police bar wife of imprisoned rights defender from leaving China to collect award,” August 24, 2007.

<sup>5</sup> CHRD, “Shandong Officials Continue Harassing Wife of Jailed Human Rights Defender,” November 24, 2007; CHRD, “Wife of Jailed Human Rights Defender Barred from Seeking Medical Treatment,” October 29, 2007

<sup>6</sup> CHRD, “Hebei Reporter Sent to 1.5 Years of Re-Education through Labor,” *China Human Rights Briefing Weekly May 11-17, 2010*, May 17, 2011; CHRD, “‘Soft Detention’ of Yuan Weijing Continues: Journalist Beaten, Barred from Meeting,” March 10, 2009.

<sup>7</sup> CHRD, “Activist Chen Guangcheng Released after Serving Full Sentence,” September 9, 2010 /; CHRD, “Human Rights Defender Beaten in Jail,” June 20, 2007.

<sup>8</sup> CHRD, “Imprisoned Human Rights Defender Chen Guangcheng Denied Medical Care,” January 14, 2009; CHRD, “Chen Guangcheng, Human Rights Defender in Prison, Update: Officials Ignored Requests for Medical Parole and for Filing Complaints to Higher Court about Verdict,” March 25, 2007.

<sup>9</sup> CHRD, “Family of Imprisoned Activist Chen Guangcheng Denied Visiting Rights,” *China Human Rights Briefing May 18-31, 2009*, June 1, 2009; CHRD, “Prison Visits Permitted,” *China Human Rights Briefing February 1 – 28, 2007*, February 2007.

<sup>10</sup> CHRD, “Wife Continues to be Barred from Visiting Jailed Rights Defender Chen Guangcheng,” *China Human Rights Briefing February 15-29, 2008*, February 29, 2008.

<sup>11</sup> CHRD, “Activist Chen Guangcheng Released after Serving Full Sentence,” September 9, 2010

<sup>12</sup> This is based on reports from diplomats and officials in international human rights agencies, who asked to remain

According to CHRD’s research, Chinese Communist Party (CCP) and government officials from Linyi City, Yinan County, Shuanghou Town and Dongshigu Village are directly responsible for Chen’s current conditions of detention. Surveillance points have been set up in front of and behind Chen’s home, and at six other locations on the four roads leading into Dongshigu Village. Additionally, six cameras currently monitor movement in the village, and to the west and east two cell phone jammers have been set up on property belonging to Chen’s neighbors. Reportedly, officials have hired almost 100 men from outside the village as “security,” some of them employees from government offices, to keep Chen and his family under constant surveillance. These guards are divided into two large and 12 smaller groups, and maintain round-the-clock radio communication with each other. Led by Gong Xingjian (高兴见), a man from a nearby village, they are well compensated, receiving two free meals per day and a daily wage of 100 RMB—far more than the average villager is able to earn (the village party secretary’s salary is just 250 RMB per month).<sup>13</sup>



**Aerial photo by CHRD showing the various surveillance points manned by guards (in red) and surveillance cameras (in yellow) in and around Dongshigu Village (settlement in center).**

anonymous. See also European Parliament, “Answer to a written question – Chen Guangcheng, Chinese lawyer and human rights defender held under house arrest – E-007543/2011,” September 1, 2011, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-007543&language=PL>

<sup>13</sup> “Situation of Chen Guangcheng’s Detention, Routes Into Dongshigu Village” (陈光诚被看守情况及进入东师古村路线), October 14, 2011, [http://wqw2010.blogspot.com/2011/10/blog-post\\_14.html](http://wqw2010.blogspot.com/2011/10/blog-post_14.html). Not everyone has been motivated purely by profit though. One of the guards, a worker at a government office in Shuanghou Town named Xu Shenghou (徐胜厚), told Li Xiangyang (李向阳), an activist who went to Dongshigu Village whom

All forms of communication between Chen's home and the outside world have been cut off. What little information has come out of Dongshigu Village indicates that Chen and his family are enduring a harsh life as prisoners in their own home. Most worryingly, Chen continues to suffer from gastrointestinal problems, and despite passing bloody stools, is prevented from receiving medical care. Leaving their home in order to stock up on basic necessities, such as food, is prohibited. Household supplies are reportedly running very low.<sup>14</sup>

The Chen family are at the mercy of the security force guarding them, and face constant threats of violence. Chen himself has been beaten at least three times since September 2010:

- 1) On the evening of February 8, 2011, National Security officers from Linyi City Public Security Bureau (PSB) and police from Shuanghou Town entered Chen's home and began beating both him and his wife. According to a reliable source, the beating was "not light," but neither was it life-threatening. Afterwards, husband and wife were prevented from seeking hospital treatment for their injuries.<sup>15</sup> It is believed that the reason for the beating stemmed from the public release of a videotape by the NGO, ChinaAid, which had been made by Chen and which described their detention under house arrest.<sup>16</sup>
- 2) According to an undated letter written by Yuan and made public on June 15, 2011, on February 18 she and her husband were viciously beaten for two hours by a large gang of hired thugs led by the Zhang Jian (张建), Vice Party Secretary of Shuanghou Town, and by officers from the National Security Unit of the Yinan County PSB.<sup>17</sup> This beating was so severe that Chen lost consciousness and some of Yuan's ribs and her skull may have been cracked by her left eyebrow. Yuan's vision was so badly affected she was unable to see for six days. The only treatment the couple received for the injuries they sustained was an IV infusion given to Yuan. On the same day, their home was searched and the couple's computers and video cameras were confiscated. According to Yuan's letter, thugs broke into their compound on March 3, 6, 7, 8, 17 and 22. Their TV cable was severed and anything that could be confiscated was taken—including Chen's cane, as well as the couple's books and papers. On March 8 Yuan was punched in the head by one of the

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CHRD spoke with, that he "had been sent" and that he "could not have refused going."

<sup>14</sup> "Chen Guangcheng is Ill without Treatment, Basic Necessities Becomes Luxury" (陈光诚有病难医, 基本生活用品成奢侈品), October 20, 2011, [http://wqw2010.blogspot.com/2011/10/blog-post\\_959.html](http://wqw2010.blogspot.com/2011/10/blog-post_959.html).

<sup>15</sup> "Special Alert: Chen Guangcheng and Wife Beaten by Police; Unable to Get out of Bed" (特别快讯: 陈光诚夫妇被国保及警察殴打致伤无法下床), February 10, 2011, <http://news.boxun.com/news/gb/china/2011/02/201102101722.shtml>.

<sup>16</sup> The video is available on ChinaAid's website: <http://www.chinaaid.org/2011/02/exclusive-video-shows-ill-treatment.html>.

<sup>17</sup> The original letter is available here: <http://twitpic.com/5bwnxb> and the English translation is available on ChinaAid's website, <http://www.chinaaid.org/2011/06/detained-blind-activist-chen-guangcheng.html>.



“security” men. Over this period two surveillance cameras were also installed in the family compound.

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**Kesi is a little girl.  
It is highly inappropriate  
and even dangerous that  
she is accompanied to  
school by guards and not  
her parents,. [We must]  
draw our lesson from the  
experience of Gao  
Zhisheng’s daughter,  
Geng: she was  
accompanied to and from  
school by police, and  
endured a lot of insults,  
which led to her  
developing a serious  
mental illness.**

**ZENG JINYAN  
FELLOW ACTIVIST**

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3) In July, Chen and Yuan were again attacked in their home by Zhang and his thugs, who beat them for four hours while their daughter was present.<sup>18</sup> Reportedly, a village doctor was later allowed to give Chen some basic treatment.<sup>19</sup> As Yuan described it: “...none of them wore uniforms; there were no legal documents; no receipt for the confiscated items. Before he left, Zhang Jian said, ‘This is what the higher-ups told us to do...’ As he said this, he ordered others to throw us to the ground.”

Chen and Yuan’s daughter, Chen Kesi (陈克斯), six years old, has endured the same confinement as her mother and father. Not only has she witnessed the severity of her parents’ mistreatment, her books and toys have been confiscated by the guards.<sup>20</sup> She has only recently been allowed to resume her education, as a Primary One student,

beginning September 16, 2011.<sup>21</sup> However, her movements are strictly controlled: she is escorted to and from school by security men, who station themselves around the school entrance and at other school locations so that her movements can be monitored.

Members of Chen’s extended family, as well as residents of Dongshigu Village and other nearby villages, have also been subjected to threats and put under surveillance. Officials enforcing the couple’s house arrest have ordered villagers not to speak about Chen under any circumstances, as he is a “traitor,” or give directions to Chen’s home to anyone wishing to visit him.<sup>22</sup> Villagers have been ordered to call a dedicated

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<sup>18</sup> “Chen Guangcheng Is Ill without Treatment, Basic Necessities Becomes Luxury” (陈光诚有病难医, 基本生活用品成奢侈品), October 20, 2011, [http://wqw2010.blogspot.com/2011/10/blog-post\\_959.html](http://wqw2010.blogspot.com/2011/10/blog-post_959.html).

<sup>19</sup> ChinaAid, “Details of Brutal Beating & Torture of Blind Legal Activist Chen Guangcheng Emerge,” October 27, 2011, <http://www.chinaaid.org/2011/10/details-of-brutal-beating-torture-of.html>.

<sup>20</sup> According to Yuan’s undated letter, released June 15, 2011.

<sup>21</sup> Kesi was previously unable to attend kindergarten regularly because her mother was under house arrest, but she was occasionally able to go when she stayed with her extended family.

<sup>22</sup> “Chen Guangcheng Is Ill without Treatment, Basic Necessities Becomes Luxury” (陈光诚有病难医, 基本生活用品成奢侈品), October 20, 2011, [http://wqw2010.blogspot.com/2011/10/blog-post\\_959.html](http://wqw2010.blogspot.com/2011/10/blog-post_959.html)

phone number if they come upon people looking for Chen, threatening those who violate these orders with severe punishment, “according to the law.”<sup>23</sup> CHRD has learned that villagers sympathetic to Chen have been detained for helping the activist—some for as long as six months—and some have been forced to flee Dongshigu for their own safety, leaving Chen further isolated.<sup>24</sup>

Even though the use of what is known as “soft detention”—the restriction of movement enforced by police (or those acting under instructions from the government) posted outside a detainee’s home or residential compound—is common in China, the current measures being taken against Chen are unprecedented. In cases documented by CHRD, activists under soft detention are usually confined for short periods, usually just a few days, until “sensitive periods” have passed. Some activists may be allowed to leave their homes during soft detention, though they will be closely followed and monitored by police. Only in rare cases, such as that of housing rights lawyer Zheng Enchong (郑恩宠) in Shanghai, and Liu Xia (刘霞), wife of Nobel Prize winner Lin Xiaobo, in Beijing, are they detained for extended periods. But even Zheng and Liu are allowed some—though extremely limited—contact with the outside world, while Chen and Yuan have not been allowed outside their home for over a year.<sup>25</sup> The amount and cost of the manpower involved in the couple’s detention, and the blatantly aggressive behavior displayed toward foreign diplomats and journalists, who are usually treated with a little more restraint, is unusual. Compared to the couple’s house arrest prior to Chen’s term of imprisonment, the current measures imposed on them are extreme. Previously, lawyers and supporters were able to visit the couple and Chen’s family were also able to courier information and other items to and from them. Chen was also able to talk on his cell phone and was sometimes able to meet fellow villagers in and around his house, but that has ended. He was guarded by only a dozen or so “security” men then, compared to more than a hundred now.

#### ► **Chen’s house arrest contravenes domestic & international law**

The deprivation of personal freedom currently imposed Chen and his family has no basis in law and contravenes Article 37 of the PRC Constitution. Even if Chen and his wife had received documentation indicating that they were to be placed under “residential surveillance” (监视居住), a coercive measure set forth in China’s

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<sup>23</sup> Civil Rights and Livelihood Watch (CRLW), “Li Xiangyang: Experience of Friends and I Going to Visit Chen Guangcheng” (李向阳：我和朋友探访陈光诚的经过), October 7, 2011, <http://www.msguancha.com/Article/ShowArticle.asp?ArticleID=14673>. The villager who showed the letter to Li quickly took it away so Li was not able to read the name of the government official who wrote it.

<sup>24</sup> “Chen Guangcheng Is Ill without Treatment, Basic Necessities Becomes Luxury” (陈光诚有病难医，基本生活用品成奢侈品), October 20, 2011, [http://wqw2010.blogspot.com/2011/10/blog-post\\_959.html](http://wqw2010.blogspot.com/2011/10/blog-post_959.html)

<sup>25</sup> Zheng is allowed to go out when summoned by the police and his wife is allowed trips to the market, see Jerome A. Cohen and Yu-Jie Chen, “‘Shanghaied’ at Home – and Forever?” June 9, 2010, <http://www.usasialaw.org/?p=3728>; while Liu Xia was allowed to visit her husband once, in August 2010, see AFP, “China’s Nobel winner leaves jail briefly: brother,” October 3, 2011.



Criminal Procedure Law (CPL), immediately upon Chen's release from prison, this *pre-trial* non-custodial form of detention should not be applicable when an individual is released from prison after serving their prison term in full.<sup>26</sup>

Based on events preceding Chen's current house arrest, the UN Working Group on Arbitrary Detention (WGAD) issued a decision on November 24, 2006, which stated that Chen's imprisonment from August 12, 2005, to September 9, 2010, constituted arbitrary detention.<sup>27</sup> According to the criteria applied by WGAD, it is clear that Chen Guangcheng's current house arrest also qualifies as arbitrary detention.<sup>28</sup> This arbitrary denial of liberty is a direct result of his exercising of the rights and freedoms guaranteed by Articles 19 and 20 of the Universal Declaration of Human Rights, which state that everyone has the right to freedom of opinion, expression, assembly and association. The authorities have unlawfully deprived Chen Guangcheng and his family of their personal freedom by retaliating against him for his work to defend human rights and for his criticism of government policy.

► **“Free Chen Guangcheng Civic Action”—grassroots campaign raises hope**

When Chen's prison term came to an end in September 2010, a group of 13 Beijing activists established the Chen Guangcheng Concern Group to highlight the family's predicament. Members of the group, wearing “Free Chen Guangcheng” t-shirts, went to the Beijing Liaison Office of Shandong Province on September 30 to protest Chen's continued detention.<sup>29</sup> The group's activity went unchallenged by the authorities at the time:

*We were not harassed at all... Our efforts did not amount to much. Chen was well known within the small circle of rights activists, but beyond that he is little known.*

He Yang (何杨), one of the members of the group<sup>30</sup>

<sup>26</sup> Residential surveillance is stipulated under articles 50 and 41 of the CPL.

<sup>27</sup> Chen Guangcheng v. People's Republic of China, Working Group on Arbitrary Detention, Opinion No. 47/2006, U.N. Doc. A/HRC/7/4/Add.1 at 49 (2007), <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/101/75/PDF/G0810175.pdf?OpenElement>.

<sup>28</sup> According to the methods of work of the Group, deprivation of liberty is arbitrary if a case falls into one of the following three categories: a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him)(Category I); b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (Category II); c) When the total or partial non-observance of the international norms relating to the right to a fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (Category III). See <http://www.ohchr.org/EN/Issues/Detention/Pages/Complaints.aspx>.

<sup>29</sup> CHRDR, “Chen Guangcheng Concern Group's First Action: to Take a Walk outside of the Beijing Liaison Office of Shandong Province (陈光诚关注团首次行动：到山东省驻京办散步),” September 30, 2010, <http://news.boxun.com/news/gb/china/2010/09/201009302200.shtml>; CHRDR, “Chen Guangcheng Concern Group is Established (陈光诚关注团成立),” September 29, 2010, <http://news.boxun.com/news/gb/china/2010/09/201009292327.shtml>.

<sup>30</sup> Interview with CHRDR, November 2011.

However, the effort to free Chen soon stalled:

*There were big differences of opinion about the best approach to take. Before Chen's release, Yuan told us that she wanted to stay low-key about his release, thinking that the authorities might let them lead a normal life. So we kept a low profile for a while. We learned later that Chen wanted to fight [the illegal house arrest]. You know, Chen and Yuan are quite different. But then in October, when Liu Xiaobo won the Nobel Peace Prize, the authorities became quite tense, so we didn't do anything.*

Jiang Tianyong (江天勇), another member of the group<sup>31</sup>

But the strategy of keeping a low profile and hoping for the best proved ineffective. In a letter addressed to Teng Biao (滕彪), a lawyer and activist close to the couple, Yuan wrote on October 27, 2010, that she felt that:

*...the situation is far worse than a few years ago, so I am a little anxious, and very much regret the decision to stay low-key after Guangcheng's release. I really did not expect that the authorities would behave so ferociously...*<sup>32</sup>

Meanwhile, Nanjing activist and netizen He Peirong (何培蓉, aka “Pearl” [珍珠]), impatient with the other activists’ low profile strategy, traveled alone to Dongshigu Village in January 2011.<sup>33</sup> She wanted to inspire others to do the same: “Everyone said they wanted to go to Dongshigu, but nobody wanted to be the first one. We had reached a stalemate, so I went,” she wrote.<sup>34</sup>

Her account of having her car smashed and being verbally abused and threatened by those guarding Chen was widely circulated on Twitter by fellow activists, and renewed interest in what was happening to Chen and his family. In February, when Chen’s video was circulated and news of the beatings which the couple had been subjected to appeared, it became apparent that the measures being taken against them were not of a temporary nature. It was decided that immediate action must be taken. On February 16, a group of activists, including some members of the Chen Guangcheng Concern Group, gathered at a Beijing restaurant to discuss ways to help Chen. The gathering unfortunately coincided with the appearance of anonymous online calls for a Jasmine Revolution in China,<sup>35</sup> which were followed by an intense crackdown. Many of those who attended the Beijing restaurant meeting were later disappeared and efforts to free Chen Guangcheng came to a halt again. Towards the end of the crackdown, He Peirong made another solo trip to Shandong Province in

<sup>31</sup> Interview with CHRD, November 2011.

<sup>32</sup> Part of this letter has been made public by Teng Biao on Twitter, October 30, 2011, <https://twitter.com/#!/tengbiao/status/130470101177733121>.

<sup>33</sup> CHRD, “Nanjing He Peirong Visits Chen Guangcheng, Attracts Widespread Concern as She Falls out of Contact” (南京何培蓉探访陈光诚, 与外界失去联系引各界关注), June 2, 2011, [http://wqw2010.blogspot.com/2011/06/blog-post\\_9730.html](http://wqw2010.blogspot.com/2011/06/blog-post_9730.html)

<sup>34</sup> Interview with CHRD, November 2011.

<sup>35</sup> CHRD, “National Security Officers Harass, Detain Lawyers Following Beijing Meeting,” *China Human Rights Briefing February 16, 2011*.

June.<sup>36</sup> She also kept the issue alive using other means:

*Over the past year we had many projects to 'ferment' the issue. In July we wrote to organizations for the disabled in China as well as those abroad. We targeted Zhang Haidi (Chairman of China Disabled Persons' Federation), calling on her to speak out for Chen Guangcheng. Then we had another project which called for submissions of videos about Chen that were to be released in September, the first anniversary of his current detention.*

He Peirong

From September, 2011 as the community of rights activists began to recover from the crackdown, awareness of Chen's situation began to increase. But it was a trip by a group of five activists, including Liu Shasha (刘莎莎) and Miao Jue (妙觉), to Dongshigu Village on September 19, when they were assaulted and expelled from the village, that reignited efforts to free Chen.<sup>37</sup> Group after group of activists decided to make the trip to Chen's village in an attempt to visit him, using their inevitable beatings and mistreatment to highlight his plight and the brutal behavior of the Linyi authorities.

The "Free Chen Guangcheng" campaign has, significantly, successfully circumvented censorship and spread beyond the immediate circle of human rights activists, attracting the attention and sympathy of people from all walks of life.<sup>38</sup> Celebrities such as young writer Murong Xuecun (慕容雪村), who has a million followers on China's microblogs, are rallying in support of Chen.<sup>39</sup> The illegal detention of a blind man and his family by thugs employed by abusive officials has become "a mirror reflecting China's human rights,"<sup>40</sup> a symbol of injustice. On October 13, a group of citizens in Shanghai paraded with banners in support of Chen in People's Square, and nearly 400 Shanghai residents signed their names to a petition calling for his freedom.<sup>41</sup> A photo campaign called "Let there be light, let there be sincerity" (要有光, 要有诚) (Chen's given name is composed of the characters for "light" [*guang*] and "sincerity" [*cheng*]) is currently underway, in which participants, including university students, take photographs of themselves wearing sunglasses and post these pictures online.<sup>42</sup>

<sup>36</sup> CHRD, "Nanjing He Peirong Visits Chen Guangcheng, Attracts Widespread Concern as She Falls out of Contact" (南京何培蓉探访陈光诚, 与外界失去联系引各界关注), June 2, 2011, [http://wqw2010.blogspot.com/2011/06/blog-post\\_9730.html](http://wqw2010.blogspot.com/2011/06/blog-post_9730.html).

<sup>37</sup> "Liu Shasha, Miao Jue Again Face Violent Attack When Visiting Chen Guangcheng in a 'Night Raid' on Dongshigu Village" (刘莎莎、妙觉夜 闯东师古村再访陈光诚遭暴力袭击), September 18, 2011, [http://wqw2010.blogspot.com/2011/09/blog-post\\_4221.html](http://wqw2010.blogspot.com/2011/09/blog-post_4221.html).

<sup>38</sup> A wave of "Free Chen Guangcheng" Civil Action Has Been Set off in Mainland China" (中国大陆正在掀起“自由陈光诚”的公民行动), October 11, 2011, [http://wqw2010.blogspot.com/2011/10/blog-post\\_6359.html](http://wqw2010.blogspot.com/2011/10/blog-post_6359.html).

<sup>39</sup> National Public Radio, "Chinese Activists Turn To Twitter In Rights Cases," October 28, 2011, <http://www.wbur.org/npr/141606687/chinese-activists-turn-to-twitter-in-rights-cases>.

<sup>40</sup> Global Times, "Global Times: Don't Turn Chen Guangcheng's Incident into an Ideology" 环球时报: 不应将陈光诚事件意识形态化, October 12, 2011, <http://boxun.com/news/gb/china/2011/10/201110121140.shtml>.

<sup>41</sup> "378 Shanghai Residents Support 'Free Chen Guangcheng' Movement" (冯正虎: 378名上海市民支持“自由光诚”行动), October 20, 2011, <http://rightscampaign.blogspot.com/2011/10/378.html>.

<sup>42</sup> Radio Free Asia, "University Students Join in Support for Chen Guangcheng" (大学生加入声援受光诚), October 13, 2011, [http://www.rfa.org/cantonese/news/china\\_chen-10132011090018.html?encoding=traditional](http://www.rfa.org/cantonese/news/china_chen-10132011090018.html?encoding=traditional).



Members of Chen Guangcheng Concern Group wearing t-shirts with his portrait in front of the Shandong Liaison Office in Beijing

[We] must be absolutely nonviolent and we must not fight back. This time, we give up our legitimate right to defend ourselves. Hopefully, with completely peaceful and nonviolent means, we can awaken the conscience of all.

LIU SHASHA on Twitter, prior to a trip to try to visit Chen



University student holding up sign saying  
“Let there be light, let there be sincerity”



**Shanghai residents holding placards which read  
“To free Guangcheng would bring light and sincerity.”**

In the efforts to free Chen, microblogs have been indispensable:

*We made full use of new media. Messages about my January trip to Linyi filled Twitter, but since Twitter is limited to activists, only people in the circle learned about what happened. Then in June [during my second trip], messages were posted on Sina microblogs and they were not deleted by censors. Now, just in the past few days I’ve already gained 10,000 followers!”*

He Peirong

The efforts to free Chen also reflect a more savvy civil society, which includes not only China’s activists but also an increasingly wide range of ordinary people who are ingenious in circumventing censorship and promoting human rights on the internet:

*The messages about Chen were spread all over by ‘The Reincarnation Gang,’ netizens whose accounts have been cancelled by the authorities for speaking out, but who repeatedly create new accounts for themselves by adding the numbers 1, 2, 3, etc, behind their original name. They’re the mudgrass horses, ordinary people who keep spreading messages focusing on rights abuses, but who are not in the circle of activists.*

He Yang

*The efforts to free Chen have shown how the general public's abilities, both to stay informed and to act, are rapidly growing.*

Zeng Jinyan

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**Deputies to the National People's Congress and the Linyi City People's Congress, can a few of you stand up and set up a 'Chen Guangcheng Investigation Team'? Or if you are unable to do that, can you do the next best thing, which is to organize a group tour to see Chen? This is the least you should do.**

**ZHANG YIHE (章诒和)  
A well-known writer  
commenting on his microblog**

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During the past year, there was a crackdown by government on activists when Liu Xiaobo was awarded the Nobel Peace Prize, and again shortly after that, another even harsher crackdown was carried out after calls for a Jasmine Revolution in China began appearing on the internet. Although efforts to free Chen stalled twice and the government was able to silence a core group of well-known activists, such as Teng Biao and Jiang Tianyong, who are closely associated with Chen and Yuan, the campaign has reemerged with renewed energy, indicating that suppression of civil society has not led to imposed "harmony." Contrary to the government's intentions, it would appear that activist groups and the wider civil society have become stronger and more resourceful since this latest crackdown. Interestingly, the campaign to free Chen Guangcheng is also happening at the same time as an unprecedented number of independent candidates are running in elections to local people's congresses across the country. These recent movements could be an indication that China is currently experiencing a growing level of citizen activism.

#### ► **The invisible hand of government**

The long-running persecution of Chen and his family, spanning a period of seven years, is not merely the work of local officials and their hired goons. The central government has been well aware of the situation in Dongshigu Village all along. While turning a blind eye to the ongoing abuses against Chen, his family and his supporters, the government has instead maintained that his case has been handled according to the law, and that Chen is a free man living a "normal life"<sup>43</sup> with his family. The authorities have repeatedly rejected calls from both Chinese citizens and the international community to release Chen, investigate allegations of illegal behavior, and hold those officials responsible for beating and detaining him and his family.

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<sup>43</sup> European Parliament, "Answer to a written question – Chen Guangcheng, Chinese lawyer and human rights defender held under house arrest – E-007543/2011," September 1, 2011, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-007543&language=PL>.



Central authorities admitted that the abuses Chen and Yuan exposed did, in fact, occur. In September 2005, China's National Population and Family Planning Commission admitted that "reported claims of forced abortions and sterilizations by local family planning officials in Shandong's Linyi City do exist."<sup>44</sup>

The retaliation against the couple for making these violations public is also well known to the central government. From September 2005 to May 2008, various UN human rights bodies have sent a total of seven communications to the Chinese government regarding human rights violations against Chen and Yuan. The UN Committee against Torture referred to the harassment of Chen in its Concluding Observations, issued in December 2008.<sup>45</sup> In its response to the UN, the Chinese government replied that after it "had carefully examined the matter," it was found that the relevant local authorities had acted "in compliance with the law," that "there is no substance to the allegation that Chen Guangcheng was subjected to beatings and placed under house arrest" and that "the allegations... that public security officials have been harassing members of Chen's family, his lawyers and other persons are entirely without substance."<sup>46</sup>

After Chen was released from prison in September 2010 and put under house arrest, foreign journalists repeatedly questioned the Foreign Ministry about Chen's unlawful confinement and also complained to the government about the rough treatment meted out to journalists when they attempted to visit Chen.<sup>47</sup> In February 2011, Foreign Ministry spokesman acknowledged that journalists had "met some obstacles on their reporting trips to Shandong," but that the Ministry had "contacted the local authorities, learned the situation and properly handled it in a timely manner."<sup>48</sup>

In October 2010, European Union (EU) officials tried to visit Chen and Yuan, but their car was "intercepted by unidentified individuals on its approach to the village and violently turned back."<sup>49</sup> The officials later lodged a protest with the government. During this period, Chen's case was also raised by the United States and the EU during their Human Rights Dialogues with the Chinese government.<sup>50</sup> The UN High

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<sup>44</sup> Xinhua, "Population-control abuses in Shandong confirmed," September 20, 2005, [http://www.chinadaily.com.cn/english/doc/2005-09/20/content\\_479348.htm](http://www.chinadaily.com.cn/english/doc/2005-09/20/content_479348.htm).

<sup>45</sup> UN Committee against Torture, "Concluding Observations" (CAT/C/CHN/CO/4), December 12, 2008, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/457/10/PDF/G0845710.pdf?OpenElement>.

<sup>46</sup> Paragraph 162 and 268, Summaries of individual cases raised by the SRSJ during 2007 and summaries of Government responses (A/HRC/7/28/Add.1), March 27, 2007.

<sup>47</sup> Radio Free Asia, "Film Shoot Sparks Furor," October 31, 2011, <http://www.rfa.org/english/news/china/film-10312011135737.html>; "Freed Chinese Activist Faces Heavy Security at Home," September 9, 2010, <http://www.voanews.com/english/news/Freed-Chinese-Activist-Faces-Heavy-Security-at-Home-102519979.html>. CNN journalists were filmed being pelted with rocks as their vehicle approached Dongshigu Village, February 16, 2011, <http://edition.cnn.com/video/?/video/world/2011/02/16/grant.china.village.activist.cnn>.

<sup>48</sup> AFP, "China refuses to condemn mob tactics on reporters," February 17, 2011.

<sup>49</sup> European Parliament, "Answer to a written question- Chen Guangcheng, Chinese lawyer and human rights defender held under house arrest – E-007543/2011," September 1, 2011, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-007543&language=PL>.

<sup>50</sup> CNN, "U.S. challenges China's 'serious backsliding' on human rights," April 28, 2011,



Commissioner for Human Rights also referred to Chen's case in a communiqué about several high profile prisoners of conscience.<sup>51</sup> However, the government responded by claiming that "house arrest does not exist under Chinese law," and that Chen has been released and is free and leading "a normal life."<sup>52</sup>

Not only is the central government aware of the abuses inflicted on Chen and his family—although its officials have repeatedly lied in response to questions about it—it has also warned against participation in any activities designed to garner support for Chen, and harassed and suppressed those who have acted to draw attention to the dire circumstances of the family. Activists in other provinces or municipalities have been prevented from leaving their homes. For example, rights activist Hu Jia (胡佳) was threatened by members of the National Security Unit of the Beijing PSB and told that he was prohibited from traveling to Shandong Province to visit Chen.<sup>53</sup> Similarly, Shanghai police visited the home of writer Xia Shang (夏商) after he had posted online messages calling on others to join him for a trip to Dongshigu, warning him not to attempt a visit Chen.<sup>54</sup>

So far, the government refuses to admit that Chen and his wife have been subjected to abuse from local officials. However, the outpouring of public support for the Chen family may have prompted the government to soften its tone regarding the blind activist. On October 12, an editorial appeared in the official English Language newspaper *Global Times*, which questioned the legality of the measures being taken against Chen, describing him as "a local activist for people who have been treated unfairly under the family-planning policy." The editorial asserted, "The conflict in Linyi has more to do with the local governance than with nationwide political worries",<sup>55</sup> and concluded by calling on the local government to release "more reliable information" about Chen and that the media and human rights organizations ought to give "more room" to the local government "to settle matters."

The impression the editorial conveys of a benign central government urging belligerent local officials to clean up their acts is misleading. It is true that the Linyi City government officials bear responsibility for the unlawful detention and ill-treatment of

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[http://articles.cnn.com/2011-04-28/world/china.human.rights\\_1\\_liu-xia-human-rights-teng-biao?\\_s=PM:WORLD](http://articles.cnn.com/2011-04-28/world/china.human.rights_1_liu-xia-human-rights-teng-biao?_s=PM:WORLD);

<sup>51</sup> According to information obtained by CHRD.

<sup>52</sup> European Parliament, "Answer to a written question – Chen Guangcheng, Chinese lawyer and human rights defender held under house arrest – E-007543/2011," September 1, 2011, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-007543&language=PL>.

<sup>53</sup> CHRD, "Beijing Security Police Threaten Activist Hu Jia," *China Human Rights Briefing October 13-20, 2011*.

<sup>54</sup> Shanghai Writer Xia Shang Prepares to Take Entourage to Linyi, Faces Police Threats, Obstruction" (上海作家夏商欲组团赴临沂 遭警方威胁阻挠), October 17, 2011.

<sup>55</sup> *Global Times*, "Don't turn a village into a pressure cooker," October 12, 2011, <http://www.globaltimes.cn/NEWS/tabid/99/ID/678927/Dont-turn-a-village-into-a-pressure-cooker.aspx>. The Chinese and English versions of the *Global Times* editorial are different and here the quote was taken from the English version. For a discussion about these differences, see William Farris, "Global Times on Chen Guangcheng: A Comparison of English and Chinese Editorials," October 14, 2011, <https://plus.google.com/106378980111121757454/posts/1t6nJUXLiWN#106378980111121757454/posts/1t6nJUXLiWN>.

Chen and his family, but these same officials are determined to punish him for disclosing abuses in their implementation of the family planning policy. An additional incentive to keep Chen and Yuan under house arrest is that it is a lucrative “business” for all involved.<sup>56</sup> The government has always been effective in putting a stop to local abuses when sufficient pressure is applied, or it otherwise finds it politically advantageous to do so. For example, prior to the visit of US Vice-President Joe Biden to China in April 2011, the Sichuan local government ordered the release of Ran Yunfei (冉云飞), a well-known blogger detained during the Jasmine Revolution crackdown for “inciting subversion.” Local activists who followed Ran’s case believe that the inclusion of his name on US Vice-President Joe Biden’s list of individual cases to be raised with the government made a difference. In another case, reacting to widespread outrage on the internet the government pressured the Hubei authorities to drop homicide charges it had levied against Deng Yujiao (邓玉娇), a woman who stabbed to death a government official who attempted to rape her. Similarly, the invisible hand of government may have been influential in the release of the renowned artist Ai Weiwei after his disappearance in 2011, and the permission granted to Liu Xiaobo, the imprisoned Nobel Peace laureate, to attend a memorial service for his deceased father.

CHRD concludes that the government has played a significant and undeniable role in the prolonged, unlawful detention and torture of Chen Guangcheng and his family, which has been “inflicted [on them] by, or at the instigation of, or with the consent or acquiescence of, a public official or other person acting in an official capacity,”<sup>57</sup> at both local and national levels of government.

#### ► What the international community can do now

*It is hard to say [what will happen]. The government is hoping to wait it out. But if there is sustained international and domestic agitation directed to Chen Guangcheng’s case, then the situation might not continue like this. Something has to change.*

Jiang Tianyong

The persecution of Chen Guangcheng has been going on for almost seven years. The reason it has been sustained for so long is that the government has not been under sufficient pressure, internationally or domestically, to call a halt to the abuse, or even ease it. Chen and Yuan’s case may have been repeatedly raised by UN human rights experts and foreign diplomats; nevertheless, when these concerns are not backed up with a credible threat of action, the government can just ignore them.

Strong, vocal support for Chen Guangcheng at this juncture could prove crucial in

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<sup>56</sup> See a discussion about the rent-seeking motive behind Chen’s continued soft detention by Andy Yee, “China’s Stability Machine and the Detention of Chen Guangcheng,” October 31, 2011, <http://globalvoicesonline.org/2011/10/31/china%E2%80%99s-stability-machine-and-the-detention-of-chen-guangcheng/>.

<sup>57</sup> Article 1, UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

tipping the cost-benefit calculations the government makes. Because of official censorship of the media, Chen, like many fellow activists, has heretofore been a little known name among ordinary people; however, the burgeoning involvement of citizens in the domestic effort to free Chen is changing this—a clear indication of the power of the internet and the noticeably growing strength of civil society. If there is sufficient outcry from the domestic public about Chen’s situation and stronger international action, the government may begin to realize that its tacit acquiescence in the lawless activities of local officials in Linyi is no longer viable. When the resultant loss of face undermines the “soft diplomacy” of the central government’s efforts to project a gentler, more appealing international image, it will then stop the egregious abuse of Chen Guangcheng and his family.

CHRD calls on the UN High Commissioner for Human Rights, the Working Group on Arbitrary Detention, the Special Rapporteur on Torture and Special Rapportuer on the Situation of Human Rights Defenders to look into the allegations in this report of:

- arbitrary detention,
- cruel, degrading and inhuman treatment, or torture; and
- persecution of human rights defenders,

and send urgent communications to the Chinese government seeking an explanation for its treatment of Chen Guangcheng and his family, and urging their release from detention. In addition, they should call for the officials and their hired thugs to be held legally responsible for human rights violations against the Chen family. If the government responds by claiming “Chen is free” or is “living a normal life,” the UN rights experts should further request evidence of Chen’s freedom, including allowing unobstructed visits by UN personnel to verify these claims.

As many of the same officials responsible for enforcing Chen’s current unlawful house arrest are the same officials responsible for the violence involved in the implementation of the government’s family planning policy, CHRD urges the Committee Against Torture to follow up its 2008 Concluding Observations, by requesting the Chinese government “implement the population policy in full compliance with the relevant provisions of the Convention and prosecute those responsible for resorting to coercive and violent measures in implementing such policy.”<sup>58</sup>

In light of the current review of the Chinese government’s implementation of the Convention on the Rights of Persons with Disabilities, ratified in 2008, CHRD calls on the UN Committee on the Rights of Persons with Disabilities to question the Chinese government about its treatment of Chen Guangcheng and request his immediate release from house arrest.

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<sup>58</sup> Paragraph 29, Committee against Torture, “Concluding Observations” (CAT/C/CHN/CO/4), December 12, 2008, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/457/10/PDF/G0845710.pdf?OpenElement>.



**Another online initiative in support of Chen Guangcheng invites netizens to take portraits of themselves wearing sunglasses and posting them online. The picture above comes from <http://ichenguangcheng.blogspot.com/>.**

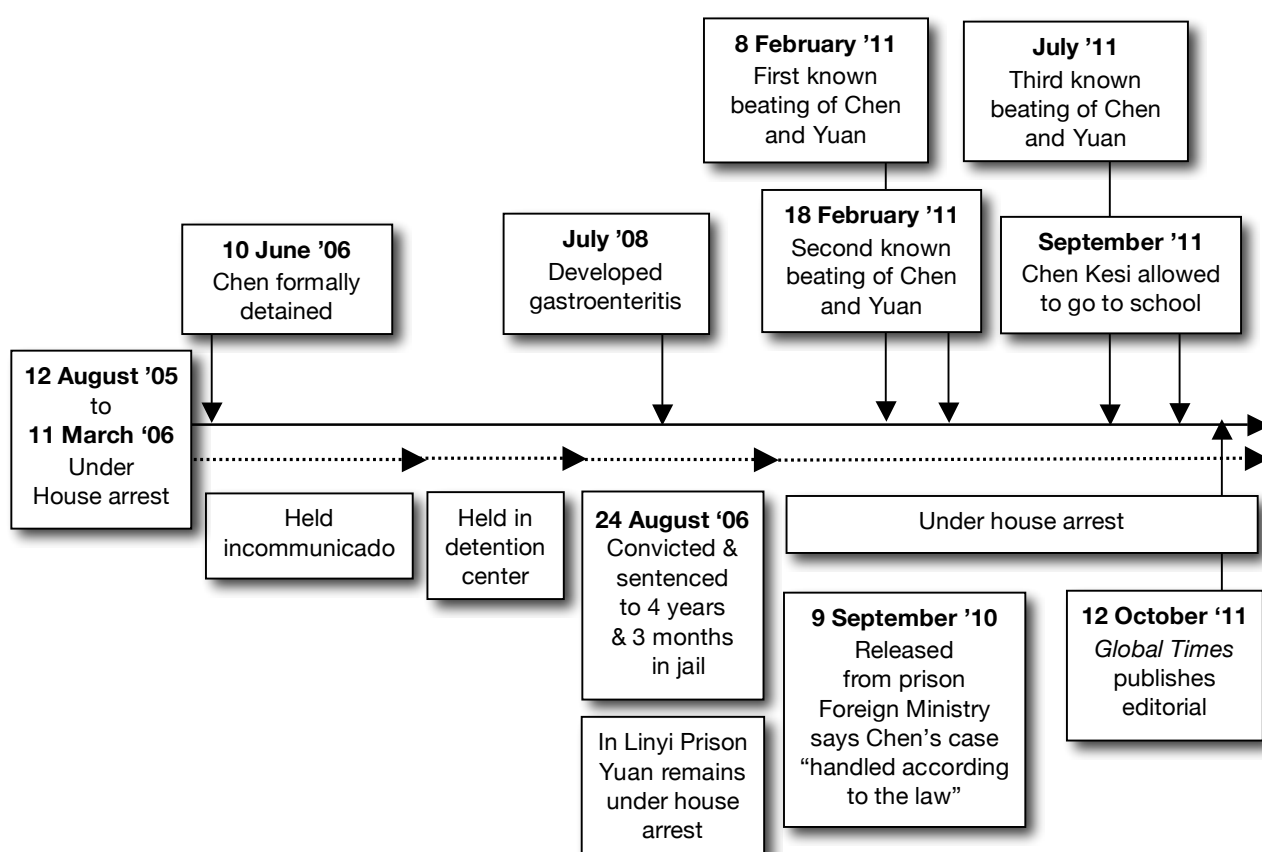
CHRD urges foreign diplomats and foreign journalists in China to challenge the government by requesting it to provide security for them to visit Dongshigu Village to verify the claim that Chen and his family are “free” and living “a normal life.” If a diplomat or journalist is assaulted or physically prevented from seeing Chen, an official complaint should be lodged with the Chinese government and a demand made that those using violence to obstruct such visits be held criminally accountable.

CHRD also encourages foreign diplomats in China to request meetings with the government and with Shandong provincial officials to request an explanation about Chen’s situation and demand his release.

China’s “human rights dialogue” partners, such as the EU, the US, Canada, Australia, Norway and Switzerland, should continue pressing the Chinese government for information about Chen Guangcheng, and request that it present evidence to support its claims that Chen “is free” and leading “a normal life.” If his abusive treatment is not discontinued, these governments should institute sanctions, such as visa bans, against the officials suspected of ordering or carrying out the abuses.

European Union diplomats should persist in follow-up action to ensure Chen Guangcheng is adequately protected by following the steps outlined in the European Union Guidelines on Human Rights Defenders, including, for example, “providing... visible recognition to human rights defenders, through the use of appropriate publicity, visits or invitations.”

CHRD also calls on international non-governmental organizations and professional associations to press for Chen Guangcheng's release. We encourage lawyers' associations, organizations advocating for the rights of persons with disabilities, women's and reproductive rights organizations, and those organizations working to protect human rights defenders, to contact their counterparts in China and lobby their own governments to take actions to press for Chen Guangcheng's release. These organizations and associations can take initiatives to boycott international events or conventions organized by or with the Shandong provincial or Linyi municipal governments.



**Timeline of events since Chen Guangcheng's first house arrest**

### Further reading

*Activist Chen Guangcheng Released after Serving Full Sentence*

September 9, 2010

<http://chrdnet.org/2010/09/08/activist-chen-guangcheng-released-after-serving-full-sentence/>

*"Soft Detention" of Yuan Weijing Continues: Journalist Beaten, Barred from Meeting*

March 10, 2009  
<http://chrdnet.org/2009/03/11/%E2%80%9Csoft-detention%E2%80%9D-of-yuan-weijing-continues-journalist-beaten-barred-from-meeting/>

*Imprisoned Human Rights Defender Chen Guangcheng Denied Medical Care*

January 14, 2009,

<http://chrdnet.org/2009/01/14/imprisoned-human-rights-defender-chen-guangcheng-denied-medical-care/>

*Shandong Officials Continue Harassing Wife of Jailed Human Rights Defender*

November 24, 2007

<http://chrdnet.org/2008/11/24/shandong-officials-continue-harassing-wife-of-jailed-human-rights-defender-2/>

*Wife of Jailed Human Rights Defender Barred from Seeking Medical Treatment*

October 31, 2007,

<http://chrdnet.org/2007/10/29/wife-of-jailed-human-rights-defender-barred-from-seeking-medical-treatment/>

*Officials Ignored Requests for Medical Parole and for Filing Complaints to Higher Court about Verdict*

March 23, 2007

<http://chrdnet.org/2007/03/25/chen-guangcheng-human-rights-defender-in-prison/>

