

December 13, 2006: China: Rule of Law Abuses Unacceptable, USCIRF Says

FOR IMMEDIATE RELEASE

December 13, 2006

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WASHINGTON-The U.S. Commission on International Religious Freedom (USCIRF), an independent, bipartisan federal agency, is concerned by recent reports of torture, intimidation of witnesses, and other due process violations by Chinese authorities in the prosecutions of blind legal activist Chen Guangcheng and the three sons of exiled Uighur human rights advocate Rebiya Kadeer. "These cases to silence human rights defenders demonstrate that Beijing's vows to fully promote the rule of law are, thus far, still empty promises," said Felice D. Gaer, Chair of the Commission. "Through these reported violations of due process, freedom of speech and association, and freedom from torture or cruel, inhuman or degrading punishment, the Chinese government has either actively targeted Chen Guangcheng and the Kadeer family, or it has failed to rein in abusive local officials. Either way, it is complicit in unacceptable acts." The cases of Chen Guangcheng and the Kadeer family come at a time of worsening human rights conditions in China, reflecting an ongoing crackdown on religious and ethnic minorities and human rights activists. During the past year, USCIRF has received reports nearly every week of raids on unregistered religious gatherings and multiple cases of arrest, detention and harassment of religious leaders, journalists, and human rights lawyers and activists. Chen Guangcheng, a prominent legal activist, is being tried on charges of incitement to disrupt traffic and to commit vandalism following his well-publicized efforts to expose cases of forced abortion and forced sterilization in Shandong province. At a retrial hearing on November 27, three witnesses for the defense failed to appear in court, reportedly due to government efforts to intimidate them. These witnesses had signed affidavits stating that, before Chen's original trial in October, police tortured them in order to force them to give testimony implicating Chen. Their whereabouts remain unknown amid reports that at least one of them was kidnapped by local police prior to the start of the retrial. In addition, one of Mr. Chen's lawyers was temporarily detained at the start of last week's retrial. On the day after the hearing, local police abducted and beat Chen's wife, Yuan Weijing, leaving her hospitalized. On December 1, without considering any evidence outside of confessions that are credibly alleged to have been obtained through torture, the court upheld Chen's original conviction and again sentenced him to 4 years and 3 months imprisonment. Also on November 27, sentences were announced against Alim and Kahar Abdureyim, two sons of Rebiya Kadeer. Ms. Kadeer was exiled to the United States in March 2005 following 6 years of imprisonment due to her efforts to combat Chinese government repression of ethnic Uighurs. Her son Alim Abdureyim was sentenced to 7 years imprisonment, while Kahar was ordered to pay a fine for charges related to allegations of tax fraud. Because the arrest of Kadeer's sons coincided with efforts of local authorities to prevent members of the Kadeer family from meeting with a U.S. Congressional staff delegation to discuss human rights conditions for Uighurs, observers suspect the charges appear to be politically motivated. In the case, local officials seized all financial records from the offices of the family business in Urumqi and have not permitted lawyers access to the documents in order to formulate a defense. The condition of Ablikim, a third son of Kadeer, detained on more serious subversion charges, remains unknown. Reports claim that all three sons were tortured to confess their guilt to the charges against them. "The ongoing neglect of rule of law in China is a serious concern. U.S. leaders have made clear to Beijing that progress in rule of law and human rights, including religious freedom, are critical to U.S.-China relations," added Gaer. "The Commission urges the U.S. government to press Chinese authorities to implement more effectively rule of law reforms and human rights protections. Everyone's right to due process and to freedom from torture should be protected in China, and the Chinese government should take immediate steps to ensure that these rights are not denied in the cases of Chen Guangcheng and the Kadeer family."

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