

# FACING THE THREAT

BY GUO FEIXIONG

**A prominent rights defender urges fellow activists to maintain a non-violent response to an upsurge in suppressive acts by the authorities.**

In spite of the problems attorney Zheng Enchong<sup>1</sup> encountered early on, rights defense attorneys and advocates generally faced little threat to their safety and well-being until late 2005. The Chinese government's recent moves against human rights advocates are mainly inspired by the threat it perceives in the growing influence and popularity of the rights defense movement.

In order to maintain an effective operational space, human rights advocates have all along been very careful with their speech and activities. They have limited their activities to promoting rational concepts of rule of law and political reform that are accepted by most post-authoritarian societies, and have taken pains to remain within the boundaries set by the government (although there are differences of opinion over what these boundaries are). However, the authoritarian mindset does not adhere to normal rationality, and the government has set its rules based on its own interests rather than on rational concepts. Respecting official boundaries isn't enough; any sign of rising up, maturing or developing into a trend must be swiftly "nipped in the bud." As the authorities' bar of tolerance constantly shifts downward, rights defenders at the forefront of the democratic and liberal movements inevitably become the primary victims of the regime's arbitrary whims.

Since the promotion of rule of law in anti-Japanese campaigns<sup>2</sup> and the establishment of Cai Zhouhua's<sup>3</sup> legal defense team in 2005, Chinese society has witnessed a significant upsurge in the popularity of rights defense campaigns, with the result that the authorities have come to regard rights defenders as a thorn in their side. Between mid-July and early September 2005, there were numerous reports of meetings at the highest levels of the central government to discuss how to deal with rights defenders, and the current situation, including the injustice in Taishi, indicates that these were not mere rumors. Rights defenders currently face enormous political challenges, foremost among them the government's policy of

"dealing with rights defenders" and the ruthless methods used by the executors of this policy.

In mid-September 2005, I was imprisoned under false charges, and persecution continues throughout China: Ai Xiaoming, Guo Yan, Tang Jingling and Lü Banglie<sup>4</sup> were brutally beaten in Taishi; in Guangzhou, the authorities collude with local gangsters to perpetuate violence, and in Linyi City, Shandong Province the famous rights defender Dr. Xu Zhiyong<sup>5</sup> was attacked; not long before, another rights defender, Zhao Xin,<sup>6</sup> had his ribs broken in Sichuan; political activist and election specialist Yao Lifa,<sup>7</sup> having escaped physical attacks for several years, was beaten on September 25 for expressing moral support for Taishi while promoting democratic elections in a rural village in Hunan Province. These examples demonstrate the consistent, premeditated and organized nature of attacks against rights defenders nationwide.

The autocratic machine has all along been framing and prosecuting rights defenders through the legal system, but collusion between the authorities and the underworld in violent attacks is a new phenomenon. Of course, no one should be surprised by this inevitable outcome of the policy to "destroy the human rights movement," but the use of gangsters to deliver threats and physical attacks nevertheless constitutes an "outstanding achievement" of the current authoritarian machine. The authorities' application of such underhanded tactics against rule of law and civilization has provoked outrage not only among the general public, but also among those within the governmental structure who support rule of law. This internal opposition shows that the proponents of unyielding force constitute only one of many factions within the government, and that their power cannot be exercised without constraint.

Following hard on the heels of the Taishi controversy, attorney Gao Zhisheng's car crash on January 17 aroused another wave of controversy.<sup>8</sup> Unlike many other rights defenders, Gao has directly challenged the limits set by the authorities. The internal constraints imposed by the authority's factionalism, and Gao's own moral power, guaranteed his safety for a time. However, it is not Gao's individual efforts that the authorities fear, but rather that his public example might inspire imitators to attack the official line of defense. The threats against Gao, including surveillance of his family members, are actually meant as a warning to others. The rights defense movement

experienced rejuvenation after the Taishi villagers and I were released on December 27, 2005, and the authorities worry that Gao's influence will create serious social repercussions. As a result, Gao's safety has come under serious threat, culminating in the premeditated traffic accident on January 17.

At that time, I advised Gao to treat the incident as an "aggravated assault" rather than "premeditated murder." I reminded Gao of the example of Boris Yeltsin, who narrowly escaped drowning after being pushed off a bridge into a canal by KGB agents.<sup>9</sup> Yeltsin did not publicize the incident, nor did

he seek any personal revenge until he dissolved the KGB a few years later. Although the two cases are clearly different, Yeltsin's political skill in dealing with a threat to his life might well serve as a valuable lesson for Gao. In today's world, where information flows rapidly, it would be impossible to conceal the incident, but I felt it should not be handled in a manner that aroused too much public attention.

As serious as the situation has become, I still do not think that the authorities are determined to exterminate Gao. Unlike the often heedless actions of triad societies, the authorities

## Taishi Village: Hotbed of the *weiquan* movement

Attempts by residents of Taishi Village in Panyu, Guangdong Province to recall their corrupt village committee head in July 2005 resulted in one of the most extended and embattled incidents of China's rights defense movement. It was notable not only for the initiative of the villagers to defend their rights through existing law, but also for the conspicuous participation of intellectuals from across China.

The incident began with a signature campaign led by villager Feng Qiusheng demanding the recall of village committee head Chen Jinsheng. Feng collected more than 400 signatures, passing the 20 percent threshold required for a motion of recall under China's Rural Villagers Organization Law, and submitted the motion to the Panyu Civil Affairs Bureau, which promised to reply within a month.

In the meantime, local officials began threatening some of the signatories of the recall motion, and the village accountant attempted to alter the village's budget books. After reporting the matter to the authorities but receiving no response, hundreds of villagers turned up at the village committee office on August 4, and a group of elderly women occupied the office in shifts to ensure that no one altered the books.

On August 16, plainclothes police officers detained villager Feng Weinan. Villagers responded by surrounding three vans carrying Panyu township's deputy chairman and the deputy director of the district Public Security Bureau, and more than 500 riot police were sent to the scene. A clash erupted between police and some 1,500 villagers, with several villagers arrested and some injuries reported. On August 29, the Panyu District government officially rejected the villagers' recall motion on the basis of a filing technicality.

On August 30, dozens of villagers initiated a rotational hunger strike in front of the Panyu government offices. A few days later, the villagers resubmitted their recall motion, which now had more than 800 signatures, and on September 10, the Panyu government acknowledged the validity of the motion and agreed to proceed to the next step of the recall process. But the very next day, Panyu officials deployed some 1,000 riot police and security personnel to remove all financial documents from Taishi's village office. Dozens of people were arrested.

By this time, word of events in Taishi village had spread throughout China, attracting the intense interest of journalists, scholars and rights activists such as Guo Feixiong, many of whom offered advice and encouragement to the villagers. Many of these outsiders who went to Taishi were subjected to repeated beatings and detentions, with Guo Feixiong one of the people arrested in September.

On September 15, the Panyu government officially classified the Taishi incident as one in which villagers who "did not understand the truth" were deceived by people with ulterior motives to engage in illegal assembly.

On September 16, villagers were allowed to elect seven representatives to serve on the committee managing a recall vote for the village chief. More than 100 police officers were deployed throughout the village for the vote, which resulted in all seven candidates nominated by the villagers being elected.

On September 20, the controversial village head resigned for "health reasons," but by then five of the seven newly-elected recall committee members had also resigned, with one leaving the village to go into hiding. On October 1, a notice from the Taishi Village Director Recall Committee stated that nearly 400 of the recall petition's signatories had withdrawn, rendering the petition null and void. It was revealed that Panyu officials had offered to release one detained villager for every 21 signatures that were withdrawn. The remaining members of the recall committee resigned.

Early October saw a rash of assaults by unidentified thugs against foreign journalists and Zhejiang People's Congress representative Lü Banglie. In early December, following the violent police suppression of protests in Guangdong's Dongzhou Village, Taishi was sealed off behind a police barricade.

In February 2006, the Guangdong Public Security Bureau circulated a report accusing "hostile forces" of involving themselves in "disputes over so-called rights defense." The village remains largely closed off to outsiders, especially journalists; in mid-August South China Morning Post reporter Leu Siew Ying reported being harassed and detained by local police for about seven hours when she attempted to visit Taishi.

apply violence in a brutal but restrained manner, as the injuries and threats against Lü Banglie and Ai Xiaoming in the Taishi incident attest. The actual implementation of the autocratic machine is restrained by complex interactions within its power structure. The basic guarantee of Gao's safety does not lie in his overseas support, which only suffices to keep him from imprisonment. Rather, his protection lies in the ancient but eternal principle of "balance of power." The authorities have already tested the limits of public tolerance with their persecution of the 1989 democracy movement and Falun Gong. They are not prepared to infuriate the overwhelming number of people who stand behind rights defense attorneys and advocates. Any further loss of public support will completely alienate the authorities from the Chinese populace, and will put resolution of conflicts between the authorities and civilians into a permanent deadlock.

The rights defense movement is only one mild force propelling China on its path to reform. Responding to such mild opposition with violence has a toxic effect on society, sending the message that "an eye for an eye" and "blood for blood" is the only tactic feasible in China. If that is the case, the current and future generations of leadership face an era of unprecedented terror that no one could possibly wish for. Through their recent clashes, the authorities may have already noticed that the "non-violent, non-confrontational and bloodless" nature of the rights defense movement might be a possible solution to China's increasingly bifurcated society. The reconciliation of Chinese society is only possible if it is based on the principle of protecting human rights. If the authorities are willing to relinquish their traditional view of power, China can still hope for a peaceful progression into a democratic society.

Under the current circumstance, it is appropriate to pursue change through both high-pressure and low-pressure tactics: China needs high-profile advocacy and discussion on the international front, as well as the relatively mild pressure generated within China's borders. The authorities' hesitation, scruples and tactical shifts are the residue of human feeling. If the appropriate strategy can be applied to this humanistic element, Chinese society can still hope to alter the authorities' common practice of "interest-based rules," and make the government gradually more amenable to the option of public reconciliation.

For this reason, right defenders must learn to face the heightened dangers they face with greater equanimity. However fearless of death they might be, under the present political circumstances they should do all in their power to avoid unnecessary conflict and bloodshed. There is a popular belief that rights defenders base their strategic considerations largely upon the "Big Picture." What people don't realize is that many rights advocates actually place an even greater emphasis on the safety of their friends. We have no wish for evil to befall anyone in the course of our struggle for improving human rights, or for confrontation to escalate past the point of no return. An atmosphere of peace and tolerance is the prerequisite for a better future for China, but a peaceful and tolerant mindset will not be effective if it exists on only one side.

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#### NOTES

1. Zheng Enchong, a lawyer who advised hundreds of Shanghai residents displaced by urban redevelopment schemes, was sentenced to three years in prison in October 2003 on charges of illegally providing state secrets overseas. He was released from prison on June 5, 2006.
2. China experienced a series of anti-Japan protests in early 2005, spurred by new Japanese school textbooks that many Chinese felt played down Japan's wartime atrocities. Guo Feixiong advised protesters to apply for parade permits to establish the legality of their public assembly.
3. Cai Zhouhua, a Christian pastor, was sentenced in September 2005 to three years in prison for distributing free Bibles he had printed himself and for running an unregistered church. His wife, Xiao Yunfei, and her brother, Xiao Gaowen, were each sentenced to 18 months in prison. Lawyer Gao Zhisheng's high-profile defense of Cai put him under increased pressure from the authorities. Guo Feixiong is a legal consultant at Gao Zhisheng's Beijing Shengzhi Law Firm.
4. Ai Xiaoming is a professor at Guangzhou's Sun Yat-sen University who posted an open letter to Premier Wen Jiabao regarding events in Taishi. Guo Yan and Tang Jingling are Guangzhou lawyers who provided legal representation to Taishi villagers and Guo Feixiong when they were detained. Lü Banglie, a local People's Congress delegate from Zhijiang City, Hubei Province, provided legal advice to villagers.
5. Xu Zhiyong is a legal scholar who became involved in the case of blind rights advocate Chen Guangcheng.
6. Zhao Xin is a member of the Independent Chinese PEN Center and executive director of the Empowerment and Rights Institute, which assisted Taishi villagers in their recall campaign.
7. Yao Lifa, a vocal democracy activist and former local People's Congress delegate, posted an open letter condemning the government's handling of the Taishi recall campaign.
8. On the night of January 17, 2006, lawyer Gao Zhisheng was involved in a traffic accident when a vehicle with its license plate obscured stopped abruptly in front of him. When Gao got out of his car and approached the other vehicle, it surged forward and bumped him before driving off. In the previous months, Gao had taken on the high-profile case of Christian activist Cai Zhouhua, and in December he had published an open letter protesting official persecution of Falun Gong and announced his withdrawal from membership in the Communist Party. On December 16 the authorities suspended Gao's law firm. See "Assassination Attempt Made on Gao Zhisheng: Attempt Follows upon Two Months of Harassment," *The Epoch Times International*, January 18, 2006, <http://www.theepochtimes.com/news/6-1-18/37093.html>.
9. Boris Yeltsin, who in 1987 had been expelled from the Politburo under USSR President Mikhail Gorbachev, resigned from the Communist Party in July 1990 in protest at the slow pace of democratization and reform. Yeltsin became president of the Russian Republic in July 1991 and oversaw the country during the first years following the dissolution of the USSR. According to reports, in 1989 Yeltsin entered a Moscow police station, dripping wet and claiming that he had been thrown into a city canal in an assassination attempt. According to one report, which makes no mention of KGB involvement, the canal had only inches of water in it, and if pushed into it from a bridge, Yeltsin would have almost certainly been seriously injured or killed. No serious investigation followed. See Keith Moon, "Boris Yeltsin Enters the History Books," *American Diplomacy*, Volume V, Number 1, 2000.