

# CHOOSING OUR BATTLES

BY GAO ZHISHENG

On February 4, 2006, rights defense lawyer Gao Zhisheng began a “relay hunger strike” to draw attention to official detentions and beatings of rights defenders. A rapid accumulation of participants in the hunger strike across China spurred a rash of detentions, and prompted Gao to call for a realistic and courageous response to the no-holds-barred suppression of China’s rights defense movement.

*April 22, 2006*—As of today, more than 400 of my brave compatriots in 29 of China’s provinces have, like me, endured 24 hours of hunger in a collective protest against the continued lawlessness of barbaric tyranny. We continue voicing our solidarity with every one of those who have been injured or murdered, and with those innocent compatriots who have been unlawfully sent to Reeducation-Through-Labor camps for speech or thought crimes.

On the 153rd day after the Communist regime began laying siege to my family with mafia-style tactics, and after nearly a month of being forced to fend for myself away from home, I have finally been able to return to Beijing to be with my wife and children.

While away, I had almost no access to information. On my return to Beijing, I made courtesy phone calls to several friends who in recent years have become known for their work in the rights defense movement. I was deeply discouraged by the consistent pessimism they expressed regarding the current difficulties faced by rights defense attorneys and legal advisors, and their fears that legal options for rights defense were all but exhausted. I was particularly concerned by their assessment of the situation in China over the last six months, during which the rights defense movement has experienced a decline as a result of irrational and brutal suppression by the current regime.

We have run out of options for defending our lawful rights defense in China today. In the last six months, the Communist regime has completely ignored even the lip service it once paid to the rule of law. A sure sign that it is no longer bothering to

whitewash its intentions is the completely barbaric and mafia-like persecution of those with the greatest influence in rights defense circles. This also exposes the innate antagonism of a tyrannical political power toward rule of law and the basic human values universally recognized by civilized nations.

My personal concerns do not stem from any misgivings about the prospects of the Chinese rights movement, but rather from the ideological confusion of the majority of rights defenders about the direction the rights defense movement should take, and the self-imposed narrowness of their thinking and knowledge about rights defense.

For the past few years, we have worked with a single purpose in attempting to bring about a law-based rights defense movement. This was the product of our own good intentions, or more precisely, of our naiveté regarding the nature of the authoritarian Communist regime.

We now need to look back and impartially reassess these well-intentioned and naïve efforts. We cannot deny that in recent years, particularly in 2004 and 2005, China’s law-based rights defense movement has surged forward, bringing in its wake a large-scale and rapid increase in people’s awareness of their rights, of the law and of their self-worth. This process has prepared a strong and sure foundation for China’s eventual emergence as a society that operates according to rules, one in which no person is overlooked or denied and in which values are not expendable. But at the same time, people need to clearly recognize the fact that absolute monopoly of power and absolute suppression of rights constitute the lifeblood of an autocratic regime.

As long as the essence of a totalitarian regime does not change at its deepest level, it will continue to maintain its monopoly on power through the basic instinct of such regimes: the cruel and unscrupulous suppression of citizens’ demands for their rights. This deepest instinct can never be changed by a mere changing of the guard, any more than the nature of wolves and jackals changes because of the kindness of their keepers.

Since Hu Jintao and Wen Jiabao came to power, they have produced a series of beautiful and moving slogans, among which this year’s “Eight honors and eight disgraces”<sup>1</sup> was particularly superb. But what does this slogan offer in real terms to solving the deep suffering of Chinese today? The unflatter-

ing conclusion we are compelled to draw is that Hu and Wen either have no understanding of the nature of an autocratic regime, or are guilty of a gross deception that will eventually bring about their downfall.

I prefer the latter conclusion, as a review of the Hu-Wen team's vicious repression of freedom of expression, thought and religion in recent years demonstrates their proficiency in controlling an authoritarian machine. Under these conditions, morality, rule of law and the basic norms of human civilization will not be options as long as they have anything to say about it.

In particular, since Hu and Wen came to power, they have brutally suppressed the activities of domestic rights defenders at the same time as, with the insatiable avarice of feudal officials, they have sought to destroy the Constitution and rule of law. With gleeful lack of inhibition, they have perfected the use

of violence and lies, which are the basis for the continuation of their autocratic dictatorship; but their apparent enjoyment of their repressive acts only serves to encourage us. They are compelled to regularly formulate their charming slogans only because violence alone is not enough to prop up the regime.

In an article discussing the emergence of rights defenders in China, *Asia Weekly* used the term "influential figures" (*fengyun renwu*) to describe these people. But where are these influential figures now? Zheng Enchong, a lawyer with a firm faith in Chinese law and a staunch rights defender, was sentenced to three years in prison, and his wife has suffered constant harassment from Communist agents and police in Shanghai.

Another influential figure is the well-known human rights lawyer Guo Guoting, who was forced into exile abroad. The well-known human rights lawyer Zhu Jiuhu was held in illegal

## Rights defenders mentioned in this article:

**Zheng Enchong**—A lawyer based in Shanghai, Zheng provided legal advice to hundreds of people displaced in urban redevelopment schemes before he was detained in 2003 and sentenced to three years in prison on charges of "illegally providing state secrets abroad." He was released from prison after completing his term in June 2006, but remains under virtual house arrest.

**Guo Guoting**—A Shanghai-based lawyer, Guo has provided legal defense for political activists, journalists, rights defenders (including Zheng Enchong) and Falun Gong practitioners. The Shanghai Justice Bureau suspended Guo's law license in March 2005, and he was placed under house arrest. Guo went to live in Canada in mid-2005.

**Zhu Jiuhu**—A lawyer, Zhu represented a group of oil investors who in 2005 attempted to obtain compensation for oil fields seized by officials in Shaanxi Province. Zhu was detained in May 2005 and released in September after being advised not to leave Beijing or accept interviews from the news media.

**Li Boguang (aka Li Baiguang)**—A democracy activist and Christian who has provided legal advice to peasants in relation to village elections, Li was assaulted during a police raid on a prayer meeting he was attending in January 2006.

**Xu Zhiyong**—Xu and other lawyers were assaulted by police when they attempted to provide Chen Guangcheng with legal counsel while he was under house arrest in October 2005. On the evening of August 17, 2006, after Xu arrived in Yanan to prepare for Chen's trial the next day, some men accused him of stealing a wallet, and Xu and the two lawyers accompanying him were detained.

**Fan Yafeng**—An associate professor of the Institute of Law at the Chinese Academy of Social Sciences, Fan, a Christian, joined Gao Zhisheng and Teng Biao in defending house church pastor Cai Zhuohua. He was prevented from traveling to the U.S. to attend a summit on "Freedom in China" in May 2006.

**Teng Biao**—A lecturer at the University of Politics and Law in Beijing and a Christian, Teng took part in the legal defense of house church pastor Cai Zhuohua and more recently in the case of rights defender Chen Guangcheng. He was prevented from traveling to the U.S. to attend a summit on "Freedom in China" in May 2006.

**Li Heping**—A Beijing-based lawyer and Christian, Li has advised and represented a number of political dissidents, religious practitioners and rights defenders, including Gao Zhisheng.

**Mo Shaoping**—A Beijing-based lawyer, Mo has taken on many politically sensitive cases, most recently of New York Times researcher Zhao Yan.

**Hu Jia**—Originally an HIV/AIDS activist, Hu has taken up other human rights causes more recently and has been detained on a number of occasions. In February 2006, while participating in Gao Zhisheng's hunger strike, Hu was detained and held for 41 days without charge before being released.

For further information on Guo Feixiong and Chen Guangcheng, see other articles in this issue of CRF.

detention for several months by the loathsome officials of Shaanxi Province. Dr. Li Boguang was illegally detained by Fujian police. Guo Feixiong, an internationally known human rights activist, has been illegally detained and assaulted a number of times, and continues to be openly persecuted by malicious authorities in Guangdong Province. Well-known human rights activist Chen Guangcheng is still being held in illegal detention in Shandong.<sup>2</sup> Dr. Xu Zhiyong has suffered repeated beatings, illegal interrogations, and illegal deprivation of his personal freedom. Dr. Fan Yafeng and Dr. Teng Biao have suffered repeated brutal harassment and intimidation and countless threats from Party minions.

## The repression that the Communist regime has inflicted against those engaged in defending rights by law indicates that there are no longer any options left for law-based rights defense in China.

I myself have been illegally deprived of my license to practice law and continue to be illegally persecuted. Communist Party officials have gone to the homes of lawyers Li Heping and Mo Shaoping on many occasions to threaten and intimidate them, and the two men have been threatened by Party officials from other departments as well. And everyone knows about the barbaric persecution of the famous rights activist Hu Jia this year. These individuals, who have become symbols of human rights at home and abroad, courageously advocated the defense of lawful rights because they believed in the basic goodness of Hu and Wen during the first two years of their rule.

Unfortunately, within the course of a year—during which time Hu and Wen were able to consolidate their power to some extent—the above-mentioned rights defense advocates and activists were put in such perilous situations that they have been forced to devote more energy to protecting themselves than to helping others. In the past six months, the Communist regime has openly and completely abandoned the Constitution and legal principles it claimed to espouse. It has adopted gangland tactics throughout the country by using local ruffians to deal with lawful rights defenders, who once respected and identified with the legal foundation to which this regime pays mere lip service. In half a year of frenzied attacks, the regime has not only brought disaster to the leaders of this lawful rights defense movement; it has also given a clear signal that the movement as a whole is in serious danger of extinction.

The repression that the Communist regime has inflicted against those engaged in defending rights by law indicates that there are no longer any options left for law-based rights defense in China. This is a highly urgent and practical issue that all those who once had faith in—and who still have faith in—the value of legal rights must seriously ponder in ensuring that the lawful rights defense movement is not extinguished.

We must be firm and unbending in indicating to these insatiable despots that brutal and violent repression cannot extin-

guish the lawful rights defense movement, but will only force such movements to seek other outlets and push resolutely forward. The path of hunger strikes that we have been forced to take this year, both in China and abroad, in order to defend rights and oppose tyranny and persecution is a very valuable strategy, as indicated by the Communist regime's dehumanizing and irrational reactions to our movement. We hope the leaders of the lawful rights defense movement will seriously take into account the value of this strategy.

Today, seeing the joy of my family after such a long separation, I am released from the hunger that accompanied my hunger strike. But today makes 33 days since Meng Qinggang,<sup>3</sup> the young man from Xinjiang, was violently abducted by the Beijing Public Security Bureau. We continue to remember this brave young man's name, whether we are hungry or fed.

We call for the repeal of the unconstitutional Reeducation-Through-Labor system; the release of our innocent compatriots who are being unlawfully detained; an immediately stop to the suppression of Falun Gong and the release of Falun Gong compatriots currently in detention; and the release of all political prisoners. These should be the specific goals of the next stage of the lawful rights defense movement. We no longer have the luxury to continue to be apathetic or to retreat!

Translated by a friend of HRIC

Postscript: Gao Zhisheng reported being assaulted several times by plainclothes police officers following his hunger strike. He was detained by a dozen plainclothes police officers while visiting his sister and invalid brother-in-law in Dongying, Shandong Province on August 15. State media reported that Gao was being held for suspected involvement in criminal activities.

The original Chinese article was posted on the Web site of *The Epoch Times*, <http://www.epochtimes.com/gb/6/4/23/n1296612.htm>.

### NOTES

1. Editor's note: On August 18, Chen was sentenced to four years and three months' imprisonment by the Yinan County Court in Shandong Province for "damaging property and disrupting traffic."
2. "Ba rong, ba chi" is a slogan raised by Chinese President Hu Jintao in March 2006 as a new moral yardstick to measure the attitude, conduct and performance of Communist Party officials: "Love the country; do it no harm. Serve the people; do no disservice. Follow science; reject ignorance; Be diligent; not indolent. Be united and help each other; don't make gains at the expense of others. Be honest and trustworthy; don't trade your ethics for profit. Be disciplined and law-abiding; not chaotic and lawless. Live plainly and struggle hard; don't wallow in luxury and indulgence." See [http://english.gov.cn/2006-04/05/content\\_245361.htm](http://english.gov.cn/2006-04/05/content_245361.htm).
3. Meng Qinggang, an agricultural technician from Xinjiang, was detained on March 21, 2006 while on his way to see Gao Zhisheng. He had earlier that day posted on open letter on the Internet stating his intention to take part in Gao's hunger strike. On May 27, 66 days after Meng disappeared, Gao reported that he had returned home.