

The plight of a 'rights lawyer' under illegal house arrest reflects Beijing's fear of dissent, write Jerome A. Cohen and Yu-Jie Chen

Prisoner in his own home

While hundreds of thousands flood the World Expo in Shanghai every day, former lawyer Zheng Enchong (鄭恩龍) is forbidden to even leave his apartment in the city. His home has been his prison since his official prison sentence ended in June 2006.

Around the clock, 12 guards, including uniformed police, plain-clothes public security officials and their hired hands, take turns manning the outer gate, building entrance and hallway outside Zheng's apartment. Strategically posted surveillance cameras ensure that no one in the vicinity can escape police eyes. Zheng, who is 60, only leaves when summoned by police and has been summoned at least 77 times since 2006 for interrogations that are intimidating and occasionally physically abusive. His home has been searched 11 times, and five computers have been confiscated. He generally has no internet access, and his phone is monitored when not disconnected.

His wife is allowed daily trips to market but is always followed. When police

Zheng's illegal house arrest began immediately after his June 2006 release from prison, and no end is in sight

prevent her from going out during "sensitive" times, they shop for the family! After authorities made it clear that Zheng's teenage daughter had no future in China, she fled to the US.

Almost all journalists and foreigners who try to visit Zheng have been intercepted, as one of us was four years ago. Yet, to our surprise, we managed to see him on May 29, after a failed attempt the day before. We were the first foreigners to see him in 17 months.

The previous day we had been stopped at the entrance by a plain-clothes policeman. He nervously blocked us with crowd control tape, told us to leave and called another guard. When asked why we could not see Zheng, the policemen mumbled "something has come up on that floor today" and later "something has come up in the public security bureau

today". They did not know how to respond. When we repeatedly asked their legal basis for isolating Zheng, they became annoyed and said it was none of our business. After some time, the standoff ended when they told us to come back at 10am the next day.

We arrived the next morning with little hope, and at first a new group of guards again told us to leave. But persistence eventually paid off, and the police, perhaps worried about bad publicity during expo, recorded the details of our US and Taiwan travel documents, sought higher instructions and finally let us in.

We were warmly welcomed by Zheng, his wife and her brother, who lives down the hall. Zheng seemed buoyed by our visit and spoke passionately about his career and plight. During the Cultural Revolution, after fighting on the losing side in a struggle between Red Guard factions, he was exiled to the countryside for 11 years before returning to a variety of factory and government jobs. He began to study law in 1985 and passed the lawyers' exam two years later. In 1994, after Zheng started representing clients who claimed they had been illegally evicted from their residences, the authorities began to delay the required annual renewal of his lawyer's licence, and in 2001 the Shanghai Judicial Bureau refused to renew it outright.

Nevertheless, Zheng continued to advise evicted people. After exposing a major real estate scandal involving corruption among a well known Shanghai tycoon and high-up Communist Party leaders and their families, he was detained in May 2003 and convicted of "providing state secrets to an overseas organisation", the New York-based NGO, Human Rights in China. Although the alleged "state secrets" concerned a large-scale public protest and an "internal" government magazine's report on an eviction case, the prosecution was an apparent retaliation for Zheng's exposure of the scandal. The court sentenced him to three years' imprisonment and one year's subsequent deprivation of political rights.

Zheng's illegal house arrest began immediately after his June 2006 release from prison, and no end is in sight. The government does not even offer a fig leaf to justify his confinement.

Despite China's legislative and institutional progress, in reality no theoretical remedy is available to free him. Plainly the government fears Zheng. The articles on land issues and human rights that he still occasionally circulates through surreptitious means suggest why. If Zheng were free, he would undoubtedly write, say and do more.

Zheng is luckier than the "disappeared"



former lawyer Gao Zhisheng (高智晟), and he is happy not to have been forced abroad like his own defence lawyer, Guo Guoting. Yet he is restrained more than the "rights lawyers" who, despite daily harassments, remain on the street, albeit no longer licensed to practise. Will the blind but dynamic "barefoot lawyer" Chen Guangcheng undergo similar unlawful punishment when he is released from his long prison sentence this autumn?

As we left his apartment, Zheng walked us to the hallway where two guards were seated on a couch. Near them,

incongruously, lay a Bible. Zheng, a devout Christian like many "rights lawyers", explained to us: "I gave them the Bible to read; otherwise it would be too boring for them to stay here such a long time. It is my faith."

.....
Professor Jerome A. Cohen is co-director of NYU School of Law's US-Asia Law Institute and adjunct senior fellow for Asia at the Council on Foreign Relations. Yu-Jie Chen is a Taiwan lawyer and research fellow of US-Asia Law Institute. See also www.usasialaw.org