

Cases of Human Rights Lawyers/Activist– Xu Zhiyong and Ding Jiayi (Typical cases demonstrate the worsening of Chinese human rights situation)

Compiled by Sophie Luo, December 2021

Xu Zhiyong is a leading human rights lawyer and scholar in China. He was named one of the Top 100 Global Thinkers by Foreign Policy in 2013 and is a recipient of the National Endowment for Democracy's "Democracy Award" in 2014 and PEN America's "PEN/Barbey Freedom to Write Award" in 2020. Ding Jiayi is a human rights lawyer and activist. He received the "Outstanding Democracy Activist Award" in 2013 from the Chinese Democracy Education Foundation. Both Xu and Ding have played a significant role in China's human rights movement.

Xu Zhiyong and Ding Jiayi met in 2012 and jointly led the Chinese New Citizens Movement during 2012-2013. They appealed to Chinese citizens to exercise their rights enshrined in international human rights treaties and the Chinese Constitution and to call for freedom, social justice, and love in China. They promoted theories and practices of nonviolent protest and encouraged citizens to network and to confront social injustice in their daily lives based on the rights of citizen protected under the Chinese Constitution.

Xu and Ding's peaceful and lawful activities, however, brought them 4-year and 3.5-year prison sentences respectively, which they served from 2013 to 2017, on the trumped-up charge of "gathering a crowd to disrupt public order." The specific activities that were used by the authorities to incriminate them were peaceful demonstrations demanding equal education access for children of migrant workers living in cities without residential registrations and peaceful demonstrations requesting top officials to disclose their family assets.

After serving their sentences, both Xu and Ding resumed their activities in promoting civil rights, defending the rights of the vulnerable population, and holding the authority accountable. They reached out to citizens around the country who shared the same aspirations to continue to promote the growth of civil society. But their private social gatherings of people caught the attention of the authorities, which would accuse them of "subversion of state power." After a two-day private gathering in Xiamen with some lawyers and scholar friends on December 7-8, 2019, the two men would suffer an even worse ordeal.

On December 26, 2019, Ding Jiayi was forcibly taken away by Yantai Public Security Bureau in Shandong Province without any legal notice and was kept in incommunicado detention under "residential surveillance at a designated location" (RSDL) for six months without access to his family and his lawyers. During these six months, Ding was subjected to torture and ill-treatment, including but not limited to prolonged sleep deprivation, loud noise harassment, interrogation for weeks while being bound tightly to an iron "tiger chair," food and water restrictions, prolonged immobilization, no sunshine or day light, no showers, no tooth-brushing, no changing of clothes.

On Feb 15, 2020, Xu Zhiyong was forcibly taken away by Beijing Public Security Bureau without any legal notice and was kept in incommunicado detention under RSDL first in Beijing and then

transferred to Yantai (the same secret location as Ding) without access to his family and his lawyers for four months. He suffered torture and ill-treatment similar to Ding.

On June 19, 2020, both Xu and Ding were formally arrested on suspicion of “inciting subversion of state power” and transferred to Linshu County Detention Center in Shandong Province where they continued to suffer physical and mental abuse including starvation; very short yard time; poor sanitation; and no access to hot water, paper, pencil, books, or newspapers.

Despite the tremendous physical and mental suffering, both Xu and Ding have remained steadfast and unshaken in their convictions and refused to admit guilt. In retaliation, the authorities upgraded their charges to "subversion of state power" when their cases were transferred from the Public Security Bureau to the Procuratorate.

After another seven months, Xu and Ding were finally allowed to meet via video with their lawyers who were forced to sign confidential agreements that prohibit them from copying case files, discussing case details with anyone including Xu and Ding’s families, accepting any media interviews, or speaking publicly about the cases.

On August 5, 2021, Xu and Ding were each indicted on the charge of “subversion of state power,” and their cases were transferred to the Linyi Intermediary Court. The court requested their lawyers to sign additional confidential agreements that prevent them from sharing the indictment documents even with Xu and Ding’s family members, in violation of the rights of the lawyers.

Although Ding and Xu were allowed to meet with their lawyers after their respective secret detention of 13 months and 11 months, their lawyers have been subjected to heavy pressure and close monitoring. In November 2021, the authorities revoked the license of Liang Xiaojun, one of the two lawyers representing Xu Zhiyong.

After the indictments were finally published, people were surprised by the so-called evidence for the charges of “subversion of state power” against Xu and Ding. They are: 1) two “illegal organizations” that do not exist; 2) a website managed by one of their friends Hua Ze who lives in the US, but not by Xu and Ding; 3) a documentary film of Xu Zhiyong and his friend Chen Jiaping; 4) articles written by Xu Zhiyong; 5) Xu and Ding’s participation in several online nonviolent protest seminars; and 6) Xu and Ding’s participation in two gatherings among friends.

Since accepting Xu and Ding’s cases on August 5, 2021, the Linyi Intermediary Court has not disclosed any plans regarding the timing of their trials, although, in accordance with Chinese criminal law, the cases should be tried within three months after their transfer to the court.

Xu and Ding’s lawyers speculate that the trials are likely to be held secretly between Christmas and New Year’s Eve 2021, a period when most Western people are on vacation.