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Hua Zang Dharma

Freedom of religion and belief

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1. This submission reveals the biggest case about legal injustice that occurred in mainland China. The case resulted in religious outlaw and political persecution, and the founder of Hua Zang Dharma, Mr. Wu Ze Heng, and his disciples have suffered repression for 14 years. The case ranks as one of the most important judgements in China, the large number of people involved, the level of

importance attached, and the amount of time the People's Court spent in resolution. In addition to the legal case, there are many human rights abuse issues. The findings in this submission are drawn from victims and eyewitnesses.

2. This submission focuses on four issues: Freedom of religion and belief, Administration of justice and the rule of law, Torture and freedom of expression.

Freedom of religion and belief

3. **Outlaw religion:** Mr. Wu and HZ legal cases are the result of religious outlaw premeditated by the Chinese Government. As the 88th successor of Buddha, for ten years, Mr. Wu had preached Buddhist Dharma all over the country and abroad^① and had tens of thousands followers, this caused Chinese Authority's concern. In 1999, Chinese high Authority issued an "Official document" referring to five "spiritual organizations" including the HZ as cults and therefore illegal which should be eliminated. This "Official document" was only sent to the officials above Ministerial level. This implied the HZ would be secretly outlawed.

4. In China, the organisations obeying the leadership of the CCP, can be approved by state administration, otherwise eliminated. Eventually, the Orthodox Dharma of HZ was registered in the form of a "consulting firm", but HZ was still outlawed in 1999. Mr. Wu and his disciples adhere their conviction, they suffered long term persecution, including arrest, detention, torture, re-education through labour, houses searched and raided, surveillance, wiretapping, tracking.

5. The Constitution of the PRC and relevant laws stipulate that citizens enjoy freedom of religion. The Chinese government voluntarily states they respect religious freedom in accordance with the UN Charter and the Universal Declaration of Human Rights, but their actions are to the contrary.

6. **Penal sanctions:** On 31st July 1999, Mr. Wu was arrested for "economic crimes". On 10th August, "Beijing Hua Zang Consultation Center" (BHZCC) was raided by Beijing Public Security Bureau, about 50 employees were detained; Wujie, (General Secretary of BHZCC) and Li Jingying (Manager of BHZCC) were arrested. From 20th June to 13th August, 1999, Mr. Wu's 15 other students were detained and arrested and the divisions of the BHZCC across the country were raided and closed by local Police. Later, Mr. Wu was sentenced to 11 years imprisonment, Li Jingyang 7 years, and Wujie 5 years for "illegally operating a business" and "unauthorized issuing of shares". The Chinese Government's **pretext was "economic crimes" but their real motivation was to eliminate Mr. Wu and HZ.**

7. **Severe sanctions against Buddhist converts:** From April-May 1999, Mr. Wu held two Buddhist Rituals in Zhouquan Monastery^②, the National Security sector and Public Security sector both tailed and monitored the proceedings. In March 2002, while Mr. Wu served his imprisonment, in accordance with the law and religious rules, he arranged the conversion ceremony taking place at Zhouquan Monastery on the Buddha's Birthday. The Chinese Authority destroyed this religious activity. Mr. Wu was transferred to the Huiji prison, became an "A-level" prisoner, was subjected to severe torture and ill-treatment, and was convicted of "**endangering national security**". The HZ was an "**Illegal organization that endangers society**". Ten students were arrested, detained and put into re-education through labour. Many of HZ followers were involved, they were interrogated, houses were searched and raided. The event at the Zhouquan Monastery exposed the CPC's motivation for eliminating religion.

8. After Mr. Wu was released from prison in 2010, Chinese government openly tries to destroy all aspects of HZ.

9. **Persecution on the Buddha's birthday:** Mr. Wu's birthday and Buddha's Birthday are highly sensitive times of the year due to suspected "illegal assemblies". On these days, Mr. Wu's disciples across the country travel to Zhuhai^③ to celebrate, Zhuhai police and other regions' police try to prevent and obstruct on a large scale. In 2010, on Mr. Wu's birthday, he and three students were placed under custody for 24 hours. In 2011, Buddha's Birthday, the police raided his house,

brutishly beat and injured him, and he and fifteen students were detained. In 2012, six students were detained for “illegal assembly”.

10. **“Illegal Charity”**: In 2010, Mr. Wu created two initiatives, “Fasting for Charity” & “A Good Deed Every Day”. The purpose is through individuals’ self-redemption to solve the issues of Human Crisis. The well-intentioned initiatives have been cooperative efforts with the UN’s “Zero Hunger Challenge”. However, from 2011 to 2013, HZ volunteers in some regions^④ were detained, had their houses searched, subject to trial, and their computers confiscated or broken. Hats, T-shirts, brochures printed for “Fasting for Charity” & “A Good Deed Every Day” were confiscated also. The policemen threatened the volunteers of the “Illegal Charity” and tried to persuade them to renounce HZ and Mr. Wu.

11. **Destruction of religious places and religious symbols**: Several times, the Zhuhai city police attacked the Buddhist Instruments Shop^⑤ established by Mr. Wu. In 2011, the policemen confiscated over 80 Buddhist instruments. At the end of 2012, they parked the police car outside the Shop, forcing customers to register ID Cards, leading to the shop’s closure.

12. **Deprived liberty**: Since his release from prison, Mr. Wu has been restricted to his residence. In 2012, many international religious organizations invited him to preach the Buddhist doctrine but the Chinese Authorities have not yet issued him a passport.

Administration of justice and the rule of law

13. **Political persecution**: The direct reasons leading to Mr. Wu’s arrest were in his letter submitted to the CPC Central Committee and State Council about political, economical and societal reform in 1998^⑥ and the letter submitted to the general secretary and the prime minister which elaborated on the HZ commitment and denounced human rights violations, in 1999^⑦.

A. “Economical Crime” Charges

14. **Lack of judiciary independence**: All of the legal proceedings of Mr. Wu’s cases are exercised under the direct control of the Chinese high authority. People’s Court, People’s Procuratorate and public security organs colluded with each other to concoct the “Economical Crime”.

15. **Insubstantial claims regarding “economic crimes”**: In 1997, in accordance with the law, Mr. Wu set up the “Beijing HZ Consultation Center”, and established HZ Enterprise Co., Ltd. in 1999^⑧. Unexpectedly, the First division of the People’s Procuratorate of Beijing prosecuted him for committing crimes regarding “illegally operating a business” and “unauthorized issuing of shares”^⑨.

16. **Non-public hearing, non-impartial judge**: On 20th December 2000, the Beijing First Intermediate People’s Court (BFIPC) held a closed hearing. Mr. Wu, Li Jingying, and Wu Jie were sentenced to 11, 7, and 6 years respectively^⑩. The judge Wangdong told Mr. Wu privately that the high authority demanded a punishment of over ten years, hence his eleven years sentence^⑪.

17. **No court hearing, deprived the right of defense**: After Mr. Wu lodged an appeal, the Beijing Supreme Court gave the trial of second instance verdict on 2nd November 2011, upholding the original sentence of the BFIPC^⑫. It was the final judgment without a court hearing or an opportunity to defend himself.

18. **Judicial delay**: It took 1 year and 5 months^⑬ from Mr. Wu’s arrest to the case being brought before the courts for the first time.

19. **The law enforcement agencies and the state departments jointly concocted injustice**: The establishment of HZ Enterprise Co. Ltd. was approved by the The General Office of the Beijing Municipal Government (GOBMG) on 6th August 1999, 5 days later, the GOBMG went

back on their decree. The other state departments provided false proof to the Beijing Public security organs ¹⁴

20. **Law enforcement and State agencies abuse of power:** While the HZ Enterprise Co., Ltd. was being established, the regional authorities alleged HZ students committed the crimes of “raising money illegally” and “issuing stocks without authorization”, warrantless detained them and searched their houses. In addition to the public security agencies, regional authorities were involved in the searches and detentions¹⁵

B. The crime of the “Endangering national security” and
“Illegal Organization that endangers society”

21. **Incarcerated with violent offenders:** Although judged guilty of “economical crimes”, Mr. Wu was jailed together with violent offenders. From daily life, physical labor, to prisoner “rehabitation”, the treatments he received were crueler than violent offenders.

22. **Transformed the nature crimes into “Endangering national security” in prison; deprived of the right to know the reasons¹⁶** In 2004, the prison officers informed Mr. Wu that the HZ was an “**Illegal organization that endangers society**”. Mr. Wu was cruelly tortured - incarcerated and rehabilitated as an “A” level prisoner for the crime of “**Endangering national security**”. The prison officers gave Mr. Wu no explanation, just saying they were following order from higher authority. Who is “higher authority”?

23. **Investigative power abuse:**

In 2005, the Guangdong Department of Justice appointed two officers to the Huiji prison to investigate Mr. Wu’s torture situation. The investigators gave him no opportunity to make statements, they wrote false evidence.

C. Judicial Remedies

24. All cases of Mr. Wu and HZ were made remedial action in China, but no effect.

25. **Lack of independence of lawyers:** During the Court of First instance, Mr. Wu’s lawyer Liuyan¹⁷ organized 5 legal experts to investigate Mr. Wu’s case, they concluded Mr. Wu and HZ were innocent. But because of the political circumstances, they dared not publicly announce the result. In 2004, when Liuyan investigated Mr. Wu’s torture situation, the lawyer was subjected to intimidation, and therefore stopped the lawsuit.

26. **The proceedings of the Court are the law:**

At the end of 2004, Mr. Wu submitted a complaint to the Huaiji County Court about torture issues. The Court broke the law: they composed the collegial panel to made the verdict - “not be accepted”.

27. **Administrations of justice omitted:** In 2005, For the crime revision and torture issues, Mr. Wu appealed to all levels of the judiciary, even to the Politics and law Committee and the National People’s Congress. All the appeals disappeared and he received no replies.

Torture and ill-treatment

28. Due to conviction of the crime “**Endangering national security**”, permission was given by Chinese high authority for the use and tolerance of torture. Prisons guards severely tortured and ill-treated Mr. Wu during his 11 years imprisonment. They wanted to break his will, hoping it would lead to madness or an unnatural death in prison.

29. **Deprived sleeping:** When Mr. Wu was in police custody in the Beijing Detention Center, he was deprived of sleep for more than 4 months during extraction of confessions.

30. **Solitary Confinement:** For the religious event - the incident of the Zhouquan Monastery ceremony, Mr. Wu was placed into solitary confinement for 8 days in Huiji prison. The small cell

had only a toilet, a small wooden bed without bedding infested with fleas. The cell was crowded with rats attacking constantly causing bloody wounds. The food was rotten making him vomit.

31. **Infectious disease and abuse of medical treatment:** After his solitary confinement, Mr. Wu was put into the “Fourth District” in Huiji prison. A tuberculosis (TB) patient was deliberately placed next to Mr. Wu, sharing the same daily necessities, such as towel. Mr. Wu and over a hundred prisoners were infected with TB. All of them were isolated and taken under medical care, except Mr. Wu. He was still forced to work 14 hours and 3 hours “rehabilitation” every day. The Prisinguard gave Mr. Wu medicine to treat TB, then stopped it, deliberately breaking the “course of treatment”, with the intention of having a “reasonable” cause of death to report.

32. **Physical torture:** Mr. Wu was injured during hard physical labor, without relief the injury worsened, he lost 35kg within one and half month. Having a fever of 41 °C, lunginfection, constant vomiting and severe pain in the body. All this lead to loss of consciousness and a collapse during work, for this the prison officers punished him for “sleeping without authorization”, and deducted him 2 points as administration punishment.

The work hours were from 5 to 19, and “rehabilitation” continued to 23, sleeping time was restricted and he was deprived sunlight.

33. **Mental torture:** No prisoners were allowed to talk with Mr. Wu. The violent prisoners acted as “guards”, were instigated to supervise and torment him, they got privileges and a reduced penalty. Disturbances in the cell would be a wet quilt, his shoes missing and that he was bumped from his bed while sleeping. Mr. Wu was put in isolation and restricted from contact with the outside world. One prisonguard told him they wanted to drive him insane¹⁸ he did not speak for three years.

34. **Lack of water:** for about 7 months each year, every day the prisoners had to wait a long time for a chance to take a shower, some times unable to get one. The water supplying the prison was drawn from a spring flowing from a high mountain lake and -7 or - 8 °C. In winter, even the strong and healthy prisoners would pass out from the shock of cold.

35. **Spoiled and rotten food was served:** The grains provided from the army’s grain reserves were older than 10 years. Mr. Wu was offered meals containing only rotten grains for seven to eight months.

36. **In the “Seventh District”:** Mr. Wu was deprived of visiting and communion rights. All of his private necessities were confiscated, he had only one set of clothes to wear, the toilet was without toilet tissue and he was placed under strict surveillance (could not go to toilet without a prisonguard). He was deprived the right to receive administrative reward and criminal reward.

freedom of expression

37. **Distributing Buddhist Dharma was “legitimately” disallowed:** On the judgment of criminal of “illegally operating a business”, the HZ Dharma publications were declared illegal¹⁹

38. **Freedom of expression on the internet:** The government proclaims freedom of speech, but Mr. Wu has experienced the opposite. Several internet platforms were set up named "Heart Lamp Online", "Road to Enlightenment and Practice", "the World of heart" , but were closed one by one. He has also established personal websites: microblogs, blog, QQ web chat, interacting with his cyber followers, sharing their views, opinions and exposing wrongdoing or corruption, this is attracting the attention of hundreds and thousands of cyber citizens and followers. This has a great impact on Chinese society — politically, socially and culturally. Therefore, his online links are being kept under surveillance: the informations filtered, messages deleted, online chat and blogs blocked.

Recommendations

39. The Written Submission makes allegation that the State gravely violates human rights. All the incidents described above are crimes committed by State agencies, judicial organs and public officials. Each incident can be investigated from both International and National legal provisions. Chinese government persecutes religious practitioners and political dissidents. Mr. Wu and HZ Legal cases are typical religious and political persecution cases in China.

40. In 2009, the first UPR cycle reviewed China, the National report expressed “China respects the principle of the universality of human rights...”; and also presented the Constitution of the PRC “the State respects and safeguards human rights...”; specially took the pledge on Freedom of religion and belief, Administration of justice and the rule of law, Torture and ill-treatment, and freedom of expression²⁰ However, Mr. Wu and HZ cases have lasted for 14 years, the persecution still occurs constantly: The volunteers of “Fasting for Charity & Good Deed Each Day” are oppressed; Mr. Wu’s family are threatened; Even the Buddhist Shop was destroyed while the new Chinese president Xi Jinping was visiting southern China, including Zhuhai City, which was also Human Rights day; and Mr. Wu’s passport hasn’t been issued, so far.

41. In 2012, the UN OHCHR, the government of the US., Britain, France, Canada, and EU presented the notes to the Chinese government to stop harassment against Mr. Wu, but the Chinese government ignores it.

42. China’s implementations do not conform with their voluntary pledges and commitments on respecting human rights that they declared on the National Report on UPR. This submission would like to draw attention to the awareness of China’s behavior by UN and all the countries in the world.

43. We call on OHCHR and the international communities to make an independent and impartial investigation of Mr. Wu and HZ cases, and to pressure the Chinese government on matters of human rights.

Annex

- ① Mr. Wu’s Biography http://www.huazangcentre.com/?page_id=39,
<http://www.youtube.com/watch?v=-bwAZ5n4SE&feature=share&list=UUdEPPoICqPGy98tAlbsnTGw>
- ② In April, May 1999, Mr. Wu held two Buddhist Rituals in Zhouquan Monastery in Shanxi Province
www.youtube.com/watch?v=3tPpvE8JyUM www.youtube.com/watch?v=3tPpvE8JyUM
- ③ Zhuhai city is the Mr. Wu’s residence, after he was released from prison lives there, which is in Southern of China.
- ④ The police of Liaoning, Shenyang, Shandong, and Anhui Province in China constantly harass HZ Dharma volunteers of “**Fasting for Charity**” & “**A Good Deed Every Day**”.
- ⑤ The Buddhist Instruments Shop <http://shop65631999.taobao.com>
- ⑥ Mr. Wu Ze Heng’s Suggestions To The Cpc Central Committee And State Council In 1998
www.huazangcentre.com/?master_blog=mr-wu-ze-hengs-suggestions-to-the-cpc-central-committee-and-state-council-in-1998
- ⑦ Submit A Letter To The General Secretary And The Prime Minister In 1999 .
http://www.huazangcentre.com/?master_blog=legal-cases-part-2-to-mr-president-jiang-ze-ming-minster-zhu-rong-ji-of-chinese-communist-party-central-committee
- ⑧ The process of establishing the Huazang Enterprise Co., Ltd.
http://www.huazangcentre.com/?master_blog=legal-cases-part-1-the-process-of-establishing-the-huazang-enterprise-co-ltd
- ⑨ The Indictment of Beijing People’s Procuratorate No.1 Branch
http://www.huazangcentre.com/?master_blog=legal-cases-part-4the-indictment-of-beijing-peoples-procuratorate-no-1-branch
- ⑩ The Criminal judgment of the Beijing First Intermediate People’s Court
http://www.huazangcentre.com/?master_blog=#-7&lang=en
- ⑪ The evidence come from Mr. Wu’s recoding of his experiences in prison. Please check attachment.
- ⑫ The Verdict Of Second Instance Of The Beijing Supreme Court
http://www.huazangcentre.com/?master_blog=#-5&lang=en
- ⑬ From 31 July 2010 - 20 December 2012, it took 1 year and 5 months, the Chinses judiciary investigated Mr. Wu’s case. He suffered length of detention.

⑭ The Notice on the Approval to the Establishment of Huazang Enterprise Co., Ltd. And The News Reported
http://www.huazangcentre.com/?master_blog=legal-cases-part-3-the-notice-on-the-approval-to-the-establishment-of-huazang-enterprise-co-ltd-and-the-news-reported&lang=en
Feedback and Enforcement Procedures of The Various Government Departments
http://www.huazangcentre.com/?master_blog=legal-cases-part-5-feedback-and-enforcement-procedures-of-the-various-government-departments&lang=en

⑮ The Process of Establishing The Huazang Enterprise Co., Ltd.
http://www.huazangcentre.com/?master_blog=legal-cases-part-1-the-process-of-establishing-the-huazang-enterprise-co-ltd

⑯ Attachment An Appeal From Prison Wrote by Mr. Wu on 5th December 2004.

⑰ Mr. Wu's lawyer Liuyan, who is the lawyer of the Beijing Brilliance Law Firm.

⑱ "One prisonguard told him they wanted to drive him insane." The evidence come from Mr. Wu's recoding of his experiences in prison. Please check attachment.

⑲ The Court declared the Hua Zang Dharma publications to be illegal. * such as Mr. Wu's books *Dharma Nectar of Hua Zang*, *Life Ponder*, *Buddhism and Hua Zang Dharma* (...); periodical *Hua Zang Dharma Culture* (...); and some Buddhist music tapes.

⑳ The National Report of China on the Fourth session of the first UPR cycle in 2009.

Attachment (the evidence documents of some incidents):

* An Appeal from Prison

* Mr. Wu's recoding of his experiences in prison

* Mr. Wu's recoding of his experiences in prison-Chinese

* Wu's main legal cases - UN freedom of religion

* Wu's Passport legal case, 2012- UN freedom of religion

* Mr. Wu The incident of Buddha's Birthday holiday - UN Working Group on Arbitrary Arrest or Detention