

**Subcommittee on Africa, Global Health, Global Human Rights, and
International Organizations
U.S. House of Representatives Committee on Foreign Affairs
Disappeared, Jailed and Tortured in China: Wives Petition for Their Husbands'
Freedom**

Testimony of Chen Guiqiu Delivered in English by Bob Fu
Rayburn House Office Building Room 2172
Thursday, May 18, 2017

Honorable Chairman Chris Smith, honorable Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations representatives, ladies and gentlemen,

I'm the wife of human rights lawyer Xie Yang.

I would like to thank God, the Trump Administration, ChinaAid Association, and the hardworking diplomats. I also want to express my gratitude toward Representative Smith and Senator Rubio, as well as other politicians and friends who are concerned with the development of human rights and the judicial system in China. With your help, my two daughters and I escaped from the jaws of death and arrived in the United States, the land of freedom. With your help, I am able to stand here and speak on behalf of the victims in China who do not have a voice. I would like to give you a better idea of the human rights conditions in China.

Xie Yang represented dozens of cases on behalf of the downtrodden, including poor Chinese citizens who have had their houses or land seized from them without compensation, dissidents, members of China's religious communities, and other marginalized and persecuted groups. Due to his work defending human rights, he was jailed and brutally tortured.

In November of 2011, Xie Yang joined many citizen activists and journalists to visit the blind lawyer Chen Guangcheng, who was under house arrest in his hometown of Linyi, Shandong. He was seized by local government-hired thugs and given a savage beating; they stole his personal belongings, ripped the clothes off his back, hooded him, then drove him to a desolate mountain roadside and dumped him in a ditch.

From 2012-2013, Xie Yang lived in the United States for one year. He gained a profound understanding of the American way of life, which made him more enthusiastic for the human rights movement in China.

After Xie Yang was arrested by national security agents in Changsha and placed in secret detention for six months, his captors brutally tortured him in an attempt to make him confess and provide evidence against his colleagues. The methods of

torture included: beatings delivered in rotation by a roster of guards, exhausting interrogations for over 20 hours at once, having cigarette smoke blown into his face and eyes, starvation, dehydration, and the refusal of medical treatment for his illnesses. To force him to surrender, his interrogators even threatened to arrange a car accident to injure his wife and children.

He was beaten by a prison guard named Yuan Jin during his detention. On November 21, 2016, his defense lawyer, Zhang Chongshi visited Xie Yang for the first time and witnessed Yuan Jin beating him while he was waiting. Xie Yang's head swelled up and began to bleed.

Inmates who have been released from his detention center told me that he was not allowed to access money, so he could not even buy toothpaste and toilet paper. Not allowed to communicate with others, he was purposefully singled out. The guards specifically arranged for criminals sentenced to death to live with Xie Yang so that he would be beat up and harassed.

The publication of Xie's torture account has had an immediate impact both inside China and internationally. To name a few of the many media sources and professional organizations that covered the story or editorialized about China's lawlessness: The Washington Post, the American Bar Association, The Wall Street Journal, The New York Times, El País, Agencia EFE, The Guardian, The Irish Times, Brussels Diplomatic, and Le Monde. The European Union issued a rare statement expressing concerns over the reported torture of human rights lawyers. As a result, the Chinese national security agents in Changsha immediately summoned me, threatening and intimidating me.

Xie Yang's court session was held on May 8, 2017. None of the witnesses showed up. None of the defense lawyers I hired showed up. I did not even receive a notice of the court session. Instead, Xie Yang attended the session with an official lawyer appointed by the government. The friends who planned to witness the court session were seized and arrested by the national security agents. Xie Yang was forced to admit his guilt and deny the torture he suffered in the detention center. Regarding the fact that he was not allowed to see his lawyer for 16 months or communicate with the outside world, he was forced to acknowledge that his rights were protected. He was bailed out after the court session but still had not regained freedom. The national security agents follow him wherever he goes.

I strongly hope the honorable President Trump and the U.S. Congress can immediately and effectively urge China's central government to investigate the actual facts behind the torture of those arrested in the 709 crackdown—simultaneously enacting legal sanctions against those who practiced torture—and request that China clearly ensures that other incarcerated prisoners of conscience do not continue to receive harm. I call on President Trump to conscientiously implement the Global

Magnitsky Human Rights Accountability Act, punishing those who have irrefutable evidence of practicing torture and infringing on human rights. I earnestly request that President Trump meet with the family members of the Chinese people who have suffered before he goes to China, and, as he is visiting with them, publicly raise his concern for China's worsening religious freedom, rule of law, and human rights conditions. I also ask that he publicly give China's leaders a list of prisoners of conscience to free.

709 case victim Xie Yang's wife,

Chen Guiqiu

May 12, 2017

[Editor's note: The following is a declaration Xie Yang wrote on Jan. 13, 2017, proclaiming his innocence]

Xie Yang's declaration on Jan. 13, 2017

I'm Xie Yang, and I hereby declare:

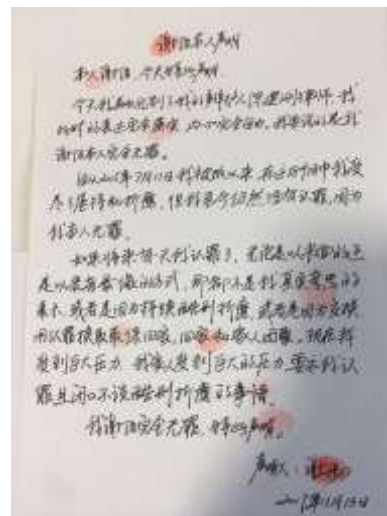
Today I met with my attorney, Chen Jiangang, again. All my statements here are completely true and out of a free heart. I want to declare that I am completely innocent.

I have been suffering from all kinds of severe abuse and torture since I was arrested on July 11, 2015. Nevertheless, I have never pled guilty, because I am not guilty.

If someday I admit any guilt, whether in written form or voice recording, it would definitely not be out of my own will. It would be either caused by continued torture or to get a chance to be bailed out and reunited with my family. Both my family and I are under immense pressure now as the officials ask me to confess and stop talking about my torture.

Once again, I am innocent.

Xie Yang
Jan. 13, 2017



[Editor's note: The following two articles were written by Chen Jiangang, Xie Yang's

lawyer, and originally published and translated by China Change. The first was written shortly after a transcript describing Xie Yang's torture was published, and the second was penned when Chen began to fear that he might lose his own freedom for working on this case.]

[How Xie Yang's Transcripts of Torture Came to Light: Lawyer Chen Jiangan](#) [Rebuts China's Smear Campaign](#)

By Chen Jiangan, March 3, 2017

1. I'm Part of the '709' Incident

I myself am an individual who's been affected by the 709 arrests and prosecutions. Sometime in late July, 2015, when I was dealing with a trial in Mengcheng, Anhui (安徽蒙城), I was taken away by state security agents on two occasions for a talking to and a warning. I was told not to do anything about the detention of [lawyer Wang Yu \(王宇\)](#) and others. They told me not to write articles or accept interviews. These two agents weren't malicious about it, and they even told me privately that they called me in simply to carry out the order that wherever a given lawyer happened to be, the local domestic security police would process it, and that all the information about the given lawyer was provided by Beijing. Sure enough, during the summons, I saw that the two domestic security officers had several A4 pages with my personal information on them, including that of my family.

Of course, I wasn't arrested, which was quite unexpected.

Given that I myself had been implicated in the 709 case, and because I expected that I was also going to be rounded up, I wasn't very keen on representing 709 detainees. Furthermore, I'd given up all hope in the judicial system of this tyrannical regime. The legal system in a dictatorship is simply a tool of control — it has nothing to do with justice. When the judicial system becomes a “knife handle” for the Party, human rights lawyers become helpless fish on the chopping block. As for criminal defense and its techniques, what can they be but an object of ridicule for dictators? Since my head was filled with this sort of pessimism, I didn't pay much attention to the news of Xie Yang (谢阳) being tortured. I reposted it on social media like everyone else, but avoided feeling too much pain about it, because I felt helpless. I had learned long ago that there was no evil deed, and no act too immoral, for this dictatorship. With such a sense of utter despair, I didn't even enquire about how the details of torture came out, even though later I learnt that it was Xie Yang himself who managed to get the information out of prison.

I did agree to represent lawyer Xie Yanyi (谢燕益), upon the request of his wife Yuan Shanshan (原珊珊), but he was forbidden to engage lawyers of his own choosing, and the authorities had assigned him a lawyer. I went to Tianjin twice to try to meet him, to no avail, and so I wasn't able to represent him after all.

2. About Me and Jiang Tianyong

Jiang Tianyong (江天勇) is a good friend of mine and a human rights lawyer that I have enormous respect for. He's been arrested and tortured on multiple occasions, and had eight of his ribs broken in [Jiansanjiang](#). In Nanle county, Henan (河南南乐) in 2014, the authorities mobilized a group of village women to knock him to the ground, pelt him with rocks, bash him with a wooden stool, and rip up his clothes. And in 2011 he was slapped so savagely by state security officers that one of his eardrums was ruptured. Though we knew each other well, we didn't really stay in touch. He was always in the middle of something sensitive and hard to reach by phone. I hadn't seen him since the New Year of 2016, when we had a meal together. The last I heard from him was at some point between November 15 and 21, 2016. I published the article "Thoughts on Zhang Sizhi" ([《张思之论》](#)) on my blog on November 15. He left two comments, the first pointing out a typo and the second saying "it's an extraordinary piece." At the time I didn't know it was Jiang who'd left the message. I asked who it was, and there was no response, and by the time I found it was him, the news was out that he'd been disappeared on November 21. So it was a complete lie when Global Times claims that I was in the know when Jiang Tianyong — as the paper claims — "fabricated" Xie Yang's torture.

3. Being Hired by Xie Yang's Family

In mid-December 2016, I received a call from Xie Yang's wife. She told me that lawyer Lin Qilei (蔺其磊), one of Xie Yang's lawyers up to that point, had been forced to withdraw from the case, and that Xie hoped that I would take his case. She reminded me that I might face enormous pressure and even violent reprisal, and that I should think it over carefully. Xie Yang had been detained for 18 months and he was now personally asking me to defend him — there was no way I could I say no.

On December 19, I went to Changsha for the first time, I signed the contract with Xie Yang's wife and went to the Changsha Second Detention Center to submit the paperwork. I was working with lawyer Liu Zhengqing (刘正清); he went first to request the meeting, and I came shortly behind. I knew that there was little chance that I'd be allowed to see Xie Yang, so my job was to ensure that the paperwork was properly filed and to await their decision. If they decided that I couldn't be a defense lawyer for Xie Yang, then, just like Lin Qilei before me, there was nothing we could do but vent our frustration. The overriding role of the law in China is to be used as a tool to suppress and control the people.

The Changsha Second Detention Center rejected my documents but took down my legal license number (执业证号码) and my cell phone number. I explicitly requested that they provide an answer within 48 hours, but the officer at the reception said that he doesn't make decisions, and that the higher-ups would be handling it. I then left Changsha.

4. An Obstacle Course for a Meeting

On December 22, slightly over a month after Jiang Tianyong was taken into custody, I came to Changsha for the second time, went to the detention center, and asked to

meet with my client. I first submitted the paperwork to the officer in charge of handling meetings, and he verified my legal license number and began going through the red tape. But when he saw Xie Yang's name, he said immediately: "I can't make a decision. You need to see the boss."

This officer called one of his superiors, then told me to go to the second floor to see the director. Upon seeing the director, I was told the following:

1. Meetings with clients must be conducted according to the law. They were willing to allow a meeting, but I had to obey their regulations. If any rule was violated, the meeting would be immediately terminated. He suggested that we make a gentleman's agreement, and I readily assented and assured him that I would follow the rules and that he could set his mind at ease.

2. The director suspected that on December 19 when Liu Zhengqing met with Xie Yang, I made my way to the corridor outside the meeting room without gaining the appropriate permission, and warned me that if I am to meet Xie Yang, if there is anyone in the corridor who sees or communicates with him, the meeting would be immediately terminated. I promised the director that I'd lock the door during our meetings.

For my part, I don't know what gave rise to his description of this little incident on the 19th. On that day I simply submitted the paperwork and left. I never went to the second floor where the meeting room is located, and didn't know why he thought I had. Later, I realized that the order of events was probably this: When Liu Zhengqing met with Xie Yang, they didn't close the door; one of Xie Yang's former colleagues was walking past and saw him, and then when he went back to his office he left a note about the encounter on his law firm's WeChat group, saying that he'd seen Xie Yang. Then, this was copy-pasted by another lawyer to a chat group I was in, to which I added: "I was outside at the time." Though I wasn't clear in my comment, and the "outside" I was referring to was downstairs, it was just this one little sentence that aroused the director's suspicions. And yet, how did he even know about it? In any case, this made clear to me that, as far as I'm concerned, I have no such thing as privacy. This incident was proof of it.

3. After meeting with the director, I thought Xie Yang and I would be able to meet. But no. The officer at the reception told me that I had to speak with the deputy director of the detention center. I then went back to the second floor and received another round of warnings from the deputy director, who rattled off a bunch of policies and how they were all for the good of Xie Yang and so on.

After these three obstacles, I was finally able to meet Xie Yang.

5. The First Meeting With Xie Yang

Xie Yang and I met at about 10:30 a.m. on December 22, 18 months after he was detained. His hair was getting long and he had grown a beard. He was clearly

dispirited. He was escorted in wearing the blue prison uniform, carrying his case files, with a guard on either side. When he saw me his face lit up: “Jiangang, you came!” He was seated, his handcuffs taken off and placed on a stool, and as the two officers left I asked them to close the door because the room was freezing.

When the police left, I cupped my hand with a fist and said to Xie Yang: “Brother, you’ve suffered!” He asked how I came; I explained that I’d just been in Jinan sitting in a hearing about the suspension of Li Jinxing’s (李金星) law license, and that Wen Donghai (文东海) bought me a train ticket to come here, and that I came with Old Sui (隋牧青), who’s waiting outside. When I got this far, Xie Yang broke into tears. The fact that so many people outside were thinking of him and worrying about him moved him deeply.

We exchanged thoughts about the 709 affair. He said he’d seen the forced confession of Zhou Shifeng (周世锋), and roughly knew the circumstances of Wang Yu and others. I said that “of all the lawyers arrested in the 709 crackdown, you’re the only one to be represented by his own attorney.” He replied: “Then I need to save a final bit of dignity for lawyers in China!” These words he spoke through tears, and we grasped one another’s hands through the iron grating, both of us now crying. The time passed quickly and it was soon noon. We agreed to continue that afternoon.

In the afternoon I went to the court with Xie Yang’s wife to submit the paperwork for me to be registered as the lawyer of record, then hurried to the detention center to meet again. Xie Yang and I discussed case defense strategies and ideas. He was very self-confident, and wanted to explain the truth of everything in court, to set the whole case out for all to see. But I was full of sorrow. Can we actually do that? Can we, brother?

Let me pause and explain the layout of the meeting room.

The room we met in was called the “No. 2 West Meeting Room,” and it was given over for Xie Yang’s exclusive use. The police in charge of the administrative procedures for meetings had come and stuck up a sign saying “Reserved for Xie Yang Case.” To the right and left behind where I was seated there were cameras, and then there was another, above left, facing me — those were the three cameras that I could see. Because of the director’s warning, as soon as I entered the meeting room, I locked the door. When another lawyer, having left an electronic swipe card in the room, came back to retrieve it, I handed it to him through the window rather than open the door and break the gentleman’s agreement between myself and the director. Before I entered the room, I placed my cell phone and briefcase in the storage cabinet as required. However, I found that not every lawyer was held to this requirement. Many others brought their briefcases in, or would speak on their phone as they mounted the stairs. But I didn’t dare.

The surveillance of our meetings was extremely strict. On one occasion the door on Xie Yang’s side suddenly opened and a police officer came in, saying that on the monitor Xie Yang’s mood didn’t seem right, and “has he been crying?” Another time,

Xie Yang wrote down the phone number of his former legal assistant, asking me to pay back, as soon as possible, a few thousand yuan that he had borrowed before he was arrested. I looked at the number, then thought that I could get it later another way, so I gave the slip of paper back to him. But this exchange was caught by the cameras, and two police came in and demanded the paper that Xie Yang had shown me. They grabbed all the case files on both sides of the grating, dumped them on tables, and began searching through them. When I was leaving that day the deputy director of the facility asked me specifically about this incident, and I told him the truth: Chinese New Year was nearly upon us, Xie Yang owed this person money, if he didn't pay it back it would bother him to no end, so he asked me to pay them back.

After this incident, whenever Xie Yang or I made to look at materials or case files, I would hold the paper up above my head to ensure that the cameras got a clear view. If the police monitoring the conversation still objected they could come in anytime and see for themselves.

One time, one of the police at the reception, after seeing me coming to visit every morning and afternoon, remarked “It doesn't look to me like you're up to anything — you're just chatting!” Right — just chatting. If we didn't just chat, how would I have been able to find out all that happened over the last 18 months?

6. A Rough Transcript of the Interview on December 23, 2016

We continued our meetings on December 23. Having just looked up the notes I made after that meeting, I append them below largely unaltered. Xie Yang said to me: “Jiangang, let me tell you roughly what happened after I was detained. Don't make notes. Just listen so you'll know the outline, and then we'll go over it in detail.” I made notes, stopping now and then and asking him for clarification. He'd always say, “Let me talk first, then we we will go into details.” I did make some initial notes as he spoke, which would serve as the basis for my interview with Xie Yang on January 4-6, 2017. They are as follows:

On July 11, 2015, I was staying at a hotel while traveling for a case. In the early morning hours, there was a knock at the door. A voice said that it was public security police. I opened the door, and they presented me with a summons for “gathering a crowd to disturb order in the workplace” (聚众扰乱单位秩序). The agency that issued the summons was the Hongjiang Municipal Public Security Bureau.

They brought me to their station, whereupon agents from public security in Changsha carried out the interrogation. They asked what my views were on Wang Yu's case, whether I'd accepted interviews with foreign media, and so on. At this point I objected. They kept me locked up and, later, they came to coax me, and I signed a transcript of the session.

In the afternoon, a superior named Li Kewei (李克伟) came and said that my answers were superficial and that I had to redo it. I refused.

They kept me there, and in the evening took me to the Changsha Public Security Bureau.

Li Kewei demanded my cell phone password. He'd been threatening me constantly, from when we got on the road from Hongjiang to Changsha, saying that my case is a big one, that they're representing Party Central in handling it, and if I don't cooperate then my wife, my parents and siblings, friends, and everyone around me will all be implicated. I said that you can investigate me or anyone you want.

As soon as we got out of the car in Changsha two police came along, one named Zhou Liang (周浪), the other Yin Zhuo (尹卓). They took me to room 207 of the National University of Defense Technology's (国防科技大学) guesthouse for retired cadres. By then it was the afternoon of July 12. Wang Tieta (王铁铤), the head of the Sixth Squadron at the Changsha Domestic Security Bureau, came to speak with me. He began by making threats. He said that he could guarantee that I would get "reasonable" rest, but that unfortunately there was no legal definition for what counted as "reasonable." So, in his words, "If we think that two hours sleep a night is reasonable, then it's two hours sleep. If we think that one hour is enough, then it'll be one hour. If we think that 20 minutes suits you, then it'll be 20 minutes." I got to sleep at about midnight that night.

I was rousted out of bed at 6:30 a.m. to be handed off to the first of five interrogation shifts they had set up. The first shift had me from 8:00 a.m. to 1:00 p.m.; the second from 1:00 p.m. to 6:00 p.m.; the third from 6:00 p.m. to 11:00 p.m.; the fourth from 11:00 p.m. until 3:00 a.m. These were the first four teams. The fifth was from 3:00 a.m. to 8:00 a.m., but they didn't interrogate. Along with these main shifts of interrogation there were three shifts of chaperons, two people each shift, working on eight hour rotations.

The number of police in each shift wasn't fixed. Sometimes it was two, sometimes three, sometimes five. But only two people signed off on anything. They would ask me about what I'd written. I said that anything I've got to say is posted online, and they can look it up for themselves — it's all public. They took turns interrogating me.

The fourth shift was supposed to go from 11:00 p.m. until 3:00 a.m., but Yin Zhuo liked to question me until 4:00 or 5:00 a.m. I was woken up every day at 6:00 a.m., so I got about over an hour of sleep a night.

Yin Zhuo said to me in front of the others: "I've come especially to make your life hell. I sleep very well during the daytime, and when night comes I'm going to torture and torment you until you lose your mind." At that moment, a sense of dread seized my heart. I had no idea

what would happen. This sleep deprivation lasted three days, and by then I was about to fall apart. When they asked about my friends, I was so exhausted that I simply cried.

Yin Zhuo said that lawyer Zhang Lei (张磊) had been arrested right after his wife had a baby. They also threatened my own family. I just lost it and cried and cried.

Until about July 15 or 16, they forced me to make a list of every person I had contact with from the 2012 to 2015, and which cases I was involved in. I had to put it all down in detail. I was so exhausted that I said I simply couldn't do it.

Three or four of them, including Yin Zhuo, Zhou Liang, and Zhuang Xiaoliang (庄晓亮), came in, pinned me to the table, twisted my hands behind my back and cuffed them, then began pounding me. The door and windows of the room I was being kept in were shut tight. They said that I could yell all I wanted. There was no one around, and no one would hear me scream.

When Yin Zhuo and Zhou Liang were interrogating and torturing me, the officers in the chaperon shift would leave. When they were done, Yin Zhuo would tell them to come back and make sure I didn't fall asleep. They sat and stared at my eyes, and if I shut them they'd come and shake my chair. I couldn't get any rest all night, and a whole day would pass in this manner.

I said: "If you keep this up, you're going to kill me. The case against me is just a case — you should at least have some humanity." On July 16 they let me sleep for an hour or two, just so I'd be able to write for them when I woke up. I told them that I'd written everything I could, and that I don't remember everything over the past two years, and that I'd rather die.

They took out my phone and computer and started looking through the messages I'd posted to chat groups and friend circles, because I have a habit of sending out updates of what I'm doing and which cases I'm handling. They told me to write all that down. When I was done, they said it was not good enough. So they kept torturing me.

Zhuang Xiaoliang said: "It's mainly up to your attitude. Your case is big — the No. 1 case. Do you think this is a mistake and that you can go to Beijing and lodge a complaint against us? Do you think Beijing doesn't know what we're doing to you? If we want to hurt you, we can do what we like." Both Yin Zhuo and Zhuang Xiaoliang said this sort of thing.

I was facing the threat of death. When they beat me, they would drag me away to a blind spot for the cameras and slug me hard. Sometimes they beat me in front of the cameras. I wondered if they were going to beat me to death, then fake a scene so it looked like I'd killed myself.

After five or six days of this I was basically paralyzed. I couldn't open my eyes, and my entire body throbbed in pain. I told them that I would write whatever they wanted, and I'll sign whatever they wanted me to.

They looked up some of the case information related to Zhou Shifeng and Zhai Yanmin (翟岩民) and forced me to write that out. I wrote whatever they said. That's how those interrogation transcripts came about.

During the six months I was locked in that guesthouse, they beat me like that on about five or six occasions. They also used other torture, such as the "dangling chair" (吊吊椅). That's where they would stack up plastic stools and make me sit on top so that my feet would hang there. They made me sit like that every day for over a month during the interrogations. My legs eventually swelled up, starting at the calves and going up to the thighs. I couldn't even walk at the time. They basically turned me into a cripple.

I asked that they take me to the Liuyang Orthopedic Hospital (浏阳骨科医院), because I was worried that this abuse would leave me with a permanent injury. They refused. Instead they gave me a little spray canister of Yunnan Baiyao [a traditional Chinese medicine], and after about a month the swelling went away.

There was another torture, using smoke. They would sit people behind, in front, and to the left and right of me, and each of them would have four or five lit cigarettes in the hand, burning away. Then they would blow the second-hand smoke into my face, making me weep, gag, and suffocate. They would do this to me at 3:00 or 4:00 a.m. each day, torturing me. I screamed out to Heaven and Earth for help, to no avail.

They also refused to give me water. They said: "We'll give you water whenever we feel like it." They would often not give me water for over 10 hours at a stretch.

They did a number of things to deliberately torment me. They'd leave hot food to go cold before letting me eat. For example, they would leave lunch on the floor until 2:00 or 3:00 p.m., then serve it to me cold.

They used all of these methods for the first week or so, and after that, having found it quite effective, they canceled the later two shifts.

During the later interrogations, if they didn't like my attitude they'd threaten me: "Xie Yang, do we need us to put you back in the oven?" Or they would say: "Xie Yang, if we want to kill you, it would be very simple. Killing you is the same as killing an ant!"

I had terrible constipation, and needed fruit to relieve it. They used this to blackmail me. They would make me write things, and only if they were happy would they give me fruit. When I couldn't write, they would type it up on a computer, print it out, and make me sign it.

On October 24 my whole body shook. I don't know why. I had a cold sweat, and started to get extremely scared about my condition. I told them that I needed to go to hospital. They reported to Ye Yun (叶云, political commissar of the Changsha Domestic Security Bureau's Sixth Squadron), who came and said that he couldn't allow that, but could arrange for medics to come examine me. I didn't trust their doctors, so I ran to the window and screamed out: "I'm Xie Yang, a lawyer, I've been locked up here by the Changsha domestic security police! They haven't told my family! Please tell my wife that I'm sick and need medical treatment!" There were people walking past, and I yelled out my wife's name, work unit, and phone number, and told the pedestrians to call her.

*That night at 9:46 p.m. Ye Yun used his cell phone to call 120.
[China's emergency service]*

While waiting for first aid to arrive, a large, physically powerful man turned up. He was not wearing a uniform. He used one hand to pin me to the wall, and the other to slap me hard across the face, forehead and backhand, again, and again, and again. The pressure on my chest alone was unbearable. I couldn't speak and could hardly breathe, and on top of that I was being pounded in the head. He knocked me half unconscious.

About 20 minutes later the ambulance came. First, domestic security wouldn't let them examine me, and called them outside for a word. Later, a young medic surnamed Wang came in and inspected me — a very cursory examination. There was no treatment, no medication. He just said "the case requires further observation" and left.

Yin Zhuo brought me to a place in the apartment outside the view of the camera and said: "Xie Yang, you've been a lawyer for only three years. You couldn't have done too many wicked things even if you did it every day, so all you have to do now is implicate Yang Jinzhu (杨金柱) and Cai Ying (蔡瑛), and we'll release you on bail. This is what the boss says." He went on and on trying to talk me into it.

I said that I had little contact with Yang Jinzhu, I'd only eaten a meal and had a drink with Cai Ying, and that I had no idea what they'd done.

They also wanted me to implicate more lawyers involved in the Jiansanjiang incident. They promised me that if I implicated others, I would be released on bail, and that reporting malefactors is recognized by law as "merit," and so on.

No matter how much they wanted me to write this, I wouldn't write it. I cannot harm other people. They said that they can just write it themselves and have me sign it. I told them not to do that, and that I haven't even had much contact with those people. They showed me a letter that Liu Jinbin (刘金滨) had written to me.

The above are the notes I made while listening to Xie Yang on December 23. I left Changsha that night.

7. Making the First Transcript of Interviews

I made the first transcript of the interviews from January 4-6, 2017.

Let me first discuss the connection between myself and Liu Zhengqing. Old Liu and I have known each other for years, but this was the first time we worked together on a case, and Xie Yang is a mutual friend and colleague. Xie Yang thought highly of my writing skills and urged me to be the first defense counsel, and to work together with Old Liu. Old Liu is half bald, and the hair that's left is grey. His face looks like it's seen an age, like he's over 70. All this imperceptibly adds to his prestige and the power of his speech. Actually, he's the same age as lawyer Zhao Yonglin (赵永林) — they were both born in 1964.

We agreed that Old Liu would take care of filing complaints, while I'd be the one to write them up. Xie Yang is a stubborn fellow — if he wants to do something, I can't talk him out of it. I'm the younger one in the relationship, and will oblige the older one — not the other way around. This is where Old Liu came in handy.

Xie Yang's wife knows his character very well, and she knows that Old Liu is able to overpower Xie Yang. On the afternoon of January 4, I went in first to see Xie Yang while Old Liu went to the court to hand over the paperwork. After that he came to join me in the No. 2 West Meeting Room at the detention center. Xie Yang was in a rage at the police falsifying evidence and lying, and he was about to blow up. At the meeting room, Xie Yang and I were talking, Old Liu said to Xie Yang: "Listen to me, Xie Yang. You've got to listen to our advice. Don't act rashly. You've been locked up for a year and a half, and you don't know what's going on on the outside. Don't think that you're so great. Right now your wife has left a far better impression on the world than you. Your wife said that if you didn't listen to us, she'd dismiss Jiangang and not let him come anymore...." Xie Yang fell silent for a good while. In the end, he mumbled reluctantly: "I authorized my wife to engage or fire lawyers, as a way of

resisting government designating lawyers for me, not as a way to contain me....” But in the end Xie Yang accepted our ideas.

We then started working on the transcript. Old Liu sat by, I asked questions, and Xie Yang answered, one after another. The surveillance cameras should have caught the entire process very clearly.

From the afternoon of the January 4th (Wednesday) until Saturday afternoon, we made the transcript. Because of the character input method I was using, it was easy to input time — I hit ‘s’ and ‘j’ and it would give a timestamp, so I’d output the time at the beginning and end of the sessions.

Men don’t cry easy. But over those three days, Xie Yang and I both shed tears regularly, again showing the effect of an evil system in destroying human nature, as well as the sins and tragic brutality that come along with government power that acts with impunity. During the sleepless nights that followed I would recall scenes from our conversation. Xie Yang, in his prison garb, mussed hair, scraggly beard, exhausted with no lustre in his eyes, described how he worried that he’d be beaten to death and that his family wouldn’t know where he died. As he wept, I reached out to him and began weeping too. When describing how the security agent Yin Zhuo and others threatened the lives of his wife and daughter, saying they were going to stage a car accident to kill them, Xie Yang cried again. I stopped typing and thumped the table hard and repeatedly with a closed fist.

By Friday morning the transcript of the first interview was finished, and Xie Yang I went over it. After lunch I made a copy at a copyshop outside the detention center and asked Xie Yang to sign it when I saw him in the afternoon.

This was how the first transcript came about.

8. Making the Second Transcript of Interviews

On January 12 to 13, 2017, Xie Yang and I met again, and again transcribed the interviews. The Q and A process was again all carefully captured by the surveillance cameras in the room. On the afternoon of January 13, Xie Yang verified the transcript with a signature.

It’s worth noting that when I arrived for our January 13 meeting, I carried 5-8 visitation permit letters in a folder as I always did. I left the folder in the storage cabinet, but when I came back in the afternoon, they had all vanished. I broke out into a cold sweat — without these letters, I couldn’t visit Xie Yang, and every visitation usually requires several letters. Every time I left for a meeting, I would check twice to make sure. Where were they? I checked to see if there were any surveillance cameras with a view of the storage cabinet, and it seemed there were none. I asked one of the police officers whether there was a camera with a view of the cabinet, and he rebuffed me with: “If you’ve got a problem go ask the boss. I don’t know anything.”

I was just so fortunate, however, to have one last letter, left over from a visit in the Weihai detention center in Shandong. I found it in a courier envelope. This letter

saved me. Xie Yang and I successfully met on the afternoon of the 13th, and he signed off on the transcript.

Later, I was mulling it over: is it me who forgot where I put the visitation letters? Or was it something else? On February 28, when Liu Zhengqing came to Changsha and requested a meeting, he was rejected. The reason was explicit: you're not allowed to meet because the special investigation team has taken Xie Yang away for interrogation. Interrogation has no time limit, and there's no time allocated for a meeting with lawyers. During all this back and forth, a black satchel of Liu's also mysteriously went missing. Once I heard this, I no longer wondered about the reasons for the disappearance of those visitation letters of mine.

9. The Lies of the *Global Times*

Global Times has no shame. Its article "Exposing the truth behind the 'torture of Xie Yang': Making up lies to pander to the West" ([《揭秘“谢阳遭酷刑”真相：为迎合西方凭空捏造》](#)) didn't even have a byline. If there's no byline, how can anyone be held accountable? Who takes responsibility for the truth and accuracy of the reporting? Only garbage media without any sense of shame behave in this manner.

I am an independent lawyer. I work and operate freely and independently. I am not subject to the manipulation or constraints of anyone, and I take full responsibility for the accuracy of every character of the transcripts that I have made and published. *Global Times* has concocted far too many fake stories, so it thinks that other people do the same. It doesn't seem to know that truth does exist.

Though Jiang Tianyong and I are good friends, he wouldn't make up rumors and have me repeat them. Nor would I ever do that. Just because *Global Times* "reports" by following political directives doesn't mean everyone else is doing the same.

The last time I saw Jiang Tianyong it was two or three days after New Year's day in 2016, when he, Li Jinxing (李金星) and a few others went out to eat. I hadn't seen him since then. Our communication, whether via phone or email, had been even sparser. He hardly ever answered the phone, didn't use WeChat, and was hard to get ahold of in person. I'm also not used to getting around the internet firewall on my smartphone, so there are almost no communication records between us. It was only after he was apprehended that I found the two messages he'd left for me. The date was between November 15 and November 21. *Global Times* has no shame when it claims that Xie Yang's defense lawyer [me] and Jiang Tianyong fabricated claims of torture.

Global Times is a Party mouthpiece. It has nothing to do with truth and everything to do with propaganda.

10. The Phoenix Television Interview of Jiang Tianyong and Xie Yang

I have the greatest sympathy for the plight and vulnerability of Jiang Tianyong who, in the hands of those scum, can't control his own fate. Jiang Tianyong was tortured on

numerous occasions, and he made multiple statements denigrating himself. Having experienced the barbaric torture first hand, he told friends that, if he's tortured, he may very well submit to their demands, because the methods they use are beyond what any human can withstand. An examination of Xie Yang's testimony makes this clear. Thus, I feel for Jiang Tianyong in the same manner that I feel for Wang Yu and others. They are brave warriors, they are victims of a tyranny, and they are the light of dawn at the end of the night.

In all of the interviews Xie Yang gave, he never denied the torture he experienced. Xie Yang said that when he demanded someone call 120 for a doctor, it was due to his own illness, not because he'd been beaten. That's what he said in the interview, and it does not negate the fact that he was tortured.

He said on camera that he now gets about nine hours sleep a night, and this seems to be the situation currently — but it does not negate the torture he suffered during the six months of “residential surveillance at a designated location” a year ago. Also, he repeatedly said that the improvement in his conditions of detention was because his lawyers lodged a complaint against abuse, not because the detention center has always been so generous.

It's similar to when researchers say that during the great famine of 1958, millions died, and then the fifty-cent commentators say that in the year 2000 everyone can afford to eat their fill. Are these two things related? Does one negate the other?

Xie Yang is now healthy and can walk and climb stairs normally — but do these facts have any logical relation to the six months of torture he experienced after July 11, 2015? Does the fact that he can climb stairs now negate the fact that he was subjected to severe sleep deprivation?

Xie Yang seems talkative in the *Global Times* interview. He might have spoken about the torture and then the improvement, except that he was not informed of the cynical use of the interview. I'd be surprised if *Global Times* has any credibility anywhere in the world.

11. The Hunan Procuratorate's 'Investigation'

The so-called investigation by the Hunan Procuratorate was neither fair nor just. In totalitarian China, all of the powers of the judicial, procuratorial, police, and public security organs are one, and those in power can do whatever they want. In Xie Yang's case, he was accused of the crime of opposing the Party and opposing socialism. The investigation was conducted by the Party, the review was carried out by the Party, the trial will also be presided over by the Party. Now that Xie Yang's torture has become an international scandal, the investigation was again done under the leadership of the Party. Everything is handled by the Party — in other words the Party is the player and the referee at the same time. This scandalous power structure is sacred in China and must be preserved and praised. It's always for repression, never for truth, fairness, or justice. The “investigation” then is a coverup, and another attack on Xie Yang and his defense counsel.

Let's examine their facile logic. One of the prosecutors said they did an experiment: they found someone who was slightly shorter than Xie Yang, sat him on a stack of five plastic stools, and found that his feet could still reach the ground, supposedly thus proving that Xie Yang was lying.

In Xie Yang's transcript, he said they used "a number of plastic stools stacked atop one another," and that he was forced to sit on top, "leaving my legs to dangle." Did he specify how many stools were used and the size of the stools? If 5 stools were too short for feet to dangle from, would 10, or 20 be high enough?

12. The Surveillance Camera

The evidence with the most probative value, of course, is that which is recorded by video camera. According to a long-standing law, individuals charged with political crimes must have their interrogations recorded. But in Xie Yang's case files, there is no surveillance recording, and in its place is a note by the investigators: "Due to the decrepitude of the equipment, there was no recording of the interrogation." If the equipment was not functional, then you shouldn't have conducted the interrogation. Has anyone been sold on these shameless lies?

13. Gratitude to Lawyer Zhang Zhongshi

One individual I have come to respect deeply when dealing with 709 cases is lawyer Zhang Zhongshi (张重实). I can't match his exertions, and I couldn't bear what he regularly withstands. Zhang Zhongshi was the first defense attorney that Xie Yang's wife hired. His law firm and family are in Xiangtan (湘潭), Hunan. He's traveled from Xiangtan to Changsha over 100 times to take care of Xie Yang's case. He visited every single related government office, and on each occasion affected a respectful, solicitous demeanour, quietly putting up with their insults and bullying, all for the purpose of just being able to meet his client, Xie Yang. So-called "residential surveillance at a designated location" should not be a black jail; the detainee should be able to freely meet their own attorneys and family members — but the lawyers have been stripped of all these rights. After six months in a black jail, Xie Yang was formally arrested, but still the authorities prevented his meeting with lawyers in the name of "endangering state security," and "interrogation by prosecutors."

Xie Yang's wife told me that on one occasion, a junior police officer clad in a black uniform looked at Zhang Zhongshi and rebuked him: "You're a lawyer but you don't know the law?" But Zhang didn't return fire on this upstart, who was young enough to be his son or daughter. He simply kept the smile on his face and patiently explained what the law actually stipulates. I couldn't have done this. Xie Yang couldn't have done it. Many of us couldn't have done it.

Zhang Zhongshi was not alone. Lawyer Cheng Hai (程海) in Beijing, lawyer Lin Qilei, lawyer Yu Wensheng (余文生), and lawyer Ma Lianshun (马连顺) in Henan, as well as others, have all persevered and persisted. I have to acknowledge that I couldn't have done what they have done.

To lawyer Zhang, I give my gratitude — and so does Xie Yang.

Chen Jiangan

March 2, 2017

[‘In the Event That I Lose My Freedom’: A Statement by Lawyer Chen Jiangan](#)

By Chen Jiangan, March 4, 2017

1. I cherish life. I want to live to see the universal values of democracy, liberty, rule of law, and human rights realized in China. I want to see a constitutional system of government established in China. If these things don't happen I'll die without peace. I cherish my family. I want to see my children grow and live in freedom and health. For all these reasons, I will not kill myself. If something unexpected happens to me, please know that it will absolutely not be because I committed suicide.
2. I have committed no crime. I will never, of my own volition, assent to any illegal interrogation, and nor will I level false charges against or attempt to frame anyone. Any written, oral, or video confession, self-degradation, or accusation against other people will only have been made under the circumstances that I have been deprived of liberty, am under duress, or am being tortured and threatened. Those are the only circumstances under which I could be forced to say such things, and none of them will be true.
3. I'm simply a man of flesh and blood. If I'm put to the agonies of torture, I cannot guarantee that I will not submit. Through my years of work as a defense lawyer, I have learned of many cases of torture in China and the unspeakable cruelty involved. If I am tortured and made to submit, everything I say will be made up. None of it can be taken as evidence toward the accusation, conviction, or defamation of any person.
4. If I lose my freedom and end up on television revealing the name of any of my friends, please forgive me. Those won't be my own words or my will. By that stage I will have been turned into nothing but a prop. Please forgive me.
- 5. I take complete responsibility for every character in the two transcripts I made of the meetings with Xie Yang (谢阳), as well as for any other transcripts that have not yet been made public.** As for the groundless lies made by the shameless state media that the transcripts describing torture were fabricated, I have already thoroughly rebutted them in my essay "[How Xie Yang's Transcripts of Torture Came to Light](#)."
6. My children, your father loves you.*

Chen Jiangan (陈建刚)

2017-03-03

**Chen Jiangan has two children, six and two years old. – Translator's note*