



2018 ANNUAL REPORT



Advancing Rights Through Dialogue

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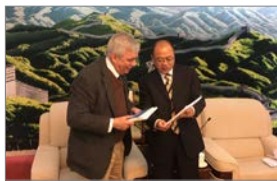
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DUI HUA 对话 MEANS DIALOGUE

WE ARE a nonprofit humanitarian organization seeking clemency and better treatment for at-risk detainees through the promotion of universally recognized human rights in well-informed, mutually respectful dialogue with China.

WE FOCUS ON political and religious prisoners, juvenile justice, women in prison, and issues in criminal justice. Our work rests on the premise that positive change is realized through constructive relationships and exchange.

OUR APPROACH



ADVOCACY through respectful, well-informed dialogue with China both directly and via the UN and government bodies.



RESEARCH into Internet and library resources to uncover relevant cases, regulations, and trends.



PUBLICATIONS on prisoner cases and analysis of developments in criminal justice and human rights.



EXPERT EXCHANGE among criminal justice practitioners and experts, including China's Supreme People's Court.



COMMUNITY ENGAGEMENT to apprise the global community of research findings and practical experience.

EXECUTIVE DIRECTOR'S LETTER

Dear Friends,

On one thing Chinese and American officials with whom I meet agree: 2018 was the worst year for US-China relations in decades.

In late 2017 I began keeping what I call an "irritants list." Every time an event took place that cast a negative shadow on US-China relations, I jotted it down. A near collision of warships in the South China Sea, accusations of espionage, tensions over Taiwan, North Korea, even Venezuela . . . all against the backdrop of trade and technology wars. Hardly a day went by without my adding an irritant to the list.

The issue of China's human rights record was not immune from escalating tensions and the accompanying rhetoric. Senior State Department officials called China's record on human rights "morally reprehensible" and drew comparisons between what is happening in Xinjiang, where up to one million Muslims are alleged to have been put in camps, to what took place in Germany in the 1930s. By year's end American officials were threatening to place sanctions against Chinese officials accused of being responsible for policies in Xinjiang.

In both China and the United States, the number of citizens accused of crimes in the other country has risen sharply. Dui Hua at any given time is looking into as many as 20 cases of American citizens and permanent residents subjected to "coercive measures," including exit bans, in China.

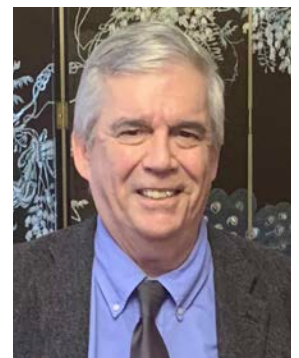
At a time when the two countries have stopped speaking to each other on human rights, Dui Hua's own dialogue with the Chinese government has assumed new importance. In the pages that follow, we record our achievements in 2018. We submitted lists and obtained written responses, helped secure clemency for prisoners, made a submission on judicial transparency to China's Universal Periodic Review in Geneva, and reached agreement with partners to hold the first International Symposium on Girls in Conflict with the Law in Hong Kong in April 2020.

We issued dozens of publications, and our political prisoner database, from which we construct our prisoner lists, ended the year with nearly 40,000 files.

We begin 2019, our 20th anniversary, with renewed resolve and determination to fulfill our mission of helping at-risk detainees, heartened by the support we receive from friends around the world. Thank you.



John Kamm
Executive Director



POLITICAL & RELIGIOUS PRISONERS

Since 2012, Dui Hua has been the only organization in the world able to submit lists of political and religious prisoners to the Chinese government requesting information about their sentences and conditions, and to receive written responses in return. In 2018, Dui Hua submitted 52 lists to its Chinese interlocutors. In its submission to China's Universal Periodic Review in November 2018, Dui Hua raised the names of 23 prisoners in annexes.

Dui Hua is the only organization in the world able to submit prisoner lists and receive written responses.

Another important dimension of Dui Hua's advocacy work is to provide consultations on political prisoners to their families and supporters, offering guidance and support around effectively advocating for their loved ones. Dui Hua works tirelessly to obtain clemency (sentence reduction, parole, medical parole, and bail) and better treatment for these prisoners. In 2018, the foundation learned of 31 acts of clemency and six acts of better treatment for at-risk detainees on its lists, including:

Chen Yulin, one of three British citizens and former Xinhua News Agency employees who was sentenced to life imprisonment for providing

state secrets about the Hong Kong handover to the British in the 1990s. Chen has been placed on 26 prisoner lists Dui Hua submitted to the Chinese government. Shortly after a Dui Hua meeting with a Chinese official, mail between Chen and his wife resumed after two years of suspension. In April, Chen received a seven-month sentence reduction.

Wendell Brown, an American citizen who was detained for a dispute at a bar in September 2016.

He was tried in July 2017; his judgment, finally issued in June 2018, found him guilty of intentional assault causing serious injury. He was sentenced to four years imprisonment, a harsh sentence given the judgment's description of the altercation and the fact that Brown had already served over twenty months in detention. On November 13, the Chongqing Court reduced Brown's sentence from four years to three years in prison, the lowest sentence for the crime of intentional assault under Chinese law. Dui Hua played a role in bringing about the reduction of the prison sentence, lobbying the Chinese government and

2018 RESULTS



2,176

Names Added to the Political Prisoner Database



74

Responses to Prisoner Lists from the Chinese government



208

Prisoner Names Raised with the Chinese government



31

Acts of Clemency Granted for prisoners on Dui Hua's lists



US Embassy in Beijing, China. Image Credit: Flickr.

calling attention to the case in American media.

Zhang Lin, a veteran activist for human rights and religious freedom whose supporters first contacted Dui Hua in 1995 for advice on exiting

China and the obstacles of gaining an “exit permit.” Since then, Zhang was sentenced five times for his work, with more than sixteen years in prisons and re-education through labor camps. Zhang was most recently detained on July 19, 2013 for organizing protests over Hefei authorities’ refusal to allow his youngest daughter, Anni, to attend a local school. Then, in December 2013, Zhang was convicted of gathering a crowd to disrupt a public place and sentenced to three and a half years in prison. On January 26, 2018 Zhang was allowed to travel to join his family in the United States, after his prison sentence had been commuted slightly more than four months early. His safe passage was timely and welcome news, given the overall deterioration of US-China relations later in the year. ■

Selected Examples of Clemency Learned in 2018

NAME	DETAILS	SENTENCE	LISTS*	CLEMENCY
IN PRISON				
Liang Jiantian (梁鉴添)	Liang, a publisher, printed books without a license, including Falun Gong publications.	Life	12	Received multiple sentence reductions since 2013; reduced by 6 months in 2018; sentence due to expire April 17, 2022.
RELEASED				
Liang Shaolin (梁少琳)	Liang is a Falun Gong practitioner.	9 years	6	Sentence reduced by 9 months; released on December 23, 2017.
Liu Xia (刘霞)	Liu Xia, a painter, poet, and the widow of human rights advocate and Nobel Peace Prize winner Liu Xiaobo, was under house arrest for many years.		21	Arrived in Germany in July 2018.
Jin Andi (金安迪)	Jin, a freelance writer, published critical articles for overseas websites about Jiang Zemin.	8 years	9	Sentence reduced by 6 months; released July 14, 2018.
Cao Haibo (曹海波)	Cao was sentenced for inciting subversion for setting up a virtual party that reportedly only existed one day.	8 years	13	Sentence reduced by 1 year and 1 month; released September 20, 2018.

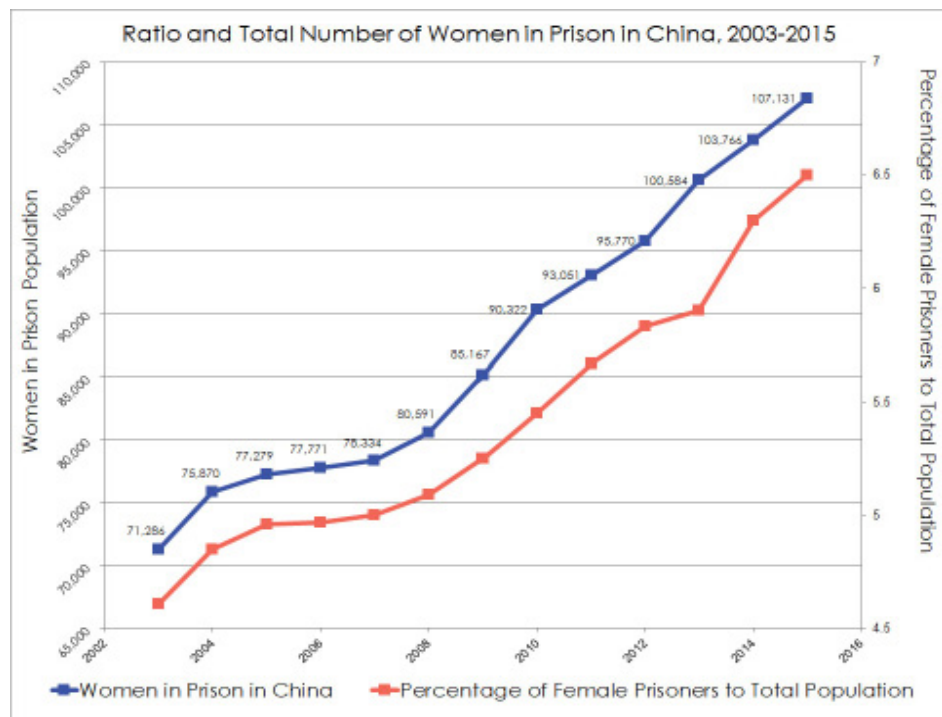
* The number of lists of cases of concern including the individual’s name that Dui Hua has drafted for submission to the Chinese government.

WOMEN IN PRISON

In 2018, Dui Hua uploaded the completed Chinese translation of an e-course on sections of the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) as well as a Chinese translation of papers presented at *Women in Prison: An International Symposium on the Bangkok Rules* hosted by Dui Hua in 2014. By the end of 2018, 4,100 copies of these documents had been downloaded, the great majority of which were likely completed by individuals in China given that the translation is in simplified Chinese characters.

In September, Dui Hua made a submission to the United Nations Working Group on Discrimination Against Women in Law and Practice for its thematic report on Women Deprived of Liberty, to be presented to the 41st Session of the Human Rights Council in June 2019. Statistics published by the Chinese Ministry of Justice from 2003 to early 2015 showed the number of women in prisons had risen by more than 50 percent. Dui Hua's report focuses on issues relating to conditions of confinement in women's prisons, including overcrowding and health and safety concerns, and highlights the fact that the Ministry of Justice has stopped reporting on women in the Chinese prison system since the second half of 2015.

Despite the lack of published statistics on women in prison in recent years, Dui Hua's research has yielded some important findings. For one, the fact that there are now three women's prisons in Yunnan, a province known for drug smuggling and a high poverty rate, suggests that the large numbers of imprisoned Chinese women may be because poverty is driving them



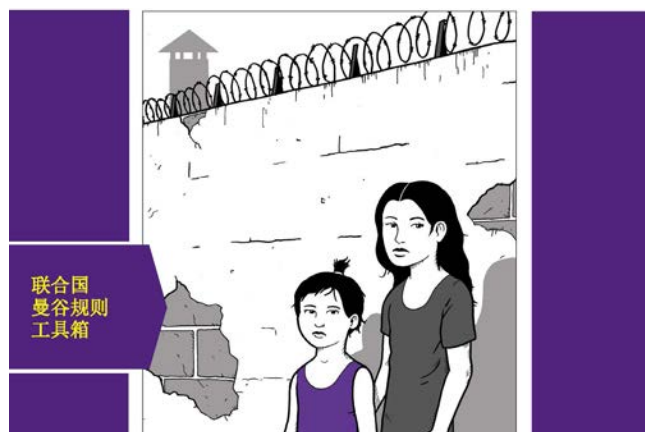
Sources: China Statistical Yearbook, APCCA.

to turn to drug smuggling in certain regions. In addition, the number of women in Dui Hua's PPDB incarcerated for Article 300 of the Criminal Law, which criminalizes the practice of outlawed religious groups like Falun Gong and Almighty God, has increased from 974 in 2011 to 2,106 in 2015, indicating a connection between women and the criminalization of religious practices in China. ■

JUVENILE JUSTICE

In September, Dui Hua completed its Chinese translation of “Neglected Needs: Girls in the Criminal Justice System,” originally published by Penal Reform International. To increase awareness of the special needs of juvenile girls for a Mandarin-speaking Chinese audience, Kamm distributed copies of this translation to Chinese academics and judicial officials in Beijing. The translation was also uploaded to Dui Hua’s dedicated website covering women in prison, accessible in mainland China.

In 2018, Dui Hua initiated plans for an International Symposium on **Girls in Conflict with the Law**, to be presented in April 2020 in Hong Kong in partnership with the Centre for Comparative and Public Law and the Centre for Criminology at the University of Hong Kong, Managing Attorney Patricia Lee at San Francisco’s Juvenile Public Defender’s Office, and London-based Penal Reform International. The symposium will convene experts on girls in the justice system to discuss challenges



Cover of “Neglected Needs: Girls in the Criminal Justice System,” translated into Chinese by Dui Hua.

faced by juvenile girls worldwide, and to share promising practices for addressing this vulnerable population’s needs. Expert presenters from Europe, China, North America and Africa are expected to participate, including judges, academic scholars and professors, and clinical psychologists. A strong presence from the Supreme People’s Court in Beijing is expected. ■

DEATH PENALTY

Despite China’s pledge to improve judicial transparency, China Judgements Online, a website operated by the Supreme People’s Court (SPC), has released conspicuously fewer death penalty reviews over the last five years. In 2018, 45 death penalty reviews were published, a significant drop from over 280 in 2014. Nonetheless, Dui Hua continued to update its internal log of death sentences and executions by monitoring news media reports and social media posts to uncover death sentences and executions. To help support this work and maintain the log, a full-time Research Assistant

was hired to join the Hong Kong program team, and significant technical improvements have been made to the death penalty log. By year’s end, this log had more than 6,000 records, including over 3,200 individuals who are known to have been executed. In June, Dui Hua program staff began producing a quarterly report on the death penalty in China, which is distributed to grantor countries. Dui Hua was also contacted by several media outlets, including *The New York Times*, to verify information on China’s use of capital punishment. ■

At the core of Dui Hua’s work is a unique approach to advocacy. Over the years, Dui Hua has developed three major approaches to advocating for better treatment of political and religious prisoners. These are:

- *ongoing meetings at national and international levels, to nurture collaborative relationships and to press for information on and better treatment of prisoners;*
- *consultations on specific prisoners;*
- *robust research, both to provide greater knowledge of the situation inside China and support advocacy with empirical data.*

In January, Executive Director John Kamm and Program Manager Yin Yu visited Beijing, where they met with officials of the Supreme People’s Court (SPC) and Supreme People’s Procuratorate. Kamm was also received by Ministry of Foreign Affairs (MFA) Vice Minister, Li Baodong, and Special Representative for Human Rights Affairs, Liu Hua.

In March, Dui Hua made a submission to China’s Universal Periodic Review (UPR), which was convened by the Human Rights Council



Le Yucheng, Vice Minister of Foreign Affairs of China, at China’s third UPR in Geneva, November 2018. Image Credit: news.un.org.



China Vice Minister of Foreign Affairs Li Baodong meets John Kamm.

in Geneva in November. Dui Hua’s submission focused on judicial transparency, with special attention paid to judgments posted on court websites. Through its Special Consultative Status with the United Nations Economic and Social Council, Dui Hua has made two previous submissions to China’s UPRs in 2009 and 2013. In June, Kamm held meetings with Dui Hua’s interlocutor at the New York Chinese Consulate and with family members and supporters of prisoners in Washington, D.C. Kamm also met with officials from the State Department, the National Security Council, and the Congressional Executive Commission on China.

In September, Kamm visited Beijing and Hong Kong. In Beijing he was received by the MFA, the SPC, and Ambassadors and Deputy Chiefs of Mission of the U.S., the E.U., Denmark, the Netherlands, Norway, Switzerland, and Sweden. In anticipation of China’s human rights review at the United Nations in November, Kamm raised the issue of judicial transparency on court websites in his conversations with the SPC.

In November, Dui Hua attended China’s third UPR in Geneva. During a “like-minded” meeting hosted by the U.S. Mission, Kamm briefed diplomats from the U.S., the U.K., Australia, Japan, Denmark, Finland, Sweden, Switzerland, Norway,

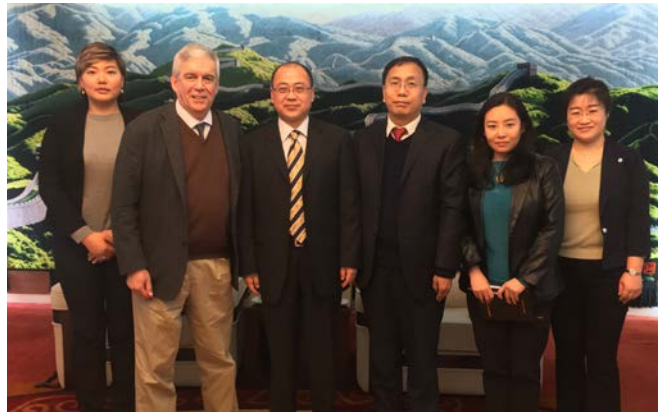
Germany, the E.U., Canada, and the Netherlands about human rights challenges in China and Dui Hua's work. While in Geneva, Kamm also met with officials at the Chinese Mission. Kamm then traveled to Bern, Copenhagen, Stockholm, and Oslo, where he met with Dui Hua supporters and partners to review program activities. ■

Dui Hua's advocacy draws on careful and detailed research, making use of a variety of resources. Dui Hua's Political Prisoner Database (PPDB) ended the year with records on 39,393 prisoners.

In May, Dui Hua research staff in Hong Kong participated in a seminar on juvenile justice and social work in China at the Chinese University of Hong Kong. The seminar, led by Professor Zhai Jin, Head of the Social Work Department at Chanzhou University in Jiangsu, focused on recent developments and trends in social work services for at-risk youth in China.

In June, Kamm, Yu, and Research Associate Ricky Hui visited Boston to conduct research at university libraries on newly acquired records from Chinese provinces and cities. University libraries remain a resource for Dui Hua to uncover case names and important statistical data on political and religious repression in China.

In October, Dui Hua completed the implementation of a new feature in the PPDB which provides users access to real-time statistical breakdowns and archived daily statistical reports, enabling users to conduct their own analysis. To advance Dui Hua's scrutiny of intermediate court and procuratorate websites, staff researchers began the implementation of a new research tool, a site crawler, with the capacity to automatically comb websites for relevant content. ■



Dui Hua meets the Supreme People's Court to discuss judicial transparency.

Dui Hua research informs its *Human Rights Journal* (HRJ) blog, as well as its advocacy work. Among Dui Hua's 36 publications in 2018 were 17 HRJ articles on a wide range of topics, including:

- the role of lay assessors in the criminal justice system
- the Xinjiang Production and Construction Corps and its role in state security and Endangering State Security (ESS) arrests
- reform of detention center law
- Christian bookstores
- zero-confession executions

In 2018, Dui Hua conducted a major revamp of its website, strengthening the foundation's capacity to increase transparency on the status of at-risk detainees in China by providing more news resources and publications online. The quarterly *Prisoner Updates*, for example, provide the latest information Dui Hua researchers have uncovered on prisoner cases through both online and library research as well as direct dialogue with the Chinese government. Updates on PPDB research are also made publicly available on the website, including the number of individual records based on top crime categories, provincial locations, and gender. ■

Bay Area communities have always been particularly engaged in Dui Hua’s work, not only because Dui Hua’s head office is in San Francisco, but also because of the level of interest in China and human rights in the area. On the evening of February 28, friends of Dui Hua gathered at the foundation’s head office to celebrate the Spring Festival. Kamm, just back from Beijing where he was received by the Ministry of Foreign Affairs and the Supreme People’s Court, briefed guests on the operating environment for foreign NGOs in China.

Later in the spring, Kamm and Director Magdalen Yum participated in an annual meeting hosted in Berkeley by a national religious organization. Dui Hua staff attended a workshop on China’s Foreign NGO Management Law, organized by

prominent foundations and a law school. In addition, Kamm was invited to speak on U.S.-China relations at one of San Francisco’s most prestigious clubs.

On December 6, more than 70 friends, directors, and staff of Dui Hua gathered at a private club in San Francisco to celebrate an important anniversary: The Dui Hua Foundation was registered as a non-profit organization with the California Secretary of State almost 20 years before, in April 1999. John Kamm and Dui Hua Directors briefed the group on changes in China over Dui Hua’s two decades, and the challenges and achievements of 2018, a year which saw significant deterioration both in U.S.-China relations and the Chinese human rights environment. ■



Dui Hua’s 20th anniversary celebration, December 2018.

CONTRIBUTIONS & SUPPORT

Dui Hua’s work would not be possible without the generous support of its donors.

In 2018, the foundation received support from the European Union and the governments of Denmark, Norway, Sweden, and Switzerland as well as from the U.S. Department of State and a private foundation, which has been supporting the foundation since its founding in 1999.

Contributions from individual donors exceeded \$363,000, accounting for 28% of Dui Hua’s unrestricted revenue in 2018. These contributors are recognized at the end of this report.

As Dui Hua celebrates its 20th year of programming, the staff and Directors are grateful for the sustained support of the foundation’s friends all around the world. ■

Summarized Audited Financial Statements

These statements are summarized from the financial statements audited by Lindquist, von Husen & Joyce LLP, San Francisco, California. All amounts are in U.S. dollars.

STATEMENT OF FINANCIAL POSITION		
(as of December 31, 2018)		
	Assets	Liabilities & Net Assets
Cash & cash equivalents	232,675	
Deposits & prepaid expenses	33,301	
Contributions receivable	1,207,371	
Other receivable	4,582	
Investments	757,947	
Property and equipment - net	2,135	
Accounts payable & refundable advance		68,495
Net assets		2,169,516
Without donor restrictions		778,081
Board-designated reserve fund		300,000
Undesignated		478,081
With donor restrictions		1,391,435
Total	2,238,011	2,238,011

STATEMENT OF ACTIVITIES			
(year ended December 31, 2018)			
	Without Donor Restrictions	With Donor Restrictions	Total
Support & revenue:			
Government grants	193,594	312,088	505,682
Private foundation grants	-	360,000	360,000
Individuals & corporate contributions	363,373	10,000	373,373
Program service fees	13,985	-	13,985
Other income	11,368	-	11,368
Foreign currency exchange net realized gain (loss)	(3,700)	7,045	3,345
Foreign currency exchange net unrealized loss	(189)	(64,924)	(65,113)
Net assets released from restrictions	727,529	(727,529)	-
	<u>1,305,960</u>	<u>(103,320)</u>	<u>1,202,640</u>
Expenses:			
Program services	935,199	-	935,199
Supporting services			
Management & general	150,608	-	150,608
Fundraising	122,236	-	122,236
	<u>1,208,043</u>	<u>-</u>	<u>1,208,043</u>
Change in net assets	97,917	(103,320)	(5,403)
Net assets, start of year	680,164	1,494,755	2,174,919
Net assets, end of year	\$778,081	\$1,391,435	\$2,169,516

OUR GENEROUS CONTRIBUTORS

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