

Advancing
Rights
Through
Dialogue



ANNUAL REPORT



2019



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*The Dui Hua Foundation wishes
to thank **Angela Yang** for
her work on the 2019 Annual
Report.*

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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,

The 12 months that ended on December 31, 2019 was a time of unprecedented challenges for Dui Hua. US-China relations worsened month by month as the two countries fought a debilitating trade war and traded accusations over a wide range of issues.

In June, Hong Kong—where Dui Hua has operated an office for more than 10 years—erupted in protests over an extradition bill that was eventually withdrawn but which morphed into a broader effort to secure more freedom and democracy. Finally, in December, the first signs of a disease that would ravage the world in 2020 emerged in Wuhan, Central China.

Dui Hua confronted these challenges and remained true to its mission of promoting dialogue with China on detainees at risk. Throughout the year, the foundation engaged the Chinese government in a dialogue on political prisoners in face-to-face meetings and through frequent communications, some of which involved the use of messaging apps.

We submitted 28 lists of prisoners with the names of 170 individuals, and we received 73 written responses. We learned of 24 acts of clemency, better treatment, or bail for prisoners we had asked about, and we provided advice and assistance to the families and supporters of scores of human rights defenders.

The foundation and its partners worked hard throughout 2019 to stage the first International Symposium on Girls in Conflict with the Law, an event that aims to bring together some of the world's leading experts to address a vitally important but rarely examined topic. With dedicated grants from the Netherlands and Canada as well as from private foundations, the event was originally scheduled to take place in Hong Kong in April 2020. Due to unrest in the territory, it was postponed to November 2020 and relocated to San Francisco. Concern over the possibility of a second wave of COVID-19 has prompted another delay. The symposium is now scheduled to take place in March 2021.

Throughout 2019, I addressed audiences in Europe and North America. The foundation produced dozens of publications. Both outreach and publications benefited from Dui Hua's acquisition of a set of trial statistics published by China's Supreme People's Court. Dui Hua's robust research resulted in nearly 3,900 names being added to our Political Prisoner Database.

Thanks to our loyal base of supporters, Dui Hua ended 2019 in sound financial shape, ready to take on the challenges of a new year, challenges that will be at least as daunting as those encountered in 2019.

Thank you.



John Kamm
Executive Director



ADVOCACY



In its advocacy efforts, Dui Hua takes a three-pronged approach by holding national and international meetings, providing consultations on specific prisoners, and carrying out research to illuminate conditions in China and support advocacy. In 2019, Dui Hua had 18 meetings with Chinese interlocutors and government officials in Beijing, Hong Kong, San Francisco, and Geneva. The foundation continued to work with “like-minded” governments to advance human rights dialogues.

From February 17 to March 4, Kamm traveled to Beijing and Hong Kong. On this trip, he met with representatives from the Ministry for Foreign Affairs as well as Secretary General of the Boao Forum for Asia, Li Baodong. Kamm also met with leading scholars from the Institute of International and Strategic Studies of Peking University, the Institute of Procuratorial Studies of the Supreme People's Procuratorate, and Renmin University School of Law.

Kamm's trip focused on four main areas: the situation in Xinjiang, juvenile justice reform, judicial transparency, and US-China relations. Kamm received detailed statistics on sentencing and convictions of criminal trials in China in 2017. He also handed over lists of individuals subjected to coercive measures in China and received information on 15 individuals. Meetings with

representatives from the International Department of the Supreme People's Court and the Office of Juvenile Courts led to productive talks on Dui Hua's upcoming International Symposium on Girls in Conflict with the Law. Kamm also attended a reception in his honor held by the United States ambassador to China. The reception, which was attended by ten ambassadors, focused on “successful strategies for engaging the Chinese government on human rights.”



(Top) A general view of participants during the 41st Session of the Human Rights Council. Image credit: UN Photo/ Jean Marc Ferré. (Above) Executive Director John Kamm meets with Ambassador Li Baodong.

In May, Kamm traveled to the capitals of three Scandinavian countries—Copenhagen, Denmark; Stockholm, Sweden; and Oslo, Norway—where he met with government officials and senior staff of non-governmental and international humanitarian organizations involved in handling relations with China. In these meetings, Kamm reviewed progress in meeting the goals of grants, discussed sensitive cases involving at-risk detainees, and addressed human rights issues affecting each country.

Kamm attended the first week of the 41st Session of the Human Rights Council (HRC) in Geneva from June 24-30. He met with officials of the Office of the High Commissioner for Human Rights and diplomats representing China, the United States, Sweden, Switzerland, the Netherlands, and Finland. In these meetings, Kamm advised foreign governments on human rights dialogues and discussed diplomatic successes and challenges. Kamm was also received by the President of the International Committee of the Red Cross. While in Geneva, Kamm presented the case of Mark Swidan, the detainee placed on the greatest number of Dui Hua lists in 2019, to the Working

Group on Arbitrary Detention (WGAD). Despite no evidence, and no history of involvement with drugs, Swidan was detained on suspicion of involvement in an international drug ring in November 2012. He

was tried in November 2013, but the court did not hand down its judgment until April 2019. Swidan was sentenced to death with two-year reprieve. In November, the WGAD issued an Opinion stating that Swidan had been arbitrarily detained and that his rights to due process and a fair and speedy trial had been seriously violated.

In October, Dui Hua met with US officials working on China in the Department of State's Office of American Citizen Services, the Bureau of East Asian and Pacific Affairs, and the Bureau of Democracy, Human Rights, and Labor. Kamm met separately with the China team at the National Security Council as well as senior staff of the Congressional Executive Commission on China and the Senate Foreign Relations Committee. Throughout the year, Dui Hua also assisted other governments as well as regional and international organizations in preparing prisoner lists for human rights dialogues. ■

Dui Hua's Approach to Advocacy

- **Robust research** to support advocacy with empirical data and to further understanding of conditions in China
- **Consultations on prisoners** to support those undergoing coercive measures, as well as their families and supporters
- **Meetings at national and international levels** to nurture relationships, foster cooperation, and press for information and better treatment on prisoners



John Kamm with Swedish Ambassador-at-Large for Human Rights, Democracy and the Rule of Law Annika Ben David, May 2019. Image Credit: Amb. Annika Ben David

POLITICAL & RELIGIOUS PRISONERS

Dui Hua is the only organization in the world that is able to submit lists of political and religious prisoners to the Chinese government and receive responses. In 2019, Dui Hua submitted 28 lists directly to the Chinese government, requesting information about the sentences and conditions of political and religious prisoners. These lists contained 170 names, and Dui Hua's Chinese interlocutors provided responses on 73 individuals. Consultations with the families and supporters of detainees are another important feature of Dui Hua's work, and the foundation continued to offer assistance to those advocating for their loved ones in 2019.

One of Dui Hua's main goals in its interventions is to obtain clemency for the detainees on its lists. Dui Hua keeps records of acts of clemency, including sentence reductions, parole and medical parole, better treatment, and the granting of bail. In 2019, Dui Hua learned of 24 acts of clemency, better treatment, and bail for 23 prisoners.

This is a significant drop in the number of acts of clemency for prisoners on our lists. In 2018, Dui Hua learned of 35 acts of clemency, better treatment, and bail for 32 prisoners. The reduction in acts of clemency speaks to a worsening human rights environment in China.

Among prisoners on Dui Hua lists who were granted acts of clemency in 2019, notable examples are:

Wang Jianmin, a US citizen who was a publisher in Hong Kong specializing in magazines on sensitive political topics related to China's leadership. Most of the magazines were sold in Hong Kong, but a small number were sent to the mainland. He was detained in Shenzhen on May 30, 2014 and given a prison sentence of five years and three months on July 26, 2016 for the crimes of illegal business activity, bribery, and bid rigging. Dui Hua intervened with the Chinese authorities on Mr. Wang's behalf on 20 occasions between 2016 and 2019. He was granted a six-month eight-day sentence reduction on January 29, 2019 and was released from prison 22 days later. He returned to the United States on March 24.

David Lin, a US pastor and businessman who entered China to preach in 2006. He was convicted of fraud and sentenced to life imprisonment on December 2, 2009. After his life sentence was commuted to a fixed-term imprisonment of 19 years and six months in 2012, he received three more sentence reductions in 2013, 2014, and 2019. Lin is due for release on December 19, 2029.

2 0 1 9 R E S U L T S



3856

Names added to the Political Prisoner Database



73

Unique detainees addressed in responses to prisoner lists from the Chinese government



170

Prisoner names raised with the Chinese government



24

Acts of clemency granted for prisoners on Dui Hua's lists

Yao Wentian, a publisher from Hong Kong convicted of smuggling ordinary goods. He was sentenced to 10 years' imprisonment by the Shenzhen Intermediate People's Court in 2014. On April 30, 2019, he was granted a sentence reduction of eight months which is his first and only sentence reduction to date. Despite his advanced age and poor health, his petition for the Special Pardon of the 70th Anniversary of People's Republic of China was rejected in August 2019. He is due for release on February 26, 2023.

Yueming Vera Zhou, a US permanent resident from a Chinese Hui Muslim family. While visiting family in Xinjiang, she was detained for using a VPN to submit a homework assignment to the website of the US university where she was enrolled. She was transferred to a so-called "vocational training center" and held for five months, during which she was unable to receive needed medical care. Throughout her detainment, Dui Hua provided consultations and advocated for her release. In 2019, Zhou returned to the United States. ■

Selected Examples of Clemency Learned in 2019

NAME	DETAILS	CRIME(S)	SENTENCE	LISTS	CLEMENCY
IN PRISON					
David Lin (林大卫)	Businessman who entered China to preach	Fraud	Life	6	Commutated to a fixed-term imprisonment of 19 years and six months in 2012; Received three sentence reductions in 2013, 2014, and 2019.
Yao Wentian (姚文田)	Publisher of political books in Hong Kong	Smuggling ordinary goods	10 years	13	Sentence reduced by 8 months in 2019
Guo Ran (果然)	Involved in an obscure case of subversion of state power in Shaanxi	Subversion	14 years	2	Sentenced reduced by 8 months in 2019
RELEASED					
Wang Jianmin (王健民)	US citizen, a publisher of political magazines in Hong Kong	Illegal business activity, bribery, and bid rigging	5 years and 3 months	23	Sentence reduced by 6 months and 8 days; Released on February 20, 2019; Arrived in the US on March 24, 2019.
Yueming Vera Zhou (周月明)	US permanent resident from a Chinese Hui Muslim family			11	Returned to the US in 2019
Jin Xide (金熙德)	Ethnic Korean, Vice director of the Institute of Japanese Studies at the Chinese Academy of Social Sciences	Espionage	14 years	1	4 sentence reductions in 2013, 2015, 2016, and 2019
Wang Guiping (王桂平)	Falun Gong practitioner	Cult	8 years	2	Sentence reduced by 8 months in 2018

WOMEN IN PRISON & JUVENILE JUSTICE

Dui Hua has long advocated for juvenile justice reform and better treatment for female suspects, defendants, and prisoners. In 2019, Dui Hua continued its advocacy in these two areas while planning the International Symposium on Girls in Conflict with the Law, an innovative exchange that will bring experts together while bridging two of Dui Hua's focus areas.

Dui Hua spent much of 2019 organizing the symposium with its partners: Patricia Lee, Managing Attorney of the Juvenile Unit of the San Francisco Public Defender's Office; the Centre of Comparative and Public Law and the Centre for Criminology of the University of Hong Kong (HKU); and Penal Reform International. The symposium will follow the success of several related programs undertaken by Dui Hua, including five juvenile justice exchanges with China's Supreme People's Court and the 2014 exchange "Women in Prison: An International Symposium on the Bangkok Rules."

Through panel discussions, keynote addresses, research presentations, and collaborative case studies, presenters will speak to and share best practices on specific topics, including domestic violence/abuse; criminal procedures for girl offenders; restorative justice and diversion practices; sex trafficking of girls; services to address mental illness, drug abuse or physical disability; and the psychological and social impacts on girl offenders worldwide. Participants will also visit sites relevant to juvenile justice processes, such as youth carceral facilities, residential facilities, and courts.

The symposium was intended to take place in Hong Kong in April 2020. However, political unrest in Hong



Table 1. Total Juvenile Convictions, by Gender

Year	All Juveniles Convicted (ages 14-18)	All Girls Convicted	Girls as Percentage of the Year's Total Convictions	All Boys Convicted	Boys as Percentage of the Year's Total Convictions
2002	50,048	1,438	2.87%	48,610	97.13%
2003	58,870	1,792	3.04%	57,078	96.96%
2004	70,086	1,994	2.85%	68,092	97.15%
2005	82,692	2,188	2.65%	80,504	97.35%
2006	83,697	1,957	2.34%	81,740	97.66%
2007	87,506	2,007	2.29%	85,499	97.71%
2008	88,891	2,047	2.30%	86,844	97.70%
2009	77,604	2,075	2.67%	75,529	97.33%
2010	68,193	2,078	3.05%	66,115	96.95%
2011	67,280	2,146	3.19%	65,134	96.81%
2012	63,782	2,077	3.26%	61,705	96.74%
2013	55,817	2,001	3.58%	53,816	96.42%
2014	50,415	1,847	3.66%	48,568	96.34%
2015	43,839	1,777	4.05%	42,062	95.95%
2016	35,743	1,570	4.39%	34,173	95.61%

Source: Records of People's Courts Historical Judicial Statistics: (1949-2016). 2018.

(Top) Managing Attorney of the Juvenile Unit of the San Francisco Public Defender's Office Patricia Lee speaks about girls in conflict with the law at Dui Hua's annual gathering in December. (Above) Dui Hua's findings on rates of juvenile convictions, using *Records of People's Courts Historical Judicial Statistics: 1949-2016*.

Kong and the spread of COVID-19 prompted the postponement and relocation of the symposium, which is now scheduled to be held in San Francisco in March 2021. After outlining the decision to postpone to participants, partners, and grantors in a detailed email, expert presenters from the United States, Europe, Africa, the Middle East, Hong Kong, and China confirmed their willingness to attend. Dui Hua continues to work closely with Patricia Lee to coordinate the symposium in its new location. ■

DEATH PENALTY

In 2019, Dui Hua continued to monitor the use of the death penalty in China. Over the course of the year, Dui Hua learned of over 80 death sentence judgments from first-instance trials and over 60 executions. These figures are based on information from official government sources and state media, and only represent a small fraction of all cases of death penalty sentences and executions in China. However, they provide insight into China's continued application of the death penalty.

Dui Hua's research staff observed a marked decrease in access to information about death penalty cases, both in media coverage as well as on China's Supreme People's Court Judgment site. To compensate for this unfortunate development, Dui Hua has identified several alternative sources to the Supreme People's Court Judgment site that also host collections of judgments including death penalty documents. These alternative sources have allowed Dui Hua to continue collecting and recording death penalty judgments. ■

RESEARCH & PUBLICATIONS

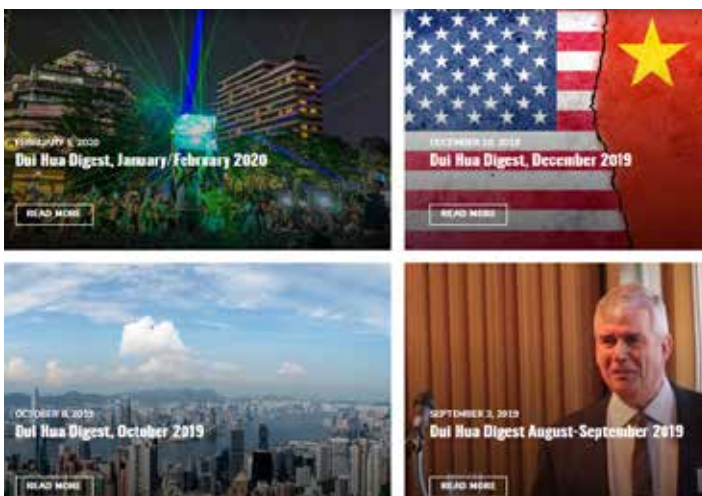
The world's largest database of Chinese political and religious prisoners is maintained by Dui Hua. At the end of 2019, the Political Prisoner Database (PPDB) had more than 42,000 prisoner profiles, an increase of roughly 10 percent over the total at the end of 2018. The PPDB's Active Registry, which is comprised of detainees currently undergoing coercive measures, contained records on 7,231 people at the end of 2019.

Dui Hua released 43 publications in 2019, including issues of its monthly newsletter Digest, quarterly prisoner updates, entries to its Human Rights Journal, press statements, and Mass Incident Monitor updates. These publications can all be found on the foundation's website, www.duihua.org. Dui

Hua's work was cited in 130 articles on 438 media sites in 2019.

An important development for Dui Hua's research and publications was the acquisition of a 12-volume set of Supreme People's Court statistics on all criminal and civil trials in China from 1949 to 2016. The detailed statistics cover accepted and concluded trials with details on sentences, appeals, and information on those tried, including sex, age, occupation, and, for many years, ethnicity. Dui Hua authored two publications based on findings from the volumes in 2019, and the foundation continues to draw on these volumes for its 2020 publications. This data also contributed to Dui Hua's estimates of a rise in convictions for juvenile female offenders, a topic which will be explored at the upcoming International Symposium on Girls in Conflict with the Law.

Dui Hua's website was redesigned at the end of 2018, and in 2019 the site's theme celebrated Dui Hua's 20th anniversary. Dui Hua's websites, including its Human Rights Journal blog and a specialized website on women in prison that promotes the Bangkok Rules, attracted 28,198 visitors and more than 100,000 pageviews. ■

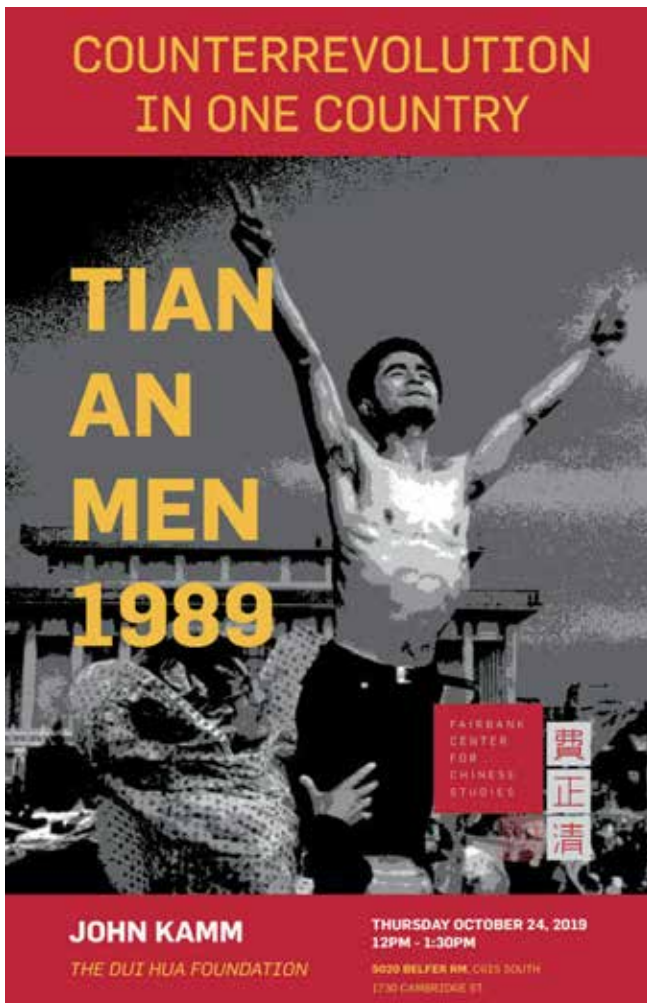
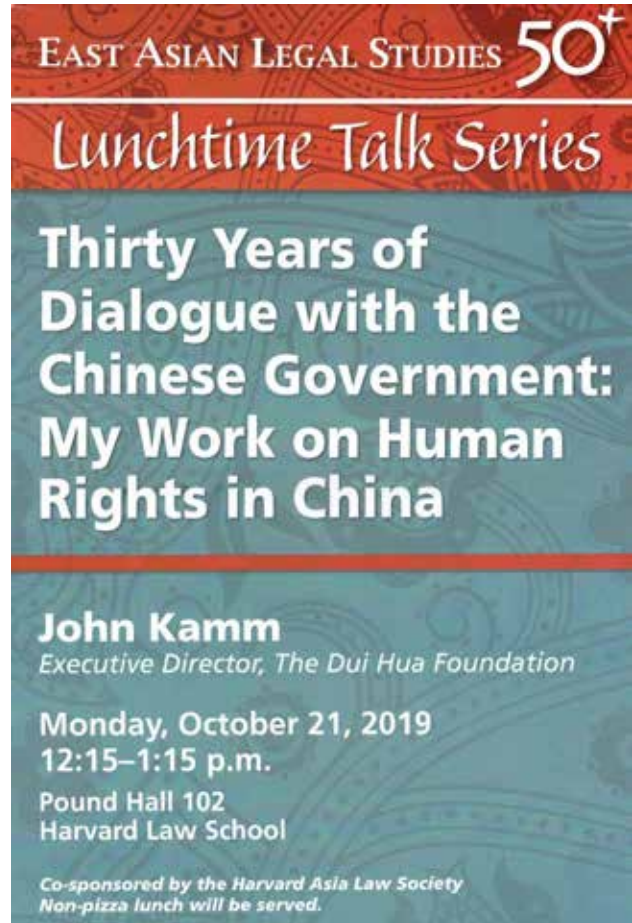


A selection of images from Dui Hua's 2019 Digest newsletters.

COMMUNITY ENGAGEMENT

Community engagement efforts help Dui Hua to strengthen relationships and build greater understanding for its work and international human rights standards. In 2019, Dui Hua participated in six outreach events.

On May 28, John Kamm addressed an audience at San Francisco's University Club. Kamm gave a speech titled "How Tiananmen Changed China – and Me" about his experience living in China during the events of June 4, 1989. He surveyed developments in China's economy, society, and politics over the last three decades. While unable to attend, Speaker of the House of Representatives Nancy Pelosi sent a message expressing solidarity with the victims of human rights violations in China and commending Kamm's actions by writing, "Your remarks on Tiananmen preserve the legacy of heroes."



In late October, Kamm delivered a series of talks in Massachusetts related to Dui Hua's work. On October 21, Kamm gave a speech at Harvard Law School, titled "Thirty Years of Dialogue with the Chinese Government: My Work on Human Rights in China." The next day, Kamm spoke on the same topic at Boston University. On October 24, 2019, Kamm addressed a large audience on the topic "Counterrevolution in One Country: China, 1989," speaking about the trials of those charged with offences committed during the Tiananmen protests of 1989. That evening, Kamm participated in a panel of alumni of the Regional Studies–East Asia program at Harvard University, where he also discussed career opportunities at the intersection of human rights and business with students enrolled in the program.

Fliers for speeches John Kamm gave for (left) the Fairbank Center for Chinese Studies and (above) Harvard Law School and Boston University.

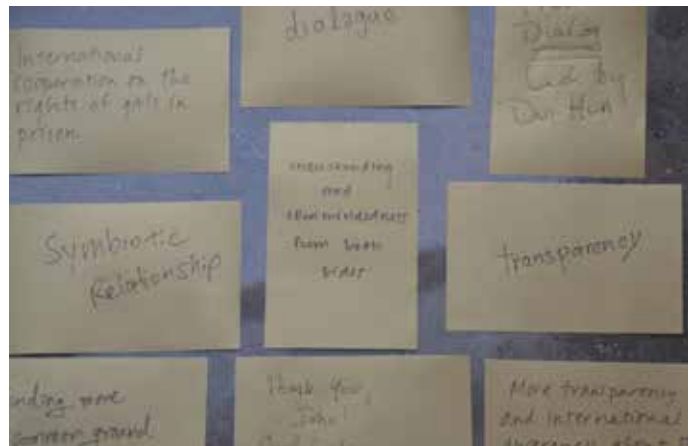
In December, Kamm addressed a crowd of local supporters at the foundation's annual gathering. He spoke on the subject of girls in the criminal justice system, the focus of the International Symposium on Girls in Conflict with the Law. Dui Hua directors William McCahill and Magdalen Yum also attended the event. ■



(Left) Irene Kamm and Magdalen Yum with supporters at the annual Friends of Dui Hua gathering. (Top right) John Kamm and William McCahill on stage. (Above right) Staff greet visitors at Dui Hua's Lunar New Year open house reception.

CONTRIBUTIONS & SUPPORT

Dui Hua's work would not be possible without the generous support of its donors. In 2019, the foundation received support from the governments of Canada, Denmark, the Netherlands, Norway, Sweden, and Switzerland as well as from the US Department of State and a private foundation, which has been supporting the foundation since its founding in 1999. Contributions from individual donors exceeded \$390,000, accounting for 30 percent of Dui Hua's unrestricted revenue in 2019. These contributors are recognized at the end of this report. The staff and Directors are grateful for the sustained support of the foundation's friends all around the world. ■



(Left) John Kamm and Patricia Lee address the audience on Dui Hua's expert exchanges. (Right) Wishes for US-China relations as written by guests at the Lunar New Year event.

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, 2019)

	Assets	Liabilities & Net Assets
Cash & cash equivalents	613,719	
Deposits & prepaid expenses	30,019	
Contributions receivable	636,538	
Investments	500,140	
Property and equipment - net	1,525	
Accounts payable & refundable advance		64,840
Deferred contributions		47,891
Net assets		1,669,210
Without donor restrictions		807,720
Board-designated reserve fund		400,000
Undesignated		407,720
With donor restrictions		861,490
Total	1,781,941	1,781,941

STATEMENT OF ACTIVITIES

(year ended December 31, 2019)

	Without Donor Restrictions	With Donor Restrictions	Total
Support & revenue:			
Government grants	214,600	117,701	332,301
Individuals & corporate contributions	355,766	35,000	390,766
Program service fees	29,298	-	29,298
Other income	17,447	-	17,447
Foreign currency exchange net realized loss	(1,763)	(32,125)	(33,888)
Foreign currency exchange net unrealized gain (loss)	404	(1,554)	(1,150)
Net assets released from restrictions	648,967	(648,967)	-
	<u>1,264,719</u>	<u>(529,945)</u>	<u>734,774</u>
Expenses:			
Program services	990,303	-	990,303
Supporting services			
Management & general	142,287	-	142,287
Fundraising	102,490	-	102,490
	<u>1,235,080</u>	<u>-</u>	<u>1,235,080</u>
Change in net assets	29,639	(529,945)	(500,306)
Net assets, start of year	778,081	1,391,435	2,169,516
Net assets, end of year	807,720	861,490	1,669,210

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