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STANDING THEIR GROUND

THOUSANDS FACE VIOLENT EVICTION IN CHINA – SUMMARY

AMNESTY
INTERNATIONAL



“I’m fighting to the end for my dignity.”

Wu Lihong, whose home was the last left standing after residents were forcibly and violently evicted from Xiaohongmen township, Beijing, in January 2011



The forced eviction of people from their homes and farmland without appropriate legal protection and safeguards has become a routine occurrence in China, and represents a gross violation of human rights. In many cases, evictions are sudden and violent, sometimes resulting in death. They are frequently preceded by a sustained campaign of threats and harassment that can include beatings, kidnapping and in at least one case, being buried alive. Evictees are often offered little or no compensation and/or inadequate alternative housing.

In some cases, residents are the victims of secret land deals between local authorities and private developers, are turned out of their homes, and are expected to pay for whatever alternative housing is on offer.

Villagers from Xiaohongmen township in Beijing became all too familiar with this pattern of treatment. On 13 January 2011,

unmarked cars with no license plates suddenly pulled into a village in the township in Beijing’s Chaoyang district. Witnesses said at least 100 men descended on the area, which had been slated for demolition. The men did not identify themselves but, according to witnesses, the group included local police and members of the *chengguan* (“urban management”), China’s para-police charged with enforcing administrative laws in the cities. The men dragged people from their houses and then razed what was left of the village.

Some residents – around 10,000 households – had been notified in 2006 that the state would seize the land to create a “green zone”. But residents later discovered that township officials had colluded with members of the village committee to sign a secret deal with a real estate developer in 2005 to turn the land over for urban development. Several

months later, each family received a booklet outlining the procedure for securing a new home. They were eventually informed that these houses would be four to five kilometres further away from central Beijing – far from schools, health clinics and a reliable public transport system. There was no adequate notice and no consultation as required under international law.

Many refused to sign the eviction agreement and were harassed in return. People were followed by unmarked cars, detained by police, and homes were broken into. Any attempts by residents to negotiate a settlement were quashed. Most of the villagers gave up and accepted re-location. All except Wu Lihong.

In January 2012, Wu Lihong’s house was the only one left standing in her village. She was living in a noisy construction zone with her 14-year-old son, her husband and her



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father-in-law. Authorities continued to harass her, sometimes shining a spotlight on her home all night. “I can’t sleep at night and I feel threatened,” she said. “My son cannot rest and this has affected his studies.”

Wu Lihong continued to fight the eviction “because it isn’t fair... I’m fighting to the end for my dignity.” She finally gave up in February 2012 out of fears for the safety of her family.

Having lost their homes, many people find themselves in circumstances similar to that of the former residents of Xiaohongmen township. They are forced to live in poor quality houses with limited access to jobs, schools, health care, services and public transport.

Farmers are particularly vulnerable after evictions and often end up in poverty after losing their land, as it is one of the few

safety nets available to rural residents. With little recourse to justice, some people have resorted to a drastic form of protest, setting themselves on fire in a bid to have their grievances heard.

In gathering research for its report, *Standing their ground: Thousands face violent eviction in China* (Index: ASA 17/001/2012), Amnesty International conducted numerous interviews with lawyers, housing rights activists and academics across China and internationally over a two-year period, and examined in detail 40 instances of forced eviction, usually involving more than one household, occurring from January 2009 to January 2012. Our aim was to explore the circumstances surrounding forced evictions in China and the factors that lead to violence in the eviction process. We also aimed to identify patterns of conduct by the government and its agents during evictions

For two years, one family on “snack street” in Chongqing refused to vacate their home for the construction of a six-storey shopping mall. Developers cut their power and water, and excavated a 10-metre deep pit around the home which had been in the family for three generations. The owners broke into the construction site, reoccupied the house, and flew a Chinese flag on top. They eventually settled with the developers in 2007.

that violate international standards. The following is a summary of our report and recommendations.



Beijing's beautification effort in the run-up to the 2008 Olympics. Thousands of Beijing residents who had lived in the city centre for generations were evicted to the suburbs, November 2006.

BACKGROUND

The problem of forced evictions represents the single most significant source of popular discontent in China and a serious threat to social and political stability. Its roots reach back to the years leading up to the Communist Revolution of 1949, when the Chinese Communist Party under Mao Zedong established its legitimacy in the countryside through land-to-tiller, mass-mobilization policies intended to break the economic and social control enjoyed by rural elites.

The Party redistributed farmland from landlords to peasants in a process frequently marked by violence. By the end of the 1950s, the Party's efforts at land collectivization had placed all rural land under the control of agricultural co-operatives.

Soon after Mao's death in 1976, Deng Xiaoping introduced a new policy of "reform and opening up" that promoted market reforms and a basic legal framework in the hope of stimulating China's economic development.

The revival of markets and the reintroduction of the notion of legal rights would have significant consequences for land and housing policies in China. The 1982 Constitution declared for the first time that the state owned all urban land and that rural and suburban land were to be held by "collectives". The term "collective" was not defined, and that vagueness is a key source of conflict in the current eviction crisis in the countryside.

Generally, the "collective" is controlled by a village committee. However, a concession



that was granted shortly after 1982 still exists today: people could retain land-use rights, which meant they did not own the land but could use it for a fixed period of time – 30 years in the countryside, 70 years in the cities.

The creation of urban land-use rights allowed a private real estate market to emerge. In the 1990s, state enterprises began privatizing employee flats, selling them at a subsidized rate to tenants. A frenzy of real estate activity had begun.

With chronic housing shortages in Chinese cities property values skyrocketed. Developers lobbied local officials to sell them land-use rights at a discount to market prices, often by offering to build roads or other municipal projects in exchange. Officials generally co-operated

within a political system that now rewarded growth above almost all else. The process was frequently marred by bribes and kickbacks.

Chinese academic studies indicate that between 1991 and 2003, more than half a million families in Beijing alone were evicted from their homes. In the countryside, local authorities expropriated more than 16.5 million acres of land between 1990 and 2010. Compensation payments fell way below government regulations.

The issue of forced evictions came into stark international focus in the run-up to the 2008 Beijing Olympics. Chinese and international human rights activists documented hundreds of forced evictions amid preparations for the Games in Beijing. Although many had argued that

international attention before the Olympics would deter abuses, in fact, they only intensified, following massive government stimulus spending.

In the 1990s, state enterprises began privatizing employee flats, selling them at a subsidized rate to tenants, prompting a real estate frenzy.



The ruins of Beijing's Dongchengqu Beijongbu Hutong Garden No.3. From 1931-1937, this was the residence of famous architect couple Liang Sicheng and Lin Huiyin. The house was protected under heritage laws, but was demolished by contractors for "maintenance" purposes in January 2012, causing a public outcry.

FORCED EVICTIONS TODAY

There are no reliable estimates of the number of people who have been forced from their homes or farms nationwide since the Beijing Olympics, but there is little doubt the figure is on the rise. A 2011 study by the Landesa Rural Development Institute found that land had been expropriated from 43.1 per cent of all rural villages since the late 1990s, and that the number of cases each year has been rising steadily since 2007.

The pace of forced eviction has accelerated, in part because the interests of local officials are increasingly intertwined with those of real estate developers. China's ruling Communist Party promotes officials who deliver economic growth by whatever means. Land redevelopment – whether for new roads, factories or residential complexes – is seen as the most direct path to visible results.

Local officials also have a fiscal incentive to clear land for development. Unlike other revenues, all proceeds from land sales remain with the local government. Income from the sale of land leases comprises the single largest source of revenue for local governments, which have struggled with structural budget shortfalls since tax reforms in the mid-90s. China's response to the global recession has exacerbated the problem, with local governments borrowing huge amounts from state banks to finance stimulus projects and relying on land sales to cover interest payments. In 2009, income from land sales by the government climbed more than 40 per cent, accounting for nearly half of all local budget revenues in China. In the nation's four largest cities, income from land sales climbed 70 per cent in 2010 compared with 2009.



There is ample opportunity for abuse when officials and developers share an interest in removing residents from sought-after plots of land. In some cases, municipal government agencies operate their own development companies to benefit at as many stages as they can – creating a conflict of interest and laying the foundations for further abuse.

China's political system allows local officials to operate with few checks and only limited public accountability. Corruption in the form of bribes from developers to officials has been widely documented in state media and elsewhere. People facing eviction enjoy only tenuous protections under Chinese law, and they face significant challenges in asserting their rights.

“If there is no protection, nothing to rely upon and no remedial measures, it is only natural that villagers do not wish or agree with demolitions and resettlement. Until now, neither the villagers nor I have ever met this so-called developer or been provided with any information about the developer’s qualifications.”

Wang Jinwen, in an open letter to the mayor of Weifang city, after his parents' home was razed without warning, explanation or resettlement arrangements in Beisanli village, Weifang city, Shandong province, 2010.

Above: Demolition of Shiliuzhuang village in southern Beijing, 4 July 2012. Bulldozers and security officers descended on the village without warning at dawn, razing it within hours.

“Officials collude with businessmen to seize the land in the name of economic development and use land as a mortgage to harm the interests of villagers.”

Lin Zulian, newly elected leader for Wukan village, Guangdong province, Caixin online, 19 March 2012

WUKAN VILLAGE, GUANGDONG

In 2011, the village of Wukan, in China's southern province of Guangdong, made international headlines. For months, villagers there had been protesting against what they said was the local government's latest attempt to secretly sell off their farmland to developers, and corruption in general. In media interviews, villagers said the local Communist Party officials had not consulted them on the sale and that they only learned of it after construction work began. Residents said they had endured the theft of their land by local officials for nearly 40 years and they had had enough. In September, villagers staged a demonstration, storming government office buildings.

In December, a thousand police descended on Wukan and arrested five people they claimed had organized the September protest. Among

them was Xue Jinbo, aged 43. On his third day in police custody, Xue Jinbo died. His family and villagers told reporters that he appeared to have been tortured, as he had dark bruises and cuts on his face.

After Xue Jinbo's death, enraged villagers chased their Communist Party leaders out of town. To quell the unrest, provincial authorities stepped in, promising that Wukan could hold new village elections. In March, villagers elected two new leaders – both of whom had helped lead the land protests. Many in China celebrated the election, saying it marked a peaceful resolution to the stand-off and could serve as a democratic model for China.

However, there has been no independent investigation into Xue Jinbo's death, and the villagers still have not got their land back.



INADEQUATE NOTICE AND CONSULTATION

Consultation and notification prior to an eviction – required under international law – are often not done, according to information gathered for this report. Lawyers, activists and victims told Amnesty International that residents typically hear of their impending eviction by word of mouth or by the sudden appearance of a poster on a neighbourhood wall just weeks or days before demolition is scheduled. Sometimes, they receive no formal notice at all.

Amnesty International was told that local authorities routinely neglect to convene public hearings. Residents and their advocates said that the few hearings that are convened are usually just for show. Local officials sometimes tell residents that they will be evicted and then refuse to

“My house has had one uniformed police officer and four city level security guards monitoring it for the past month. I cannot go out to buy food or meet any friends.”

Jin Yuehua, who has been targeted by the Chinese authorities for her work as a housing rights activist, 2010



entertain objections or alternative proposals, or they pledge to relocate residents during the meetings but later demand payment for new homes. These statements by interviewees are confirmed by stories in both domestic and international media.

As specified by the UN Committee on Economic, Social and Cultural Rights, which monitors State parties' implementation of the International Covenant on Economic, Social and Cultural Rights, governments may only carry out evictions when a series of procedural protections are applied. These protections include:

- an opportunity for genuine consultation, including the discussion of feasible alternatives to eviction
- adequate and reasonable notice

- information made available in a reasonable amount of time on the proposed eviction, including, where applicable, the purpose for which the land or housing will be used

- government officials or their representatives being present during an eviction

- the people carrying out the eviction identifying themselves

- refraining from carrying out evictions at night or in particularly bad weather, unless those affected give their consent

- the provision of adequate alternative housing

- the provision of legal remedies

Housing rights activists Jin Yuehua, Mao Hengfeng and Shen Peilan, in Beijing, China, 26 September 2009. They hold signs which read, respectively, (from left to right): “Injustice”; “State disaster, disaster to people”; “Oppose torture, oppose dictatorship”; “We need democracy, We need freedom, We need human rights”.

- the provision, where possible, of legal aid to people who need it to seek redress through the courts.

Governments are also required to protect people from forced evictions by private actors and from acts of violence or harassment. Law enforcement officials can only use force where it is necessary and proportionate.

“We were at home when a group of thugs arrived. They were driving something like an excavator and started digging in front of our house, a 3-metre ditch. We asked them to stop, but they wouldn’t listen. So we called the police... But the police pulled us aside and asked us not to move. Those thugs kept working. They had weapons.”

Huang Hongxia of Wuhan city, Hubei province, whose mother-in-law died after being buried alive in the incident in 2010

WANG CUIYUN

“When we turned around, they had already buried her.”

On 3 March 2010, Wang Cuiyun, a 70-year-old woman, attempted to stop a crew of about 20 workers from demolishing her house in Wuhan city, Hubei province. Hired by developers, they were carrying weapons. Wang Cuiyun’s family said she was either pushed or fell into a ditch and then buried by an excavator being used to demolish the home. “When we turned around, they had already buried her,” said Huang Hongxia, her daughter-in-law. “It took half an hour to pull her out.”

Wang Cuiyun had already reached a compensation agreement with developers and

was packing to leave, but the crew refused to wait and began knocking down her house, prompting the conflict. Witnesses said two police officers on the scene did not intervene.

“The two police officers had been helping the thugs,” said Huang Hongxia. “It’s not until my mother-in-law got killed that they offered to help. They rushed her to the hospital for emergency treatment but after a person has been buried for half an hour, how could she be alive? She didn’t make it.”

Police detained a supervisor and the driver of the excavator. However, the local government declared the death an accident, and the family said that there was no further investigation.



PRESSURE AND HARASSMENT

Once evictions are announced, according to those interviewed by Amnesty International, local officials and developers typically begin a concerted campaign to persuade residents to sign papers agreeing to surrender their property and accept compensation or a resettlement offer. Many residents quickly sign and move out.

Those who resist are subjected to a range of high-pressure tactics. Authorities are commonly known to cut services, such as water, heating and electricity, in an attempt to drive residents from their homes long enough for a bulldozer to be sent in. Civil servants who oppose these measures face reprisals, including dismissal from their jobs.

Sometimes the authorities also target family members, using blood ties to force evictees to co-operate. In January 2011, for example,



Gu Wenzhu, aged 54, holds pictures of her parents on Beijing's Changan Street. Her mother and father, aged 79 and 80 respectively, died after being beaten by demolition workers when they were forced from their family home in Shanghai, September 2011.

a school principal in a town in Jiangsu province suspended several teachers who failed to convince relatives to sign eviction agreements. Some people are told they will receive more compensation if they can convince other relatives in the area slated for eviction to move.

In the end, usually only a minority of residents hold out.

BEATEN, ABDUCTED, BURIED ALIVE

In an alarming number of cases, campaigns to pressure residents into surrendering their property escalate into violence. Of the 40 forced evictions that we examined in detail, nine culminated in the death of people resisting or protesting against eviction. One person was buried by an excavator. Six men and three women died in total. The authorities later ruled only two of the deaths murder.

In addition to these tragic deaths, many more evictees have been beaten and some detained or abducted, either for refusing to sign eviction agreements or for protesting against their evictions. In many cases, violence is carried out on behalf of the state, for instance, by police, *chengguan* or other government employees. In other cases, local authorities are accused of conspiring with developers to send hired thugs

wielding steel rods, wooden sticks or knives to intimidate and rough up residents. Evictees, housing rights activists and lawyers told Amnesty International that police often refuse to respond to calls for help, arrive late, or stand by and do nothing when they are on hand to witness the violence. These crimes are often not investigated, and the perpetrators are usually punished only after a case causes widespread public outrage.

On 15 June 2011, police in Wenchang city, Sichuan province, took a 20-month-old boy from his mother, Xu Hua. They refused to return him unless she signed an eviction agreement. Xu Hua had been among several residents resisting eviction who were detained after clashes with local authorities who had cut off their electricity.

On 17 May 2011, officials in Hexia township in Jiangxi province summoned family

“What’s the point if a few of us live well and shut our mouths but the government continues to abuse other citizens, creating more broken families and poverty and pushing people outside the city to give their land to the richest businessmen. What we ask for is not a personal settlement, but public justice.”

Housing rights advocate Mao Hengfeng

A crowd gathers to show concern over the case of Wang Shibo, who was challenging an eviction order to leave her home in Beijing, January 2011. *Weiguan*, or “surrounding gaze”, is the phenomenon where a crowd pretends to be observing a spectacle, while in fact they have gathered to show concern. Housing rights activists and residents say they use *weiguan* to ward off violence during an eviction by gathering witnesses.

planning officials after residents from Pingchuan village arrived at the government building to complain about the expropriation of their farmland. The family planning officials beat one of the villagers, Zhang Julan, and then forced her to undergo a tubal ligation thereby forcibly sterilizing her, a practice which amounts to torture. Afterwards, officials tried to force her to sign both an eviction agreement and a statement consenting to the operation.

Under international human rights standards, any legal use of force must respect the principles of necessity and proportionality. Evictions, in particular, cannot be carried out in a manner that violates the dignity and rights to life and security of those affected. International guidelines require states to ensure that no one is directly or indiscriminately attacked or subjected to other acts of violence;



women and children should be particularly protected. Moreover, states must ensure that women are not subjected to gender-based violence and discrimination during evictions, and that the human rights of children are protected.

BARRIERS TO JUSTICE

Under Chinese regulations, property owners have the right to challenge government requested evictions and compensation through administrative proceedings, including before a court. Those who face eviction may also petition the government, at the same time as or as an alternative to pursuing a court case. Others choose less formal methods, such as public protest or putting pressure on individual officials.

But activists, lawyers and evictees told Amnesty International that in reality people

“All our work is organized by citizens and activists and we are very loosely organized. But the way we are doing it is enough to get to the authorities and make them shiver.”

A housing rights activist, speaking to Amnesty International in September 2011



hoping to challenge their eviction or seek redress after a wrongful eviction have little hope of obtaining justice. Local party committees effectively control both the judiciary and the agencies that hear eviction-related disputes, compromising people's access to effective remedies. Courts often refuse to accept eviction-related appeals, and attempts to petition higher-level government agencies almost always fail. Even when positive decisions are obtained, courts are very reluctant to grant any compensation or other remedy.

Evictees are also being denied their right to an effective remedy through interference with their ability to access adequate legal advice and representation. Housing rights activists and lawyers often face harassment, the loss of professional licences, imprisonment and violence, leaving some reluctant to take on forced evictions cases.

PEACEFUL RESISTANCE CRUSHED

Chinese protests over evictions are almost always limited to a particular village or affected neighborhood. The authorities are quick to quell protests and make it virtually impossible for groups with similar grievances to network across the country or even a city and exercise their rights to freedom of expression, association and assembly.

Some activists are making modest efforts to network with peers across the country or to link victims of forced eviction city-wide in order to create solidarity. But forming networks even to share information, let alone mobilize protesters, is dangerous. There are no officially recognized Chinese NGOs that deal with housing rights. One activist told Amnesty International that even sending in volunteers to a community facing eviction to share information and

legal advice must be done without attracting the attention of the authorities.

People who publicly protest against forced eviction often end up in jail or in Re-education Through Labour centres. Authorities in Shandong province assigned Li Hongwei, a victim of forced eviction, to 21 months in one of these centres for delivering two protest speeches in a public plaza in early 2011.

“What is the widespread problem right now? It’s the arbitrary seizure of peasants’ land, and the peasants have complaints, so much so that it’s triggering mass incidents [protests].”

Premier Wen Jiabao, February 2012



TANG FUZHEN

On 13 November 2009, unidentified men wearing helmets and carrying steel rods came to remove Tang Fuzhen and her family from what the local government claimed was an illegal structure. Contravening international law, authorities had notified the family to tear down the building themselves so the government could forcibly evict them and build a highway. The family refused.

That morning, when the men arrived, they began beating up members of the family. Tang Fuzhen, aged 47, and her relatives fought back, throwing stones and bottles full of gasoline. Finally, Tang Fuzhen climbed to the roof, poured gasoline over herself and lit herself on fire. She died from her burns 16 days later. Tang Fuzhen’s case became a rallying cry for critics of the Chinese government’s abject failure to protect her and thousands of others against forced eviction. Many people continue to visit the site where she died.

SELF-IMMOLATION – A DRASTIC LAST RESORT

Barred from access to legal remedies, harassed or detained when they attempt to exercise their right to peacefully protest, and pushed aside by authorities who pursue development at all costs without soliciting their opinion, some have turned to a drastic form of protest – self-immolation.

Based on Chinese and English language news sources, Amnesty International documented 41 cases of self-immolation related to forced evictions from 2009 until the end of 2011. That compares to fewer than 10 such cases we found occurring from 1998 until 2009. Of the 41 people who set themselves on fire, 28 were men and 10 were women. We were unable to confirm the gender of the remaining three. Eight of the self-immolators died.

CONCLUSION

Premier Wen Jiabao and other members of the Chinese leadership have publicly acknowledged problems with forced evictions. In January 2011, the central government issued regulations outlawing the use of violence in urban evictions and granting urban home-owners facing eviction new protections, including the right to air concerns in public hearings, file legal appeals and receive adequate compensation based on market value.

But other Chinese officials have sought to minimize the problem and defended abuses in the eviction process as a necessary cost of modernization. Housing rights activists and lawyers say the new urban regulations are insufficient, one glaring weakness being that they cover only owners, and not tenants. In addition, the government has not passed similar protections for people living in the suburbs or rural areas.



Those who live in the countryside continue to be even less well-off when it comes to compensation than city dwellers. Rural and suburban land owned by collectives must, with few exceptions, be used for agriculture, but when this land is converted to state ownership there are almost no limits on how it can be used. As a result, land values can increase sharply, especially in rapidly urbanizing areas around growing cities, but the compensation on offer fails to reflect this. With urbanization happening so quickly around them, and with little to no compensation, farmers are often priced out of the community they have lived in their whole lives.

Under international law, governments can carry out evictions only as a last resort and after exploring all feasible alternatives. These legal standards have been developed based on the recognition of the catastrophic effects

of evictions not only on people's right to adequate housing and to a home but on their rights to work, health, education and access to services such as water and sanitation. The removal of people from the homes or land they occupy without giving them appropriate legal or other protections as set out in international law and standards amounts to a gross violation of human rights, in particular the right to adequate housing.

As a party to the International Covenant on Economic, Social and Cultural Rights and other international human rights treaties, China is required to respect and protect the right to adequate housing and related guarantees, including home and the family. As such, it must prohibit and end forced evictions.

Wang Shibo, aged 27, stands beside two large banners – her suicide note to President Hu Jintao and others. When the authorities tried to evict her from her home in Beijing by force, Wang Shibo and her family doused themselves with petrol and threatened to set themselves on fire. In protest, she put up the suicide note and installed a coffin in her shop. March 2011.

“We will fight to the death to protect our homes.”

Wang Shibo, March 2012



RECOMMENDATIONS

To the Government of China

- Halt immediately all forced evictions, explicitly prohibit them under law and ensure that adequate safeguards and protections are put in place in line with international law, in part by ensuring implementation of the January 2011 Regulations on the Expropriation of Houses on State-owned Land and Compensation.
- Develop and adopt concrete and effective measures to guarantee a minimum degree of security of tenure to the entire population sufficient at least to protect them from forced evictions and other threats and harassment.
- Ensure that nobody is rendered homeless as a result of an eviction and is provided with adequate alternative housing.
- Ensure that all victims of forced evictions have access to independent and impartial adjudication of their complaints and to an effective remedy.
- Punish and prosecute state and non-state actors who violate the rights of residents, including those who use violence during the eviction process.
- Introduce an immediate moratorium on mass evictions until the above key reforms are implemented.

Above: A woman, surrounded by law enforcement officials, sits on a bulldozer in an attempt to stop the demolition of her house in Zhengzhou, capital of central China's Henan province, April 2007.

Front cover: A woman tries to protect her house from being demolished in Yangji village, Guangzhou city, Guangdong province, southern China, March 2012.

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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