

FREEDOM OF EXPRESSION

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FREEDOM OF EXPRESSION

Findings

- During the Commission's 2010 reporting year, Chinese authorities continued to maintain a wide range of restrictions that deny Chinese citizens their right to freedom of speech as guaranteed under China's Constitution. Chinese officials continued to justify such restrictions on grounds such as protecting state security, minors, or public order. They also asserted that freedom of expression is protected in China, and that restrictions on free expression imposed by the Chinese government meet international standards. In practice, however, authorities continued to misuse vague criminal laws intended to protect state security to instead target peaceful speech critical of the Communist Party or Chinese government. In December 2009, a Beijing court sentenced prominent intellectual Liu Xiaobo to 11 years in prison for "inciting subversion of state power," the longest known sentence for this crime. Liu's offenses were to publish essays online critical of the Communist Party and to help draft and circulate Charter 08, a treatise advocating political reform and human rights circulated online for signatures. Following demonstrations and riots in Urumqi, Xinjiang Uyghur Autonomous Region (XUAR), in 2009, authorities this past year used state security crimes to imprison a journalist and Web site administrators for expressing or failing to censor views critical of government policies in the region.
- While Chinese citizens now have unprecedented opportunities to express themselves through the Internet and other communication technologies, Chinese officials and private companies, as required by law, continued arbitrarily to remove or block political and religious content. They did so nontransparently and without clearly articulated standards. During the reporting year, Internet users and foreign media in China frequently found that politically sensitive news articles and discussions, including a domestic editorial cartoon that referred to the 1989 Tiananmen protests, had been removed or blocked from the Internet. Despite its noncompliance with international human rights standards, the Chinese government is waging a campaign to gain global acceptance for its model of Internet control.
- This past year, the controversy between the Chinese government and the U.S. company Google highlighted the potential for China's censorship requirements to serve as a trade barrier and to cause companies to stop providing services to Chinese citizens, further limiting the free flow of information.

- In the XUAR, China's maintenance of broad restrictions on the Internet, text messages, and international phone calls, put in place following the July 2009 demonstrations and riots in Urumqi and only gradually lifted starting in December 2009, illustrated the overbroad scope of China's restrictions on free expression.
- The Communist Party continued to view the news media as a tool to serve the Party's interests, in practice denying citizens their right to freedom of the press as guaranteed under China's Constitution. Throughout the reporting year, the Commission observed numerous instances of officials reportedly prohibiting news media from publishing certain stories, such as a local media interview with U.S. President Barack Obama during his November 2009 trip to China, or punishing news media for publishing certain stories, such as a Chinese domestic joint media editorial criticizing and calling for reform of China's household registration system.
- The government further strengthened its system of "prior restraints," by which the government may deny a person or group the use of a forum for expression in advance of the actual expression. Under this system, any person or group who wishes to publish a newspaper, host a Web site, or work as a journalist must receive permission from the government in the form of license or registration, and may also be required to meet other conditions, including political loyalty or financial requirements. In March 2010, an official announced the government would be tightening entry requirements for journalists by requiring them to pass a qualification exam for which knowledge of "Chinese Communist Party journalism" and "Marxist views" of news will be required.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Raise concerns over the Chinese government's efforts to gain global acceptance for its model of Internet control and the Chinese government's blanket defense of restrictions on freedom of expression as being in line with international practice, without differentiating between restrictions for legitimate purposes, such as to protect minors, and restrictions for impermissible purposes, such as to silence dissent. Emphasize that such arguments undermine international human rights standards for free expression, particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights.
- Engage in dialogue and exchanges with Chinese officials on the question of how governments can best ensure that restrictions on freedom of expression are not abused and do not exceed the scope necessary to protect state security, minors, and public order. Emphasize the importance of procedural protections such as public participation in formulation of restrictions on free expression, transparency regarding implementation of such restrictions, and independent judicial review of such re-

strictions. Reiterate Chinese officials' own calls for greater transparency and public participation in lawmaking. Such discussions may be part of a broader discussion on how both the U.S. and Chinese governments can work together to ensure the protection of common interests, including protecting minors, computer security, and privacy with regard to the Internet.

- Support the research and development of technologies that enable Chinese citizens to access and share political and religious content that they are entitled to access and share under international human rights standards but that is blocked by Chinese officials. Support tools and practices that enable Chinese citizens to access and share such content in a way that ensures their security and privacy.

- Call for the release of Liu Xiaobo and other political prisoners imprisoned on charges of endangering state security and other crimes but whose only offenses were to peacefully express support for political reform or criticism of government policies, including: Tan Zuoren (sentenced in February 2010 to five years in prison after using the Internet to organize an independent investigation into school collapses in an earthquake) and Huang Qi (sentenced in November 2009 to three years in prison for using his human rights Web site to advocate for parents of earthquake victims).

Introduction

The Chinese government and Communist Party's system of restrictions on free expression consists of two core components: content prohibitions and prior restraints. Content prohibitions are based on vague and broadly worded criminal and administrative provisions covering a wide range of media. These provisions prohibit Chinese citizens from expressing or accessing content the Party or government deems to "incite subversion of state power," "spread rumors," or "attack the Chinese Communist Party," among other things.¹ Such provisions continued to serve as the basis for punishing peaceful critics of the Party this past year. The Commission's 2009 Annual Report noted the arrest of prominent intellectual Liu Xiaobo as part of a crackdown on citizens who supported Charter 08, a treatise advocating political reform and human rights circulated online.² In December 2009, a Beijing court sentenced Liu to 11 years in prison for inciting subversion, the longest known sentence for that crime.³ Officials also moved forward with cases against Tan Zuoren and Huang Qi, the activists who criticized authorities for not doing enough to investigate school collapses in the May 2008 Sichuan earthquake.⁴ Courts in Sichuan province sentenced Tan to five years' imprisonment for inciting subversion and Huang to three years' imprisonment for leaking state secrets. These cases reflect officials' heightened concern about the Internet, as Liu, Tan, and Huang had peacefully used that medium for rights advocacy and political expression. Officials continued to censor political expression across a wide range of media, from the Internet to print publications. In March 2010, after 13 Chinese newspapers published a joint editorial criticizing and calling for reform of China's household registration system, officials disciplined

editors at the Economic Observer and ordered the editorial removed from Web sites.⁵

The second core component of China's system of restrictions, prior restraints, refers to a system by which the government controls, through a licensing requirement for example, who may use a forum for expression. In China, prior restraints are extensive. Any person or group wishing to publish a newspaper, magazine, or book;⁶ host a Web site;⁷ or work as a journalist⁸ must first obtain a license from or register with the government. Reflecting heightened concern over the Internet, the government during the Commission's 2010 reporting year sought to tighten prior restraints on those applying for domain names for Web sites, to curb anonymity on the Internet, and to crack down on unlicensed video Web sites. In the Xinjiang Uyghur Autonomous Region, the government shut down Internet, text messaging, and international phone call service altogether following demonstrations and riots in July 2009, and only gradually began lifting restrictions in December. Officials also sought to tighten control over the news industry nationwide, announcing in March 2010 a qualification exam for journalists that would require knowledge of "Chinese Communist Party journalism" and warning against unlicensed citizen journalists sharing news on the Internet.

INTERNATIONAL STANDARDS FOR FREE EXPRESSION

The Chinese government's content restrictions and prior restraints aimed at controlling political and religious content are inconsistent with international human rights standards and also with the rights to free speech and the press enumerated in China's Constitution.⁹ Chinese officials, however, continue to insist that these rights are protected.¹⁰ Under international human rights standards, a restriction on free expression is permitted so long as it is (1) for the purpose of respecting the rights or reputations of others or protecting national security, public order, public health or morals, or the general welfare; (2) set forth in law; and (3) narrowly tailored.¹¹ The vagueness of the Chinese government's content prohibitions provides Chinese officials with broad discretion to apply prohibitions for purposes impermissible under international human rights standards, such as to target criticism of the Communist Party.¹² The vagueness with which prohibitions are set forth in law also leaves citizens with no clear guidance on the boundaries of free speech.¹³ The government's prior restraints on various speech activities also are not narrowly tailored, allowing officials the discretion to suppress unlicensed expression that they find politically disagreeable.¹⁴ Moreover, officials apply restrictions on expression with little transparency¹⁵ and without sufficient judicial oversight.¹⁶

Abuse of Vague Criminal Law Provisions

CRIME OF SUBVERSION

During this reporting year, Chinese officials continued to label peacefully expressed criticism of the government or the Party as a threat to state security, relying in some cases on Article 105 of China's Criminal Law. Article 105 provides for sentences of up to life

imprisonment for attempts to subvert state power or up to 15 years for inciting such subversion.¹⁷ Chinese courts make little assessment of whether the speech in question poses an actual threat to state security.¹⁸ Chinese lawyers have noted that courts can apply Article 105 arbitrarily because no legislative or judicial interpretation defines the specific boundaries between free expression and state security.¹⁹ In June 2010, Joshua Rosenzweig of the Dui Hua Foundation, a human rights organization, said, “There’s little doubt that . . . the intent of the law against inciting subversion is the silencing of political speech.”²⁰

This past year, courts continued to punish alleged subversion in trials marred by procedural abuses and in which the defendants’ online activity figured prominently. The Beijing No. 1 Intermediate People’s Court levied what is reportedly the longest known sentence for inciting subversion, 11 years, against the prominent intellectual Liu Xiaobo in December 2009.²¹ [See box titled Liu Xiaobo below.] In February 2010, a court in Chengdu city sentenced the activist Tan Zuoren to five years in prison for inciting subversion.²² The court cited online essays Tan wrote criticizing the government’s handling of the 1989 Tiananmen protests, Tan’s efforts to commemorate the 20th anniversary of the protests, and interviews he gave to foreign media in which he criticized the government’s response to the May 2008 Sichuan earthquake.²³ Tan was detained while conducting an investigation into school collapses in the quake. During Tan’s trial, the judge refused to allow Tan’s lawyers to call witnesses or to show evidence, frequently cut his lawyers off, and barred reporters from the courtroom.²⁴ In October 2009, a court in Jiangsu province sentenced former professor Guo Quan to 10 years in prison for subversion for using the Internet to organize an “illegal” political party and publishing “reactionary” articles online.²⁵ [See Section III—Institutions of Democratic Governance.]

Liu Xiaobo

On December 25, 2009, the Beijing No. 1 Intermediate People’s Court sentenced the prominent intellectual Liu Xiaobo to 11 years in prison for inciting subversion.²⁶ The court cited six essays Liu had written and posted on the Internet as well as his work on Charter 08, a treatise advocating political reform and human rights circulated online for signatures.²⁷ The essays, with titles such as “The Chinese Communist Party’s Dictatorial Patriotism” and “Can It Be That the Chinese People Are Only Suited To Accepting ‘Party-Ruled Democracy?’”, criticize the Communist Party’s governance of China but do not advocate violence.²⁸ The court noted how Liu had taken advantage of the Internet’s “rapid transmission of information, broad reach, great social influence, and high degree of public attention.”²⁹ Liu’s case was marred by official abuses. When police first took Liu into custody in December 2008, they kept him under residential surveillance at a secret location instead of his home in Beijing and did so beyond the legal six-month limit.³⁰ At trial, the judge limited Liu’s defense lawyers to less than 20 minutes to present their arguments and prevented Liu from finishing his remarks.³¹ In February 2010, the Beijing High People’s Court affirmed the lower court judgment and rejected Liu’s argument that his residential surveillance amounted to de facto detention and should be counted toward time served.³² In March, officials in Shanghai municipality ordered Shanghai petitioner Mao Hengfeng to serve 18 months of reeducation through labor for shouting slogans outside Liu’s trial in December 2009.³³

OTHER CRIMES: SPLITTISM, STATE SECRETS, AND SLANDER

This past year authorities used legal provisions criminalizing slander and acts of endangering state security—“splittism” (separatism) and possessing or trafficking state secrets—to punish persons who criticized officials or who dealt with commercial information.

- *Gheyret Niyaz*. In July 2010, a court in Urumqi, Xinjiang Uyghur Autonomous Region (XUAR), sentenced Gheyret Niyaz, a Uyghur journalist and Web editor, to 15 years’ imprisonment for “leaking state secrets.” Prosecutors cited essays by Gheyret Niyaz addressing economic and social problems affecting Uyghurs; sources also connected the prison sentence to interviews Gheyret Niyaz gave to foreign media that criticized aspects of government policy in the XUAR.³⁴ [For information on other Uyghur cases, see box titled Free Expression Punished in Xinjiang in Section IV—Xinjiang.]
- *Xue Feng*. In July 2010, a Beijing court sentenced Xue Feng, a naturalized American citizen and geologist, to eight years in prison for trafficking state secrets.³⁵ Xue had helped an American company purchase information on oil wells in China.³⁶ Officials reportedly did not declare the information a state secret until after the purchase took place and allegedly tortured Xue.³⁷ Xue’s lengthy detention and trial violated China’s Criminal Procedure Law, while officials violated China’s consular treaty with the United States by delaying notification of the case and access to Xue by U.S. officials.³⁸
- *Tagyal (Shogdung)*. In May 2010, authorities in Qinghai province arrested the Tibetan writer known as Shogdung,

whose real name is Tagyal, on the charge of inciting splittism.³⁹ The writer had signed an open letter suggesting that people avoid sending donations for the April 2010 Yushu earthquake in Qinghai through official channels, citing corruption concerns, and had written a book about the March 2008 Tibetan protests.⁴⁰ [For information on other Tibetan cases, see box titled Imprisonment for Sharing Information, Cultural Expression in Section V—Tibet.]

- *Fan Yanqiong, Wu Huaying, and You Jingyou.* In April, a court in Fujian province sentenced Fan Yanqiong to two years in prison and Wu Huaying and You Jingyou each to one year in prison for the crime of slander (Article 246 of China’s Criminal Law) after they wrote essays and created a video documenting a mother’s claim that her daughter was gang-raped and murdered by people with ties to local police.⁴¹ The court claimed the allegations were fabricated and had caused a stir on the Internet.⁴² Authorities reportedly suspended the license of Wu’s lawyer before the trial.⁴³ The Commission’s 2009 Annual Report noted rising official abuse of Article 246 to retaliate against Internet whistleblowers.⁴⁴

- *Huang Qi.* In November 2009, a court in Chengdu city, Sichuan province, sentenced the rights activist Huang Qi to three years in prison for illegal possession of state secrets.⁴⁵ Huang’s human rights Web site advocated on behalf of grieving parents after the May 2008 Sichuan earthquake. Authorities have considerable discretion to declare almost any matter of public concern a state secret. [See box titled Open Government Information and the Amended State Secrets Law below.] Huang’s lawyer said the “state secrets” were rules for government agencies on dealing with citizen petitions.⁴⁶

[For information on authorities’ use of extralegal tactics and restrictions on freedom of movement to punish free expression, see Section II—Criminal Justice—Abuse of Police Powers: Suppression of Dissent and Section II—Freedom of Residence and Movement.]

Open Government Information and the Amended State Secrets Law

China's 2009–2010 National Human Rights Action Plan emphasizes citizens' "right to be informed" and says the "Chinese government will make more efforts to keep the public informed of government affairs, and improve relevant laws and regulations, so as to guarantee citizens' right of information."⁴⁷ Effective in May 2008, the Regulations on Open Government Information require governments to disclose information involving the vital interests of citizens and give citizens the right to request information.⁴⁸ One barrier to transparency, however, is a state secrets framework that gives officials wide latitude to declare almost any matter of public concern a state secret, from death penalty statistics to the state's reeducation through labor policy, and to deny requests for information.⁴⁹ The Commission's 2009 Annual Report noted that Chinese officials were considering proposed changes to the state secrets law in effect since 1989,⁵⁰ and in April 2010, the National People's Congress Standing Committee passed the amended Law on the Protection of State Secrets, which took effect on October 1, 2010.⁵¹ The definition of "state secrets" in the 2010 law, however, remains vague and broad. According to Article 9, a state secret may relate to major policy decisions on state affairs, national economic and social development, and science and technology, or other matters as determined by officials.⁵² Like the previous law, the amended law does not provide for any judicial review of a state agency's determination that information is a state secret. It remains to be seen whether other provisions in the amended law, including one that places time limits on state secrets, reduce the number of state secrets.⁵³

Internet and Other Electronic Media

CHINA'S INTERNET POLICY

As the Commission has documented in recent annual reports,⁵⁴ the Chinese government continued to encourage the Internet for economic development while maintaining political control over the medium. According to a white paper on the Internet released by the State Council Information Office (SCIO) in June 2010, the government plans to increase the percentage of Internet users from 28.9 percent of the population to 45 percent in five years.⁵⁵ According to official statistics, there were 420 million Internet users in China as of the end of June 2010, an increase of 82 million over the previous year.⁵⁶ The white paper noted the government's investments in Internet infrastructure and the role the Internet has played in driving China's economy.⁵⁷ The white paper also repeated the government's argument that increased access to the Internet, as evidenced by the large number of blogs in China and the presence of lively exchanges on China's Internet, shows that China "guarantees citizens' freedom of speech on the Internet."⁵⁸ This past year, Chinese citizens continued to use communication technologies to advocate for rights and to criticize government policies. In early summer 2010, for example, workers in China used the Internet and cell phones to organize and document strikes.⁵⁹ Such phenomena, however, are insufficient evidence that China guaran-

tees free speech, in light of the continued political censorship documented below.

While greater Internet access has afforded Chinese citizens unprecedented opportunities for expression, it has not signified Chinese officials' willingness to loosen political control. In an April 2010 speech before the National People's Congress Standing Committee, SCIO Director Wang Chen said the government is using the Internet to promote "positive propaganda"; "guide public opinion" (citing guidance of the Internet following unrest in Tibetan and Uyghur areas of China in 2008 and 2009); enhance China's "soft power"; and "balance the hegemony of the Western media."⁶⁰ Wang also said the government is campaigning to gain global acceptance for its model of Internet control:

Our nation has successively engaged in dialogue and exchanges with more than 70 countries and international organizations. We have explained our Internet management policy, introduced the achievements of our Internet construction . . . countered Western enemy forces' smears against us, and enhanced the international community's acceptance and understanding of our model of managing the Internet.⁶¹

Officials remained concerned about citizens' use of the Internet to network socially and post commentary. In mid-July 2010, Chinese and foreign media reported that officials were behind service disruptions at major microblogging sites, the removal of the blogs of well-known activists and lawyers, and increased monitoring of journalists' blogs.⁶² In April 2010, the *New York Times* reported that the SCIO had established a new bureau to monitor social networking sites, which have grown in popularity in China.⁶³ The Chinese government continued to employ paid agents to issue pro-government comments online.⁶⁴ In his April speech, Wang said officials would "strengthen the blocking of harmful information from outside [China's] borders."⁶⁵ In December 2009, Minister of Public Security Meng Jianzhu published an essay saying the Internet had become an important tool for "anti-China forces" and "a new challenge for public security forces safeguarding state security and social stability."⁶⁶

CENSORSHIP OF POLITICAL CONTENT

Scope of Censorship

Censorship of political content on the Internet remained pervasive this reporting year. The Chinese government readily acknowledges the blocking of some online content, such as content it considers to be pornographic,⁶⁷ but it provides few details about how it determines other content to block, including what political content it censors.⁶⁸ The scope of content the Chinese government requires authorities and private actors to censor remains ill-defined, and therefore allows officials to target political and religious content arbitrarily.⁶⁹ OpenNet Initiative, an Internet research organization, noted in a 2009 report that censors primarily target Chinese-language content, including content dealing with the 1989 Tiananmen protests, Tibetan rights, and Falun Gong, as well as "human rights, political reform, sovereignty issues, and circumvention tools."⁷⁰

The following are select examples of censored political content from the past year, as reported by Chinese Internet users and foreign media in China.

- News items were removed from Web sites, including an article examining the role of the Internet in mass incidents in China;⁷¹ a transcript of U.S. President Barack Obama's November 2009 town hall meeting in Shanghai, where he called for a free Internet;⁷² and a Chinese editorial cartoon that appeared to refer to the government suppression of the 1989 Tiananmen protests.⁷³
- In October 2009, the organizers of an overseas Web site inviting visitors to comment on the fall of the Berlin Wall reported the site was blocked in China.⁷⁴
- In March 2010, the Chinese government reportedly instructed Web sites to limit online discussion of the controversy between the U.S. technology company, Google, and the Chinese government.⁷⁵
- In April 2010, Internet users reportedly were unable to search the word "carrot" on the Internet because it shares the same Chinese character as "Hu" in President Hu Jintao's name.⁷⁶
- In May 2010, several popular Uyghur Web sites remained shut down after authorities restored Internet access to the XUAR.⁷⁷

China's Internet Censors and the Rule of Law

Both Chinese officials and Internet companies in China have a responsibility under China's laws and regulations to censor content. Chinese officials block or filter access to foreign Web sites through control of the gateway connection between China and the global Internet.⁷⁸ Chinese authorities continue to block social media sites based overseas, such as Facebook, YouTube, Twitter, and Flickr.⁷⁹ According to Xiao Qiang, an expert on China's Internet based at the University of California at Berkeley, "There is an Internet monitoring and surveillance unit in every city, wherever you have an Internet connection."⁸⁰ Chinese Internet regulations provide lists of prohibited categories of content including content that "harms the honor or interests of the nation," "destroys ethnic unity," "spreads rumors," or "disrupts national policies on religion."⁸¹ These vague and broadly worded categories provide little guidance to Internet users or Internet companies in China,⁸² the latter of which are required by Chinese regulations to censor content and to monitor and report customer activity to authorities.⁸³ [See box titled Chinese Media Article Exposes Problems With China's Internet Censorship below.] In January 2010, Chinese cell phone users complained about unclear standards during a crackdown on text messages containing pornography or "unhealthy" information.⁸⁴ Vague content prohibitions also apply to other electronic media, such as television.⁸⁵

Chinese Media Article Exposes Problems With China's Internet Censorship
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<p>The Global Times, which operates under the official People's Daily, issued a rare article in February 2010 on the subject of Internet censorship in China that highlighted a number of problems, including lack of transparency and clear standards and the absence of adequate procedural protections.⁸⁶ According to a professor of Internet politics at Nanjing University cited in the article, the 14 regulations dealing with online content in China are all vague and lack detailed provisions.⁸⁷ The professor also noted that content bans were becoming increasingly unpredictable and that affected Internet users receive no explanation or opportunity to appeal.⁸⁸ The article noted how these factors led Internet users to practice self-censorship and placed pressure on Internet companies, especially those without government connections, who feared being closed down for any misstep.⁸⁹</p>

This past year, the government introduced measures that could increase the pressure on Internet companies to censor politically sensitive content. In April 2010, the National People's Congress Standing Committee passed an amended state secrets law, effective October 1, 2010.⁹⁰ [For more information, see the box titled Open Government Information and the Amended State Secrets Law above.] The law retains the vague definition of state secrets that allows officials to declare almost any matter of public concern a state secret.⁹¹ In addition, the amended law adds a new provision, Article 28, which requires Internet and other telecommunication companies to cooperate with authorities' investigation of state secret leaks and, upon discovering a leak, to stop transmission of the secret, preserve any relevant records, and notify officials.⁹² This provision further codifies in law a requirement that appears in existing administrative regulations.⁹³ Internet companies that violate Article 28 will face punishment from police, state security officers, or government officials.⁹⁴ In December 2009, the National People's Congress Standing Committee issued the Tort Liability Law, effective July 1, 2010, which includes a provision (Article 36) exposing Internet service providers (ISPs) to liability for failing to remove content that infringes upon the rights of others, to the extent the ISP is aware of or is informed of such content.⁹⁵ A state-controlled media article noted that the liability provision could pressure ISPs to be overzealous in removing content, including politically sensitive content.⁹⁶ Furthermore, the article said it is unclear to what extent the "aware" clause requires ISPs to actively search the Internet for prohibited content.⁹⁷

The pressure to censor politically sensitive content affects foreign companies in China in ways that may have an impact on trade and may further limit the free flow of information, as the controversy between the Chinese government and the U.S. company Google this past year clearly illustrated. In January 2010, Google announced that partly because of "attempts over the past year to further limit free speech on the web" in China, the company was "no longer willing to continue censoring" search results on Google.cn, its search engine for China.⁹⁸ In explaining the problems Google faced in China, a Google representative told the Commission at a

March 2010 hearing that Chinese government censorship requests put Google in a “terribly difficult position” because “there’s not very much transparency at all about what’s being requested, and whether it’s being requested of everybody.”⁹⁹ Google’s stated refusal to censor the search engine it created for the Chinese market raised the possibility that it would be forced to shut down this service. Some Chinese citizens supported Google’s position but worried about losing access to a source of information that censored less than domestic alternatives.¹⁰⁰ In February, *Nature* magazine released a survey of 784 Chinese scientists, 84 percent of whom said that blocked access to Google would “somewhat or significantly” hinder their research.¹⁰¹ Google announced in March that it would automatically redirect mainland users to its less censored Hong Kong site, but in June modified this practice out of fear that the Chinese government would not renew Google’s Internet content license.¹⁰²

PRIOR RESTRAINTS AND BROAD RESTRICTIONS ON INTERNET ACCESS

This past year, officials sought to tighten broad prior restraints on citizens’ ability to post content on the Internet. All Web sites hosted in China are required either to be licensed by or registered with the government, and sites providing news content or audio and video services require an additional license or registration.¹⁰³ In December 2009, the state-run domain name registrar announced rules barring individuals from registering for the Chinese domain name “.cn” for their Web sites, limiting registrations to only entities with business licenses.¹⁰⁴ Although officials and domestic and foreign media cited pornography and online fraud concerns with “.cn” sites, some in China questioned the reasonableness of banning all individual registrations.¹⁰⁵ In February 2010, the government rescinded the ban, but added a new requirement that applicants must submit a photo and meet in person with the Internet service provider assisting people with Web site registration, which could have a chilling effect given China’s restrictions on political content.¹⁰⁶ In its 2009 Annual Report, the Commission also reported that the government had issued a secret directive requiring Internet users in China to provide their real name and identification number before posting a comment on major news Web sites.¹⁰⁷ This past year, Wang Chen, the State Council Information Office Director, confirmed the existence of the requirement and said the government was exploring a real name identification system for comment services generally.¹⁰⁸

The government continued its periodic crackdown on illegal Web sites, often couched as anti-pornography campaigns. A February 2010 report by the government news agency Xinhua indicated, however, that only 12 percent of the 136,000 Web sites targeted in a government crackdown were shut down for having pornography, while most had failed to register.¹⁰⁹ Officials continued to target sites devoted to posting news or videos. In November 2009, officials shut down Yeeyan, a site that published translations of English and Chinese articles, for failing to have a license to provide news.¹¹⁰ To obtain a license to provide online news in China, an applicant must have at least five full-time news editors with at least three years of experience in journalism, as well as registered

capital of no less than 10 million yuan (US\$1.48 million).¹¹¹ Yeeyan reportedly came back online 39 days later, after removing all “political news” from the site.¹¹² As the Commission reported in its 2008 Annual Report, a 2008 regulation requires audio and video Web sites to be wholly state-owned or state-controlled in order to obtain a license.¹¹³ In December 2009, officials in a crackdown on unlicensed audio and video sites shut down BTChina, a popular video-sharing site, which they also accused of hosting pornography.¹¹⁴ The owner denied the pornography charge and said that government regulations prevented him from obtaining a license.¹¹⁵ A September 2009 government notice stated that beginning in March 2010, officials nationwide would need to inspect their jurisdictions for audio and video Web sites operating without a license.¹¹⁶

In the Xinjiang Uyghur Autonomous Region (XUAR), authorities maintained blanket restrictions on the Internet, international phone calls, and text messages, put in place following demonstrations and riots in Urumqi starting July 2009, and gradually began lifting them only after almost half a year had passed.¹¹⁷ It was not until May 2010 that officials restored more complete Internet access.¹¹⁸ Authorities claimed that overseas elements had directed the violence¹¹⁹ and that restrictions were imposed to prevent further violence.¹²⁰ The actual role the communication devices played in violent rioting (as opposed to demonstrations) was unclear,¹²¹ however, and the wide-reaching restrictions—affecting all Internet, SMS, and international phone content and lasting for months after the July 2009 events—exceeded permissible boundaries allowable under international human rights standards. [See International Standards for Free Expression in this section.] The press freedom organization Reporters Without Borders noted in October 2009 that the restrictions were overbroad and prevented XUAR residents from sharing information about the ensuing government crackdown.¹²² [For more information, see Section IV—Xinjiang—Controls Over Free Expression.]

Freedom of the Press

STATE POLICY

While China’s Constitution guarantees freedom of the press, in practice Communist Party and government control and regulation of Chinese news media and publishing continued to violate international standards. [See International Standards for Free Expression in this section.] International standards prohibit restrictions on free expression for political control, but in China the official policy is that the media is subordinate to the Party’s interests. In a November 2009 speech, top Party official Li Changchun marked Journalists’ Day in China by telling journalists to “persist in strengthening and improving the Party’s leadership over news propaganda work.”¹²³ This policy continued to be reflected in media coverage of major events. Following the April 2010 Yushu earthquake in Qinghai province, Li said that propaganda reporting had been effectively utilized to “create a good public opinion atmosphere” for disaster relief work and told Chinese media to reflect the “good(ness)” of the Communist Party and ethnic groups “uniting”

in disaster relief.¹²⁴ The government also continued with state-led expansion of the media industry in order to spread China's influence globally. In July 2010, the central government's news agency Xinhua launched a global English-language television channel.¹²⁵

NEWS MEDIA

Censorship and Guidance of News

This past year, the Commission observed numerous reports of officials continuing to direct media coverage of topics they deemed politically sensitive. The Party, primarily through the Central Propaganda Department, issues frequent directives to Chinese news media informing them about the stories they can and cannot cover or how to cover a story, including requiring them to run only Xinhua reports.¹²⁶ The following table indicates some of the publicly known directives over the past year, as well as other instances where officials sought to control news coverage:

Restricted Topic	Restriction
November 2009—Southern Weekend's interview with U.S. President Barack Obama.	Ban on reprinting of interview and posting on the Internet. ¹²⁷
January 2010—Lunar New Year Holiday in February.	CCTV (national television station) ordered to avoid negative news. ¹²⁸
March 2010—Dispute between Google and Chinese government over Internet censorship.	News Web sites ordered not to report information released by Google, to play down Chinese citizens' displays of support for Google, and to publish only stories by central government media. ¹²⁹
March 2010—Annual meetings of National People's Congress and Chinese People's Political Consultative Conference. ¹³⁰	Ban on negative news on front pages and in headlines. ¹³¹
April 2010—Coal mine disaster in Shanxi province.	Local officials reportedly ordered journalists to leave the area and reduce coverage. ¹³²
April 2010—Yushu earthquake in Qinghai province.	Officials attempted to ban non-local journalists from covering quake. Media later ordered to reduce coverage and focus on Shanghai 2010 World Expo. ¹³³
April 2010—Shanghai 2010 World Expo.	Officials ordered news media to adhere to only central media reports when activities of central officials are concerned. ¹³⁴

Political Loyalty and Prior Restraints

The Chinese government claims that government licensing and supervision of journalists is needed to prevent corruption and protect journalists.¹³⁵ Journalists continue to be subject, however, to political requirements unrelated to corruption or protecting journalists. In March 2010, a high-level official at the General Administration of Press and Publication (GAPP), the Chinese government's main regulator of the press, said that journalists in China would be required to pass a new qualification exam that will test them on their knowledge of "Chinese Communist Party journalism" and Marxist views of news.¹³⁶ In November, the All-China Journalists Association issued a revised ethics code that maintains political requirements, including to "be loyal to the Party," "persist in correct guidance of public opinion . . . giving first place to positive propaganda," and "abide by the Party's discipline for news workers."¹³⁷ Government warnings against unlicensed journalistic activity also appear intended to ensure centralized control over the news. In a February 2010 People's Daily interview, a GAPP official noted that commercial Web sites and unlicensed "Internet journalists" are not allowed to independently report news on the Internet.¹³⁸ The official said that the only news Web sites that are allowed to conduct their own reporting are "traditional media" already licensed by the government, naming as examples People.com.cn (of the Party's flagship newspaper People's Daily) and Xinhuanet.com (of the central government's news agency).¹³⁹ The close ties between some media and the state may exacerbate corruption among journalists. According to one foreign news organization, "[w]hen journalists from China's top news agencies approach a bureaucrat or businessmen, they have not only market power behind them but something even more formidable, the power of the state."¹⁴⁰

Punishment of Journalists and Newspapers

Chinese journalists and newspapers continued to face official pressure and punishment for reporting on issues authorities deemed to be sensitive. In November 2009, General Administration of Press and Publication (GAPP) officials "severely punished" four newspapers for publishing what they deemed to be "false" reports claiming that much of China's wealth is held by a small percentage of the population.¹⁴¹ In May 2010, GAPP officials ordered Business Watch to halt publication for one month because it had published an article on a major state power company's alleged monopolistic activities.¹⁴² The story was published during the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March 2010 and prompted some delegates to criticize the power company.¹⁴³ Authorities reportedly cited Business Watch for "violating propaganda discipline" and creating a "negative influence."¹⁴⁴ In early March, the Central Propaganda Department reportedly issued a warning to top editors at the Economic Observer, after it and 12 other newspapers jointly published an editorial criticizing and calling for reform of China's household registration system.¹⁴⁵ Zhang Hong, an editor and co-author of the editorial, reportedly was removed from his position. [For more information, see Section II—Freedom of Residence and Movement—Significant Household Registration (Hukou) Policies and

Regulatory Developments in 2010—The Joint Editorial on Hukou Reform]. In May 2010, an editor of the China Economic Times was reportedly removed from his position after the paper reported that poorly handled vaccinations in Shanxi province led to deaths and sickening of children.¹⁴⁶ [For more information, see Section II—Public Health.]

Foreign and Hong Kong Journalists

Credentialed journalists reporting for foreign news organizations in China are subject to fewer restrictions than their domestic counterparts but continued to face harassment. As a result of China hosting the Olympics in 2008, since January 2007, foreign journalists allowed into China technically may report without additional government permission, with the notable exception of permission being required to enter restricted areas such as the Tibet Autonomous Region.¹⁴⁷ At the World Media Summit held in Beijing in October 2009, President Hu Jintao promised that the government would “guarantee the legitimate rights and interests of foreign news organizations and reporters, and facilitate coverage and reporting by foreign media in China according to relevant laws and regulations.”¹⁴⁸ The Foreign Correspondents’ Club of China, however, reported several cases of harassment this past year when reporters tried to cover sensitive events or geographic areas. In November 2009, police and local foreign affairs officers in Kashgar city, Xinjiang Uyghur Autonomous Region (XUAR), reportedly harassed Italian and American journalists after finding out their occupation.¹⁴⁹ In February 2010, police in Chengdu city, Sichuan province, forced nine Hong Kong reporters into a holding room under the pretext that they wanted to check the journalists’ credentials.¹⁵⁰ The reporters were attempting to cover the trial of activist Tan Zuoren. The police released the reporters only after the verdict was announced. The reporters encountered further harassment outside the court as they tried to interview Tan’s lawyer.¹⁵¹

Chinese authorities continued to harass Chinese citizens working with foreign journalists and to prevent citizens from speaking to foreign journalists. In late April 2010, authorities threatened a Chinese employee with loss of work after he helped a German journalist film video of a migrant school slated for demolition in Beijing.¹⁵² Police accused the assistant of conducting “independent” reporting.¹⁵³ In June 2010, public security officials in the XUAR reportedly ordered people not to speak to foreign journalists without authorization in the wake of the one-year anniversary of the July 2009 demonstrations and riots in Urumqi.¹⁵⁴

PUBLICATIONS

Prior Restraints and Political Publications Considered Illegal

The Chinese government continued to engage in campaigns to root out unlicensed publications and publications containing what officials deemed to be “illegal” political content. All newspapers and publications must be licensed by the government, have a government sponsor, and meet certain financial requirements.¹⁵⁵ Chinese regulations include vague and sweeping prohibitions on the publication of materials that “destroy ethnic unity, or infringe upon eth-

nic customs and habits,” “propagate evil cults or superstition,” or “harm the honor or interests of the nation.”¹⁵⁶ The non-governmental organization Chinese Human Rights Defenders reported in March 2010 that the government Web site of Jilin city, Jilin province, posted an article on how the city’s local press and publications bureau was targeting 38 different kinds of “illegal political publications,” including those “attacking the Party and the country’s leaders,” “attacking the Party’s policies,” and “inciting ethnic splittism.” Banned publications included those about China’s present and former leaders, Charter 08 (a political reform and human rights treatise), the XUAR and Tibetan protests and riots of the last two years, and the Dalai Lama.¹⁵⁷ In July 2010, the writer Yu Jie said police threatened him with imprisonment if he published a book critical of China’s Premier Wen Jiabao.¹⁵⁸

Officials waged campaigns against “illegal” publications around politically sensitive events or areas. Following the April 2010 Yushu earthquake in Qinghai province, the Qinghai “Sweep Away Pornography and Strike Down Illegal Publications” Office issued a notice calling on officials to strengthen supervision of the “cultural market” to ensure it “remains stable and orderly.”¹⁵⁹ The Ministry of Culture, from April to June 2010, waged a campaign against “illegal” political publications and cultural products centered on major tourist sites, ethnic minority areas, and Shanghai, host of the 2010 World Expo.¹⁶⁰ In May, the official newspaper China Daily reported that local authorities in Lhasa city, Tibet Autonomous Region (TAR), passed a rule requiring anyone wishing to make photocopies to supply their ID and have their ID numbers registered. The article cited a police official’s claim that “separatists” hand out banners and pamphlets with illegal content in the TAR.¹⁶¹

Notes to Section II—Freedom of Expression

¹See, e.g., PRC Criminal Law, enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, art. 105; Provisions on the Administration of Internet News Information Services [Hulianwang xinwen xinxi fuwu guanli guiding], issued and effective 25 September 05, art. 19(6); PRC Measures for Overseeing the Import and Export of Printed Materials and Audio-Visual Materials Through Customs [Zhonghua renmin gongheguo haiguan jinchu jing yinshuapin ji yinxiang zhipin jianguan banfa], issued 18 April 07, effective 1 June 07, art. 4(4).

²CECC, 2009 Annual Report, 10 October 09, 48.

³Michael Wines, “Dissident Chinese Writer Appeals Sentence,” *New York Times* (Online), 4 January 10; Political Prisoners in China: Trends and Implications for U.S. Policy, Hearing of the Congressional-Executive Commission on China, 3 August 10, Written Statement Submitted by Joshua Rosenzweig, Senior Manager, Research and Hong Kong Operations, The Dui Hua Foundation.

⁴CECC, 2009 Annual Report, 10 October 09, 47–48.

⁵Ng Tze-wei, “‘End Hukou System’ Call Earns Rebuke,” *South China Morning Post* (Online), 6 March 10; For CECC analysis, see “Joint Editorial Calling for Hukou Reform Removed From Internet Hours After Publication, Co-Author Fired,” CECC China Human Rights and Rule of Law Update, No. 4, 21 April 10, 1–2.

⁶Regulations on the Administration of Publishing [Chuban guanli tiaoli], issued 25 December 01, effective 1 February 02, art. 15.

⁷Measures for the Administration of Internet Information Services [Hulianwang xinxi fuwu guanli banfa], issued 20 September 00, effective 25 September 00, art. 4; Registration Administration Measures for Non-Commercial Internet Information Services [Fei jingyingxing hulianwang xinxi fuwu bei’an guanli banfa], issued 8 February 05, effective 20 March 05, art. 5.

⁸Measures for Administration of News Reporter Cards [Xinwen jizhe zheng guanli banfa], issued 24 August 09, effective 15 October 09, arts. 11, 12, 16.

⁹PRC Constitution, adopted 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 35. Article 41 also provides the right to criticize officials free from retaliation. PRC Constitution, art. 41.

¹⁰For example, the State Council Information Office released a white paper on the Internet in June 2010 which stated that the government “guarantees the citizens’ freedom of speech on the Internet.” State Council Information Office, *White Paper on the State of the Internet in China* [Zhongguo hulianwang zhuangkuang], 8 June 10.

¹¹International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 19; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 19, 29. The UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression has also used this three-factor test to describe the standard for determining when a restriction is permissible under Article 19, paragraph 3 of the ICCPR. UN GAOR, Hum. Rts. Coun., 14th Sess., Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, A/HRC/14/23, 20 April 10, para. 74. China signed the ICCPR in 1998. The Chinese government has committed to ratifying the ICCPR and says it is taking concrete steps to prepare for ratification. In November 2009, a Joint Statement of the 12th EU-China Summit said, “The EU welcomed China’s commitment to ratifying the [ICCPR] as soon as possible.” Joint Statement of the 12th EU-China Summit, reprinted in China Internet Information Center (Online), 30 November 09. In October 2009, Ambassador Liu Zhenmin, China’s Deputy Permanent Representative to the United Nations, said, “At present, legislative, judicial and administrative reforms are under way in China with a view to aligning our domestic legislation with the provisions of the [ICCPR] and paving the way for its ratification.” Permanent Mission of the People’s Republic of China to the UN (Online), “Statement by H.E. Ambassador Liu Zhenmin, Deputy Permanent Representative of China to the United Nations, at the Third Committee of the 64th Session of the General Assembly on the Implementation of Human Rights Instruments (Item 69A),” 20 October 09. In its 2009–2010 National Human Rights Action Plan issued in April 2009, the Chinese government stated that the ICCPR was one of the “fundamental principles” on which the plan was framed, and that the government “will continue legislative, judicial and administrative reforms to make domestic laws better linked with this Covenant, and prepare the ground for approval of the ICCPR.” State Council Information Office, National Human Rights Action Plan of China (2009–2010), Xinhua (Online), 13 April 09, introduction, sec. V(1). In February 2009, during the UN Human Rights Council’s Universal Periodic Review of the Chinese government’s human rights record, the Chinese government supported recommendations made by Member States that China ratify the ICCPR. Chinese officials said China was in the process of amending domestic laws, including the criminal procedure law and laws relating to reeducation through labor, to make them compatible with the ICCPR. UN GAOR, Hum. Rts. Coun., 11th Sess., Report of the Working Group on the Universal Periodic Review—China, A/HRC/11/25, 3 March 09, paras. 63, 114(1).

¹²In October 2009, the UN Human Rights Council adopted a resolution that identified a number of restrictions that are inconsistent with the freedom of expression provision in the International Covenant on Civil and Political Rights (i.e., Article 19), including restrictions on “discussion of government policies and political debate,” “reporting on human rights,” and “expression of opinion and dissent.” UN GAOR, Hum. Rts. Coun., 12th Sess., Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, adopted by Human Rights Council resolution 12/16, A/HRC/RES/12/16, 12 October 09, para. 5(p)(i).

¹³See, e.g., Zhang Lei, “Publish and Be Deleted,” *Global Times* (Online), 25 February 10.

¹⁴International experts on freedom of expression have declared licensing schemes for print media unnecessary and subject to abuse and have found press accreditation appropriate only where necessary to provide access to certain places and events. UN Press Release, UN Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Cooperation in Europe Representative on Freedom of the Media, and the Organization of American States Special Rapporteur on Freedom of Expression, “International Experts Condemn Curbs on Freedom of Expression and Control Over Media and Journalists,” 18 December 03.

¹⁵Zhang Lei, “Publish and Be Deleted,” *Global Times* (Online), 25 February 10.

¹⁶Committee to Protect Journalists (Online), “Falling Short: Olympic Promises Go Unfulfilled as China Falter on Press Freedom,” 2008, 36.

¹⁷PRC Criminal Law, enacted 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, art. 105.

¹⁸See, e.g., a Beijing court’s December 2009 decision in the Liu Xiaobo case in which the court provided no evidence that Liu advocated violence in his works. Human Rights in China (Online), “Case Update: International Community Speaks Out on Liu Xiaobo Verdict,” 30 December 09. For CECC analysis, see “Liu Xiaobo Appeals Sentence; Official Abuses Mar Case From Outset,” CECC China Human Rights and Rule of Law Update, No. 2, 5 February 10, 2.

¹⁹“Lawyer Shang Baojun Speaks About Liu Xiaobo’s Appeal” [Shang baojun lushi tan liu xiaobo shangshu], *Radio France Internationale* (Online), 5 January 10; Maggie Chen, “Freedom of Speech Defence Bound To Fail,” *South China Morning Post* (Online), 7 June 10.

²⁰Maggie Chen, “Freedom of Speech Defence Bound To Fail,” *South China Morning Post* (Online), 7 June 10.

²¹Michael Wines, “Dissident Chinese Writer Appeals Sentence,” *New York Times* (Online), 4 January 10; Political Prisoners in China: Trends and Implications for U.S. Policy, Hearing of the Congressional-Executive Commission on China, 3 August 10, Written Statement Submitted by Joshua Rosenzweig, Senior Manager, Research and Hong Kong Operations, The Dui Hua Foundation.

²²“Chengdu Intermediate People’s Court Criminal Judgment,” *Canyu* (Online), 9 February 10. For CECC analysis, see “Chengdu Court Sentences Tan Zuoren to Five Years and Upholds Huang Qi’s Sentence,” CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10, 1.

²³*Ibid.*

²⁴Bao Daozu, “Activist on Trial for Subversion,” *China Daily* (Online), 13 August 09.

²⁵“Suqian Intermediate People’s Court of Jiangsu Province Criminal Verdict [in case of Guo Quan],” *Dui Hua Foundation* (Online), 16 October 09. For CECC analysis, see “Jiangsu Court Affirms 10-Year Sentence of Guo Quan for Organizing Political Party Online,” CECC China Human Rights and Rule of Law Update, No. 2, 5 February 10, 2.

²⁶Human Rights in China (Online), “Case Update: International Community Speaks Out on Liu Xiaobo Verdict—Beijing Municipal No. 1 Intermediate People’s Court Criminal Verdict,” 30 December 09. For CECC analysis, see “Beijing High People’s Court Affirms Liu Xiaobo’s 11-Year Sentence,” CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10, 3.

²⁷Human Rights in China (Online), “Case Update: International Community Speaks Out on Liu Xiaobo Verdict—Beijing Municipal No. 1 Intermediate People’s Court Criminal Verdict,” 30 December 09. For CECC analysis, see “Beijing Court Sentences Liu Xiaobo to 11 Years,” CECC China Human Rights and Rule of Law Update, No. 1, 8 January 10, 1.

²⁸For a complete English translation of each of these essays, see Human Rights in China, “Freedom of Expression on Trial in China,” *China Rights Forum* No. 1, 2010, 17–67. For a CECC analysis and summary of the essays, see “Prosecutors Indict Liu Xiaobo; Trial To Take Place December 23,” CECC China Human Rights and Rule of Law Update, No. 1, 8 January 10, 1.

²⁹Human Rights in China (Online), “Case Update: International Community Speaks Out on Liu Xiaobo Verdict—Beijing Municipal No. 1 Intermediate People’s Court Criminal Verdict,” 30 December 09.

³⁰“China Extends Detention of Leading Dissident,” *Agence France-Presse* (Online), 9 June 09.

³¹Chinese Human Rights Defenders (Online), “Liu Xiaobo Sentenced to 11 Years in Prison,” 25 December 09.

³²“Final Decision on Liu Xiaobo’s Appeal of Inciting Subversion Case” [Liu xiaobo shexian shandong dianfu guojia zhengquan shangshu yi an zhongshen caiding shu], *Boxun* (Online), 9 February 10.

³³Human Rights in China (Online), “Shanghai Petitioner To Serve 18 Months of Reeducation-Through-Labor After Shouting Slogans,” 9 March 10.

³⁴See, e.g., Alexa Olesen, “China Sentences Uighur Writer to 15 Years in Jail,” *Associated Press*, reprinted in *Washington Post* (Online), 23 July 10; “Uyghur Journalist Gets 15 Years,” *Radio Free Asia* (Online), 22 July 10. For information on the charge against him, see “Many Scholars Make Appeal: Release Xinjiang Reporter, Respect Freedom of Speech” [Zhong xuezhue huyu: shifang xinjiang jizhe zunzhong yanlun ziyou], *Chinese Human Rights Defenders*, reprinted in *Boxun* (Online), 30 July 10.

³⁵James T. Areddy, “Geologist Sought Oil-Industry Data,” *Wall Street Journal* (Online), 6 July 10.

³⁶*Ibid.*

³⁷*Dui Hua Foundation* (Online), “China Sentences American Geologist on State Secrets Charge,” 4 July 10; Charles Hutzler, “Xue Feng, American Geologist, Held and Mistreated by China,” *Associated Press*, reprinted in *Huffington Post* (Online), 19 November 09.

³⁸Jerome A. Cohen, “Justice Denied,” *South China Morning Post* (Online), 21 July 10.

³⁹“Quake Critic Arrested,” *Radio Free Asia* (Online), 4 June 10.

⁴⁰*Ibid.*; International Campaign for Tibet (Online), “A ‘Raging Storm’: The Crackdown on Tibetan Writers and Artists After Tibet’s Spring 2008 Protests,” 18 May 10.

⁴¹Chinese Human Rights Defenders (Online), “Three Fujian Digital Activists Convicted as Thousands Gather in Landmark Protest,” 16 April 10; “Criminal Judgment [of Fujian Province Fuzhou City Mawei District People’s Court]” [Xingshi panjue shu], reprinted in Chinese Human Rights Defenders (Online), 16 April 10, 25–26.

⁴²“Criminal Judgment [of Fujian Province Fuzhou City Mawei District People’s Court]” [Xingshi panjue shu], reprinted in Chinese Human Rights Defenders (Online), 16 April 10, 25–26.

⁴³China Human Rights Lawyers Concern Group (Online), “Fujian Lawyer Lin Hongnan and His Law Firm Punished—Retaliation for Taking Up the ‘Three Fuzhou Netizens’ Case” [Fujian lin hongnan lushi yu lushi shiwusuo jieban “san wangmin” an zao baoфу], 3 May 10.

⁴⁴CECC, 2009 Annual Report, 10 October 09, 50.

⁴⁵Sharon LaFraniere, “School Construction Critic Gets Prison Term in China,” *New York Times* (Online), 23 November 09. For CECC analysis, see “Authorities Sentence Rights Activist Huang Qi to Three Years in Prison,” CECC China Human Rights and Rule of Law Update, No. 1, 8 January 10, 2.

⁴⁶Keith Richburg, “China Sentences Quake Activist to 3 Years in Prison,” *Washington Post* (Online), 23 November 09.

⁴⁷State Council Information Office, National Human Rights Action Plan of China (2009–2010), *Xinhua* (Online), 13 April 09, sec. II(5).

⁴⁸Regulations of the People’s Republic of China on Open Government Information [Zhonghua renmin gongheguo zhengfu xinxi gongkai tiaoli], issued 5 April 07, effective 1 May 08, arts. 9, 13.

⁴⁹Article 8 of the previous state secrets law defines state secrets as, among other things, secrets relating to “major policy decisions on state affairs” (clause 1), “national economic and social development” (clause 4), “science and technology” (clause 5), as well as “other matters that are classified as state secrets by the state secret-guarding department” (clause 7). PRC Law on Guarding State Secrets, issued 5 September 88, effective 1 May 89, art. 8. Minzu University Professor Xiong Wenzhao has said that, under clause 7 of Article 8, “all information can be brought within the scope of a secret to be guarded.” “Guarding State Secrets Law Implemented for 20 Years, Scholars Suggest the Procedures for Determining a Secret Be Made Clear” [Baoshou guojia mimi fa shishi 20 nian, xuezhe jianyi mingxi dingmi chengxu], *China Ningbo Net* (Online), 20 April 09. A June 2009 *China Daily* editorial said: “In theory, government institutions, should they choose to do so, have the authority to label everything as State secrets.” “Redefine State Secrets,” *China Daily* (Online), 23 June 09. See also, *Dui Hua Human Rights Journal* (Online), “Lawyer’s Request for RTL Information Disclosure Rebuffed by Chinese Ministry of Justice,” 18 June 09.

⁵⁰CECC, 2009 Annual Report, 10 October 09, 66.

⁵¹PRC Law on the Protection of State Secrets, issued 29 April 10, effective 1 October 10. For CECC analysis, see “National People’s Congress Standing Committee Issues Revised State Secrets Law,” CECC China Human Rights and Rule of Law Update, No. 5, 4 June 10, 2.

⁵²PRC Law on the Protection of State Secrets, issued 29 April 10, effective 1 October 10, art. 9.

⁵³*Ibid.*, arts. 15, 19.

⁵⁴See, e.g., CECC, 2007 Annual Report, 10 October 07, 81.

⁵⁵State Council Information Office, White Paper on the State of the Internet in China [Zhongguo hulianwang zhuangkuang], 8 June 10.

⁵⁶China Internet Network Information Center (Online), “26th Statistical Report on Internet Development in China” [Di 26 ci zhongguo hulianwangluo fazhan zhuangkuang diaocha tongji baogao], 15 July 10, 10.

⁵⁷State Council Information Office, White Paper on the State of the Internet in China [Zhongguo hulianwang zhuangkuang], 8 June 10.

⁵⁸*Ibid.*

⁵⁹Ariana Lindquist, “In China, Labor Movement Enabled by Technology,” *New York Times* (Online), 17 June 10.

⁶⁰Wang Chen, “Regarding Our Nation’s Internet Development and Supervision” [Guanyu wo guo hulianwang fazhan he guanli], National People’s Congress (Online), 29 April 10.

⁶¹*Ibid.*

⁶²Cao Minjie, “Four Major Microblog Sites ‘Fall Back’ to Testing Mode” [Si da menhu weibo “tuhua” cheng ceshi ban], *Oriental Morning Post* (Online), 15 July 10; Jonathan Ansfield, “China Tests New Controls on Twitter-Style Services,” *New York Times* (Online), 16 July 10; Cara Anna, “Dozens of Outspoken, Popular Blogs Shut in China,” *Associated Press*, reprinted in *Washington Post* (Online), 15 July 10; Priscilla Jiao, “Bloggers Attract Censors’ Sights as Internet Crackdown Continues,” *South China Morning Post* (Online), 17 July 10. For CECC analysis, see “Government Appears To Crack Down on Microblogs and Blogs,” CECC China Human Rights and Rule of Law Update, No. 7, 19 August 10, 4.

⁶³Jonathan Ansfield, “China Starts New Bureau To Curb Web,” *New York Times* (Online), 16 April 10.

⁶⁴Michael Wines, Sharon LaFraniere, and Jonathan Ansfield, “China’s Censors Tackle and Trip Over the Internet,” *New York Times* (Online), 7 April 10.

⁶⁵Wang Chen, “Regarding Our Nation’s Internet Development and Supervision” [Guanyu wo guo hulianwang fazhan he guanli], National People’s Congress (Online), 29 April 10.

⁶⁶Meng Jianzhu, “Endeavor To Strengthen the Construction of the Five Capabilities, Comprehensively Raise the Standard for Safeguarding Stability” [Zhuoli qianghua wu ge nengli jianshe quanmian tisheng weihu wending shuiping], *Seeking Truth* (Online), 1 December 09. For CECC analysis, see “Top Chinese Security Officials Urge Continued Crackdown in 2010,” CECC China Human Rights and Rule of Law Update, No. 3, 16 March 10, 3.

⁶⁷See, e.g., “China Purges Porn Works on Internet,” *Xinhua*, reprinted in *China Daily* (Online), 27 October 09.

- ⁶⁸Barbara Demick, "China Has Many 'Dirty Words,'" Los Angeles Times (Online), 21 April 10; Loretta Chao and Jason Dean, "China's Censors Thrive in Obscurity," Wall Street Journal (Online), 31 March 10.
- ⁶⁹Zhang Lei, "Publish and Be Deleted," Global Times (Online), 25 February 10.
- ⁷⁰OpenNet Initiative (Online), "Internet Filtering in China," 15 June 09, 17.
- ⁷¹"Nanfeng Chuang' Web Site Suddenly Suspends Operations" ["Nanfeng chuang" wangzhan turan tingzhi yunzuo], Radio Free Asia (Online), 26 October 09.
- ⁷²"Chinese Censors Block Obama's Call To Free the Web," Associated Press (Online), 16 November 09.
- ⁷³Michael Bristow, "Chinese Paper Prints 'Tiananmen Cartoon,'" BBC (Online) 3 June 10.
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- ⁷⁵"China's Instructions on Reporting on Google," Washington Post (Online), 25 March 10.
- ⁷⁶Michael Wines, Sharon LaFraniere, and Jonathan Ansfield, "China's Censors Tackle and Trip Over the Internet," New York Times (Online), 7 April 10.
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- ⁷⁹Farah Master, "China's Web 'Firewall' Should Be WTO Issue: EU's Kroes," Reuters (Online), 17 May 10.
- ⁸⁰Michael Wines, Sharon LaFraniere, and Jonathan Ansfield, "China's Censors Tackle and Trip Over the Internet," New York Times (Online), 7 April 10.
- ⁸¹Measures for the Administration of Internet Information Services [Hulianwang xinxi fuwu guanli banfa], issued 20 September 00, effective 25 September 00, art. 15.
- ⁸²Zhang Lei, "Publish and Be Deleted," Global Times (Online), 25 February 10.
- ⁸³Provisions on the Administration of Internet News Information Services [Hulianwang xinwen xinxi fuwu guanli guiding], issued 25 September 05, effective 25 September 05, arts. 19–21.
- ⁸⁴Li Xinzhu and Cui Xiaohuo, "Text Message Service Cut Off for 'Bad' Words," China Daily (Online), 19 January 10.
- ⁸⁵Regulations on the Supervision of Television Drama Content [Dianshi ju neirong guanli guiding], issued 19 May 10, effective 1 July 10, art. 5. Article 5 provides for the common litany of prohibited content found in other media regulations, including content that "harms national unity," "harms the honor or interests of the nation," and "disrupts national policies on religion," among other things.
- ⁸⁶Zhang Lei, "Publish and Be Deleted," Global Times (Online), 25 February 10.
- ⁸⁷Ibid.
- ⁸⁸Ibid.
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