

# *China Human Rights and Rule of Law Update*

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## **United States Congressional-Executive Commission on China**

Representative Sander M. Levin, Chairman | Senator Byron L. Dorgan, Co-Chairman

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#### **From the Chairmen**

In the wake of the crackdown on protests in Tibetan areas of China, the aftermath of the tragic earthquake of May 12, and with the many challenges China faces in the run-up to the Olympic Summer Games, it remains unclear at this time what factors will set the course of China's future development of the rule of law. By the "rule of law," we mean true rule of law, not documents stamped with the word "law" that officials then allow to become so divorced from effective implementation that the distinction between the promulgation of law and the making of propaganda becomes blurred. Effective implementation remains a growing concern in China in part because it places the credibility of three decades of legal and regulatory reform at ever-increasing risk. In its last Annual Report, this Commission noted four factors that appeared to be highly influential in determining the course of China's future legal development.

[Click here for the full statement. This link will open in a new Web page.](#)

[Click here for the \*\*Statement of Chairman Levin\*\* and the \*\*Statement of Co-Chairman Dorgan\*\* from the \*\*June 18 CECC Hearing: What Will Drive China's Future Legal Development? Reports From the Field.\*\*](#)

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## Announcements

### CECC Translation: Hu Jia's Criminal Judgment

The Commission has prepared a translation of activist [Hu Jia's Criminal Judgment](#), issued by the Beijing Municipal Intermediate People's Court on April 3, 2008. Hu Jia was convicted of inciting subversion of state power under Article 105 of the PRC Criminal Law and sentenced to a three-and-a-half-year prison term, which he is currently serving at Chaobai prison in Tianjin. For more information, see previous CECC analyses on Hu Jia's [sentencing](#), [trial](#), [arrest](#), and [detention](#), and his record of detention, searchable through the CECC's [Political Prisoner Database](#).

### CECC Translation: Lu Gengsong's Criminal Appeal Judgment

The Commission has prepared a translation of freelance writer [Lu Gengsong's Criminal Appeal Judgement](#), issued by the Zhejiang Provincial High People's Court on April 7, 2008. For more information, see a [CECC analysis](#) of the decision and Lu Gengsong's record of detention, searchable through the CECC's [Political Prisoner Database](#).

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## CECC Updates

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### Harassment of Beijing-based Activists During the U.S.-China Human Rights Dialogue

According to a May 26 Chinese Human Rights Defenders [article](#) and a May 28 Associated Press [article](#), Beijing activists reported they were harassed, subjected to surveillance, and warned not to meet with the U.S. officials present in Beijing for the U.S.-China bilateral human rights dialogue.

[Click here for the full analysis. This link will open in a new Web page.](#)

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### China's Earthquake Coverage More Open But Not Uncensored

Numerous reports in foreign media of China's initial response to the May 12 Sichuan earthquake described unusual media openness and government candor when compared to previous disasters. From the beginning, however, Communist Party and government officials directed Chinese media to emphasize the government's proactive response to the disaster and to focus on positive stories that promoted national unity and stability. Furthermore, China has quickly sought to rein in press coverage of topics that could taint the public's view of China's response, including allegations of official malfeasance leading to the collapse of a large number of schools. After parents of some of the thousands of children killed in the collapses began protests, officials reportedly ordered Chinese media to curb reporting on the issue, forcibly removed parents from protest sites, and briefly held foreign reporters trying to cover the protests in custody.

[Click here for the full analysis. This link will open in a new Web page.](#)

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## **China Continues to Crack Down on HIV/AIDS Web Sites and Activists**

Chinese authorities have made significant progress in their efforts to combat the spread of HIV/AIDS since 2003, but at the same time continue to harass HIV/AIDS advocates. Authorities reportedly ordered the closure of the "AIDS Museum" Web site, [www.aidsmuseum.cn](http://www.aidsmuseum.cn), according its founder, Chang Kun, in a May 7 Radio Free Asia [interview](#). Chang, an HIV/AIDS activist, said he received a phone call on May 6 from the site's Internet Service Provider saying that the local public security bureau's Internet surveillance division reportedly ordered the site closed because it contained information about "firearms and ammunition."

[Click here for the full analysis. This link will open in a new Web page.](#)

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## **Communication Disruptions in Tibetan Areas Impede Flow of Information**

Cell phone, landline, and Internet transmissions have reportedly been disrupted in Tibetan areas of western China, according to foreign media, overseas Tibetan groups, and the blog of a noted Tibetan writer in reports from mid-March to late April. The disruptions come amidst [protests](#) by Tibetans that began on March 10. It is unclear to what extent the measures are necessary to protect security in those areas, but their effect, along with other measures such as the [ban on foreign journalists entering large parts of western China](#), have made it difficult to access and confirm information about the protests.

[Click here for the full analysis. This link will open in a new Web page.](#)

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## **North Korea Executes 15 Attempting Escape, China Arrests 40 Refugees**

On February 20, North Korean security agents publicly executed 13 women and 2 men in the town of Juwongu in the county of Onseong in North Hamyung province near the border with China, according to unnamed sources cited in a March 10 North Korea Today [report](#) (a newsletter published by Good Friends, a Buddhist NGO based in South Korea). The executions reportedly were carried out on a bridge, as local residents were forced to observe. Local authorities notified all public institutions, enterprises, and neighborhood units that attendance was mandatory and verified attendance on the day of the executions, according to the report.

[Click here for the full analysis. This link will open in a new Web page.](#)

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## **Family Questions Hu Jia's Medical Treatment; CECC Translation of Criminal Judgment**

According to a June 13 Chinese Human Rights Defenders (CHRD) [article](#), authorities are reportedly denying imprisoned rights activist Hu Jia access to adequate medical care. Hu suffers from cirrhosis of the liver and his family has expressed concern over his poor health. Authorities allegedly told Hu's family that his health has improved and he is not eligible for medical parole, according to the CHRD article. Under the Measures on Implementing Medical Parole for Prisoners, issued in 1990 by the Ministry of Justice, the Supreme People's Procuratorate, and the Public Security Bureau, a prisoner is not eligible for medical parole unless "there is risk of death in the short term" or until he has served one-third of a fixed-term sentence (the full [Chinese text](#) is posted on the Ministry of Justice Web site, relevant [English excerpts](#) are available on the Duihua Foundation Web site). The CHRD article states

that without access to Hu's medical records, Hu's family has no way to ascertain if his current condition is life-threatening or if he has regular access to a liver specialist.

[Click here for the full analysis. This link will open in a new Web page.](#)

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## **Government Grants Exit Visas to Seven North Koreans, Pressures UNHCR in Pre-Olympic Crackdown**

The Chinese government authorized exit visas in March for seven members of a group of North Korean refugees known as the "Beijing 17," according to a Voice of America report from March 22 (as reported by the Yonhap News Agency, via [Open Source Center](#), subscription required). The seven released refugees traveled to the United States to seek asylum on March 20. They had been living under the protection of the United Nations High Commissioner for Refugees in Beijing for more than a year due to China's refusal to grant them permission to leave the country. The exact circumstances under which their release was won are not known, but it follows on the heels of a March 18 letter from U.S. legislators urging U.N. Secretary-General Ban Ki-moon to press China on the issue, according to the report. It is also not understood why Beijing allowed only 7 of the 17 to receive exit visas or how those 7 were chosen. Personal information regarding the identities and backgrounds of the refugees was not publicly released, though it is known that among them were a mother and her two children.

[Click here for the full analysis. This link will open in a new Web page.](#)

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## **Authorities Take Measures To Prevent Pilgrimage to Catholic Shrine**

Authorities in Shanghai have implemented measures to prevent Catholic pilgrims from visiting the Marian Shrine of Sheshan during the month of May, according to notices from Chinese government and state-controlled church authorities, as well as reports from overseas media organizations. May is the period during which Catholics observe Marian month, and last year, in an open letter to Catholics in China (via the [Vatican](#) Web site), Pope Benedict XVI mentioned the significance of the Sheshan Shrine to the occasion. In addition, he called for May 24 to serve as a day for Catholics throughout the world "to be united in prayer" with Catholics in China. According to the sources, Chinese church authorities advised registered church members in the Shanghai diocese, where the shrine is located, to avoid gathering at the shrine in May, while the local public security bureau instituted traffic restrictions en route to the shrine, and church authorities outside Shanghai urged Catholics not to make pilgrimages to other provinces during the month. Sources cited in an April 24 [article](#) from AsiaNews attributed the measures to government [sensitivity over relations with the Vatican](#), while some sources also drew a link to recent protests in Tibetan areas of China. A May 5 AsiaNews [article](#) noted that the measures also aimed to block pilgrims from registered Catholic churches from interacting with those from unregistered churches.

[Click here for the full analysis. This link will open in a new Web page.](#)

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## **Officials To Watch for "Negative Content" in Supplements About Earthquake**

Publishing regulators should ensure that magazine or periodical supplements related to the May 12 earthquake do not contain "negative content," according to a May 22 circular issued by the General Administration of Press and Publication (GAPP), a [government agency](#) with the power to screen, censor, and ban any print, electronic, or Internet publication in China.

The [Circular Regarding Supporting Periodicals in Publishing Anti-Quake Disaster Relief Supplements](#) does not define the term "negative content." The GAPP exercises tight control over the publishing industry in China and magazines generally may publish only two supplements a year with the approval of the relevant press and publication administration of the province, autonomous region, or municipality directly under the central government (see Article 34 of the [Provisions on the Administration of Periodical Publishing](#)). Article 1 of the May 22 circular allows press and publication officials to approve an additional one or two supplements related to "anti-quake disaster relief" for magazines that have reached the two-supplement limit. Article 2 calls on officials reviewing applications to publish these supplements to "take strict precautions against negative content appearing in supplements" and to "attach great importance to the supplement's public opinion guidance function."

[Click here for the full analysis. This link will open in a new Web page.](#)

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## [Zhejiang Court Affirms Lu Gengsong Sentence; CECC Translation of Decision](#)

On April 7, 2008, the Zhejiang Provincial High People's Court affirmed a lower court's decision to sentence freelance writer Lu Gengsong to four years in prison for inciting subversion of state power, a crime under Article 105 of China's [Criminal Law](#). Boxun, a U.S.-based citizen journalist Web site that publishes information and commentary on current events in China, posted a [copy](#) of the Zhejiang court's decision, and the Congressional-Executive Commission on China has [translated](#) the decision into English. In February, a lower court in Hangzhou city, Zhejiang, found Lu guilty of publishing subversive essays on foreign Web sites, such as [Blog.Chinesenewsnet.com](#) (*Duowei Boke*), [Boxun](#), and [Future China Forum](#).

[Click here for the full analysis. This link will open in a new Web page.](#)

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## [Mongolian Rights Advocate Released From Detention, Placed Under House Arrest](#)

Authorities in the Inner Mongolia Autonomous Region have placed Mongolian rights activist and journalist Naranbilig under house arrest after detaining him for 20 days in March and April, according to reports from the U.S.-based Southern Mongolian Human Rights Information Center (SMHRIC). Naranbilig had planned to attend the United Nations Permanent Forum on Indigenous Issues in New York when authorities intercepted his invitation letter and detained him on March 23, according to an April 28 [report](#) from SMHRIC. Authorities prevented Naranbilig from consulting with a lawyer while he was detained, and his family members were not informed of the grounds for his detention or of his whereabouts. Authorities released Naranbilig on bail on April 23 and placed him under house arrest for one year, according to the report. They also confiscated his passport.

[Click here for the full analysis. This link will open in a new Web page.](#)

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