

China Human Rights and Rule of Law Update

July 1, 2005
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United States Congressional-Executive Commission on China

Senator Chuck Hagel, Chairman | Representative Jim Leach, Co-Chairman

Events

Roundtable: Forced Labor in China

On June 22, 2005 the Congressional-Executive Commission on China held another in its series of staff-led Issues Roundtables, entitled [Forced Labor in China](#). The panelists Harry Wu, founder of the Laogai Research Foundation; Jeff Fiedler, President, Food and Allied Services Trades Department, AFL-CIO, and co-founder of the Laogai Research Foundation; and Gregory Xu, Falun Gong researcher, spoke about China's continued use of forced labor and Chinese authorities' lack of cooperation in implementing the 1992 US-China Memorandum of Understanding Prohibiting Trade in Prison Labor Products to ensure that goods made by forced labor do not enter the U.S. market.

Updates on Rights and Law in China

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Government to Shut Down Unregistered Private Web Sites on July 1

According to Xinhua, the Chinese government announced on June 24 that: "The Chinese [Ministry of Information Industry](#) (MII) has decided to temporarily close down all domestic Web sites that fail to register with local telecommunications authorities before June 30." The Xinhua report, available in [English](#) and [Chinese](#), cited MII officials as saying that Web sites that the government shuts down will have 10 days to register with local telecommunications authorities. Some local governments have, however, already begun shutting down Web sites. For example, government controlled media reported on June 4 that the following day Tianjin authorities would issue notices to Tianjin Mobile, Tianjin Liantong, Tianjin Net, and other telecommunications operators and Internet service providers to temporarily [stop access services to over 1,000 Web sites](#) that had not completed registration procedures.

The Chinese version of the article also warns Internet users that they may be shut down in a kind of "guilt by association" effect: "the 30 percent of Web sites that have not carried out ICP [Internet content provider] registration procedures will not only suffer death in the flood of shut downs, but will also 'implicate nine generations of their family' and risk causing those Web sites that have already registered to be shut down." This discussion is apparently a reference, [noted in earlier Chinese media reports](#), to the fact that many Web sites use "virtual hosting," where several sites share a single IP address. Chinese authorities appear indifferent to the issue, and have left it to companies using virtual hosting to ensure that their systems do not include any unregistered Web sites.

In addition to [requiring Web sites to register with the MII](#), some large cities in China, such as [Beijing](#) and [Guangzhou](#), are forcing Web sites to register with public security authorities, citing stipulations in the [Measures for the Administration of Security Protection of Computer Information Networks with International Interconnections](#).

As part of the registration process, the MII is requiring anyone that posts news on their Web site to provide proof that they have been [authorized by the Chinese government to post news on the Internet](#).

Chinese Press Discusses Implementation of New Anti-Torture Measures

Chinese news media have carried several articles that discuss the practical application of new measures to combat torture.

According to an [article](#) in the Procuratorial Daily, a Chengdu court has handled its first case involving the application of a new provincial rule designed to exclude illegally obtained evidence. In April 2005, Sichuan province announced the adoption of a rule that requires the taping of interrogations in "major cases" and requires courts to exclude coerced statements and confessions if police cannot provide a rational explanation of the alleged coercion or refuse to investigate allegations of abuse (see related story [here](#)). In a case on April 28, a Sichuan defendant recanted his confession at trial, alleging that police coerced it through torture and calling for application of the new rule. The court adjourned the trial and prosecutors investigated the allegation. When the trial resumed on May 26, police testified in court to refute it. According to the report, the court, relying on the testimony of alleged co-conspirators and the defendant's prior criminal record, rejected the defendant's contention, admitted the confession, and found him guilty.

A separate [article](#) in the Legal Daily questions whether the taping of interrogations will really control torture in practice.

In recent months, Chinese news media reported on local experiments and a new Supreme People's Procuratorate initiative to tape interrogations in cases (see related stories [here](#) and [here](#)). While arguing that such measures are an important step forward, the Legal Daily article questions whether they will guarantee that interrogations are free of coercion in practice. Interrogators, it notes, will control the taping. Given the fact that interrogators have long ignored existing legal prohibitions on torture, it asks, how can the government guarantee that they will not manipulate the taping process? The author argues that further efforts, such as improving the legal consciousness of interrogators, creating a genuine presumption of innocence, and excluding all confessions obtained through torture, are necessary to get to the root of the problem. Through its analysis, the article indirectly raises the possibility that without additional protections, defendants may be worse off under the new rules, since law enforcement will be able to use interrogation tapes to "prove" that no coercion occurred while engaging in such activities off camera.

Dalai Lama's Envoys Meet Chinese Officials in Switzerland for Fourth Round of Talks

The Dalai Lama's envoys met with Chinese officials on June 30 and July 1 in Bern, Switzerland, according to a [press release](#) by the Tibetan government-in-exile. The fourth round of talks between the envoys and Chinese officials took place in the Chinese Embassy in the Swiss capital. The Tibetan delegation met with Vice Minister Zhu Weiqun and Mr. Sithar of the United Front Work Department of the Chinese Communist Party.

Special Envoy Lodi Gyari and Envoy Kelsang Gyaltsen traveled to China in 2002, 2003, and 2004, and met with Chinese government and Communist Party officials. The envoys visited Beijing, the Tibet Autonomous Region, autonomous Tibetan prefectures in Yunnan and Sichuan, and several Chinese cities.

In Bern, the envoys were assisted by Sonam Norbu Dagpo (head of the Tibetan government-in-exile's Department of Information and International Relations), Tsegyam Ngaba (the Dalai Lama's representative in Taiwan), and Bhuchung Tsering (a member of the exiled government's Task Force on Negotiations). Tsegyam Ngaba did not accompany the envoys on their visits to China.

Details about the meeting are not available. The envoys customarily release a public statement about their meetings after they brief the Dalai Lama and the Tibetan government-in-exile. The Tibetan delegation will return to Dharamsala next week.

Additional information about the status of dialogue between the Dalai Lama or his representatives and the Chinese government is available in the [CECC 2004 Annual Report](#).

Chinese Government Increases Censorship by Restricting "Extra-Territorial" Reporting

In recent months, Chinese authorities have closed down or tightened restrictions on the few forums where private Chinese citizens could express themselves without [government restraints](#), including [academic conferences](#), [electronic bulletin boards](#), and [personal Web sites](#). Hong Kong news media reports that officials have moved to silence "extra-territorial reporting," which one Chinese media professor called "the best hope for liberalizing the news media." Extra-territorial (yidi) reporting refers to the practice in which a newspaper from one area publishes critical investigative reports about another area, about matters that officials in the investigated area are preventing their local news media from reporting.

On June 7, the Hong Kong newspaper Ming Pao reported that the Party Central Committee had issued a document directing that state-run news media first report to the Party central committee with jurisdiction over the organization or individual to be criticized before publishing a "critical extra-territorial article."

A tightening of government controls on once relatively open forums has been impending for several months. In October 2004, the government forwarded two directives from the Party Central Committee:

- Chinese Communist Party Central Propaganda Department Regarding Current Situation of Ideological Theory Domains and Working Measures That Need To Be Adopted (Document 2004#29)
- Opinion Regarding Further Strengthening Internet Administration Work (Document 2004#32)

According to Party and government officials, the purpose of these directives was to require local and provincial Party committees and government agencies to adopt measures to consolidate the Party's control over ideological discourse in the news media and on the Internet.

As more Chinese citizens have access to the Internet and e-mail, and as more news media establish online editions, the ability to read extra-territorial reports critical of government agencies and officials is no longer limited to the geographic area where the reports are first published. In [November 2004](#), an official with China's General Administration of Press and Publication portrayed this increase in the free flow of information as an attack on the Party and the government: "Various enemy forces strongly coordinate with each other, and take those things that cannot be published domestically abroad to be published, and then these once again infiltrate domestically."

In [January 2005](#), a provincial Party propaganda official not only said that extra-territorial reporting was not an aspect of ["public opinion supervision"](#), but also said that all newspapers sponsored by Party papers "must accept the

supervision and leadership of local propaganda departments," and increase oversight of "freelance writers, stringers, and private organizations that provide photographs and articles."

Finally, as recently as May 31, a [People's Daily editorial](#) called on China's state-run media to emphasize "positive" and "constructive" reporting, rather than focusing on "exposes and scandals."

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20050701&show=ALL#id14941>

New Nationwide Hotline for Protection of Women's Rights Opens in Shanghai

A new hotline for the protection of women's rights opened in Shanghai on June 15. The new line merges two preexisting local Shanghai hotlines for counseling on legal issues and domestic violence and will now offer legal, psychological, and social assistance and advice for callers from across China. The line will be staffed by members of the Human Rights Network of the Shanghai Women's Federation. Counselors include lawyers, psychologists, and sociologists, as well as a few senior police officials and judges.

Another recent women's self-help effort is [Women's Watch - China](#), which was started in Beijing in April 2005 to coordinate the work of women activists across several fields.

Limited Political Reforms in Zhejiang County Encounter Local Opposition

Villages in Wuyi county, Zhejiang province, have implemented limited political reforms establishing citizen supervisory committees for village affairs, according to a Southern Weekend [report](#). Although a positive development, both the restricted nature of these reforms and local government resistance to them are likely to constrain their effectiveness.

Under the system, elected members of "Village Affairs Supervision Committees" have the right to attend all village government and Party meetings (except working Party committee meetings), participate in the annual evaluation of Party officials, and sign and approve village financial decisions. Township and county Party officials have supported the reforms (which originated as a local experiment in one village) and in April expanded their application to all 558 villages within the county. Party officials note that the committees help assure local political stability by checking financial improprieties of local officials and thereby reducing villager petitions to higher authorities.

However, existing measures remain highly limited. Supervision committees are themselves supervised by the local Party committee. While the supervisory committee may request the impeachment of village officials, these decisions must first be approved by the village Party secretary. Supervision committee members acknowledge that they are reliant on the support of village and township Party officials to operate.

Despite their restricted nature, even these reforms have encountered resistance from local government and Party officials. According to the article, one of the principal committee members from the initial village to experiment with the supervision committees was forced out of office and hounded out of the village by his political opponents. Some local officials have sought to block wider implementation of the system by interfering with supervision committee election procedures and weakening the ability of supervision committees to review local budgets.

Anhui Court Tries Writer Zhang Lin on Subversion Charges

Chinese writer Zhang Lin pleaded innocent to charges of subversion at a hearing in the Intermediate People's Court in Bengbu, [Anhui province](#), [Agence France Presse](#) and the [Committee to Protect Journalists](#) reported on June 21.

According to CPJ, the indictment against Zhang charged that he "used the Internet, overseas radio transmissions, and other such media to openly disseminate language that misrepresents and denigrates the national authorities and the socialist system, and which incites subversion of state power and the overthrow of the socialist system under [Article 105 of China's criminal law](#)."

Police detained Zhang at a Bengbu train station on January 29, and initially [ordered him](#) to serve two weeks administrative detention. In February [Reporters Without Borders reported](#) that Chinese police had informed Zhang's wife that he was being held in "criminal detention" for threatening state security. On March 19 [AFP reported](#) public security authorities informed Zhang's wife that authorities had formally arrested Zhang Lin for inciting the subversion of state power.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20050701&show=ALL#id15849>

Beijing PSB: Few Criminal Suspects Meet With Lawyers During the First Stages of Detention

About 14.5 percent of criminal suspects in Beijing meet with a lawyer during the first 48 hours of detention, according to an [article](#) in the Beijing Youth Daily. In cooperation with an NPC inspection of the implementation of the [PRC Lawyers Law](#), the Beijing Public Security Bureau (PSB) surveyed 51,184 criminal detentions between October 2003 and April 2005 and found that only 7,425 suspects met with lawyers during the first 48 hours of detention. A PSB official attributed the low rate to poor legal consciousness, a perception on the part of suspects that lawyers won't do them

any good, and financial barriers faced by suspects. The article asserts, however, that the most important reason for the low representation rate is that police and prosecutors do not trust lawyers and are cautious about allowing lawyers to intervene during the investigation stage of a case. Beijing is considered among China's most legally advanced locales, so it is likely that even a smaller percentage of suspects meet with lawyers in less-developed parts of the country.

In a related [article](#), the Legal Daily cited survey data indicating that only 4.6 percent of criminal defendants meet with their lawyers within the first three days of detention, an even lower figure than that cited by the Beijing PSB. It too noted the problem of public security interference with lawyers, citing one longtime defense lawyer who said that meeting with his clients continues to be a "huge headache" and that while some defense lawyers are able to meet their clients, the number of meetings, time, content, and other matters are still subject to a heavy restrictions.

Under Article 96 of the [PRC Criminal Procedure Law](#), criminal suspects have the right to appoint an attorney after their first interrogation or from the first day of their detention. As numerous domestic sources have documented, however, police often prevent or obstruct suspects from meeting with their lawyers, even when suspects have the legal right to do so. The issue has taken on increased prominence in the wake of a recent national discussion over torture and coerced confessions. Currently, three Chinese districts are experimenting with allowing lawyers to be present at interrogations, and scholars and experts are discussing the possibility of permitting such access nationwide (see related story [here](#)).

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20050701&show=ALL#id13983>

Xinhua Editor's Discussion of "Public Opinion Supervision" Illustrates Government's Approach to Censorship

The June 16 edition of "Seeking Truth," the official journal of China's Communist Party, includes an editorial by Nan Zhenzhong, editor-in-chief of Xinhua. The editorial discusses "public opinion supervision" (yulun jiandu), a Communist Party doctrine that dictates how China's state controlled media is allowed to report on national affairs. Nan's editorial provides several insights into how Chinese authorities approach censorship of politically sensitive news reports:

The Party and the government use censorship as a tool to strengthen the Party's control

Nan states that "public opinion supervision cannot cover all matters and record everything." Instead of being allowed to report freely, the news media's reports must support Party and government decrees, "strengthen supervision of the implementation of the Party's and the government's policies," "uphold central authority," and "ensure that government decrees are not impeded." Nan said that public supervision has three functions: criticism, venting, and warning. The latter two functions are explicitly intended to benefit the Party:

- Venting: "Strengthening and improving public opinion supervision allows the masses of people to release their opinions and emotions."
- Warning: "Public opinion supervision . . . is a kind of expression of self-confidence, and it can cause readers and observers to get the feeling that our Party and country have the power and the means to gradually resolve any kind of negative phenomenon that occurs in the process of economic and social development."

Party and government officials censor news reports to focus on the Party's success, and downplay its failures

Even though Nan listed "criticism" as one of the functions of public opinion supervision, he believes that critical reports should be the exception, rather than the rule. Nan quoted Mao Zedong, saying "What issues should be pointed out for criticism? What issues should not be pointed out for criticism? This must be subject to study." Nan said that the news media should "increase the analysis and commendation of model good people and good deeds from all areas," and that 94.2 percent of Xinhua's public opinion supervision reports in the first quarter of 2005 were "positive" reports.

The Chinese government intends to further increase its control over the press

Even though Chinese authorities already prohibit private publishing and require all news media to be subject to Party supervision and censorship, Nan believes that China's "six judicial explanations, 49 administrative regulations, and 180 agency rules with contents that relate to public opinion supervision" are insufficient. He said it is necessary to enact additional legislation "to clarify the rights, obligations, and responsibilities of the news media." Nan also called on the news media to step up its "education" of editors and reporters, and raise their "political caliber."

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20050701&show=ALL#id16188>

China Youth Daily Exposes Town Sweep of Vagrants, Mentally Ill That Left Five Missing and Presumed Dead

A January sweep of vagrants and mentally ill persons in Ganzhou city, Jianxi province, left five people missing and presumed dead, [reports](#) the China Youth Daily. According to the report, as part of an official effort to clean up the city,

Ganzhou city civil affairs and public security officials rounded up seven vagrants and local mental patients, gave them some food, then drove them to a remote part of a neighboring county at night. The officials left the seven by the roadside in harsh winter weather. Two of the vagrants found their way back to Ganzhou, but five others in the group, including two mentally ill people who lived in the town, were still missing nearly six months later. After an exhaustive search, their families presume they are dead. Local civil affairs officials have admitted that the roundup, which they referred to as custody and repatriation, was an "administrative mistake," but claim that they have disciplined the personnel involved and that the matter is closed. The families of several victims signed agreements with the local government providing them 10,000 yuan in compensation on the condition they bring no more claims and do not "stir up trouble," but at least one family has hired a lawyer and is seeking further monetary damages.

The story confirms that some local governments in China continue to practice "custody and repatriation" (C&R) in violation of national regulations. Until 2003, C&R was a legal form of administrative custody that police used to detain and repatriate vagrants, beggars, and other "undesirables" to their place of registered residence. The State Council banned the practice after the beating death of a detainee sparked a public outcry. In its place, the State Council established a system of voluntary aid centers for indigents. Evidence from China suggests that some local governments in China have made progress in implementing the new system. According to a Ganzhou civil affairs official, however, the city had not established an aid center as required because it lacked funds. Instead, city officials continued to detain and repatriate vagrants. The official claimed the practice was common in many counties, and the reporter determined that many counties in the region have not established aid centers.

In a June 9 [editorial](#), the China Youth Daily criticized Ganzhou authorities over the incident, suggesting that their actions amounted to murder and asking how any official could condone such acts in the name of "city beautification." The editorial notes that the incident not only reflects an issue of whether or not the government has enough credibility to implement the aid system but a "deeper concern about how officials treat the rights and lives of citizens." It concludes that "government officials doing evil is frightening, but officials doing evil in the name of serving the people and other so-called noble reasons is even more frightening. Therefore we must use the law to rectify the behavior of government officials."

For more information on the C&R system and its abolition, see the criminal justice sections of the [2003](#) and [2004](#) CECC Annual Reports.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20050701&show=ALL#id14749>

Chinese Investigators Send Zhao Yan Case to Prosecutors, Reset Pre-Trial Detention Clock

Chinese authorities claim to have uncovered evidence of a new crime of fraud in the case of detained New York Times researcher Zhao Yan, just as the maximum pre-trial detention period in his case was set to expire. Law enforcement officials, who are investigating Zhao on charges that he revealed "state secrets," had already extended Zhao's pre-trial detention to the maximum seven months by invoking several legal exceptions. Under Chinese law, the new charge permits police to reset the pre-trial detention clock in Zhao's case back to zero and to hold Zhao for up to another seven months. While police have reportedly transferred the state secrets charges to prosecutors for an indictment decision, Zhao's defense lawyer says he has been unable to visit his client and has not been informed of the evidence that investigators have.

The Chinese government has been engaged in a heavily publicized, two-year campaign to eliminate "illegal extended detention" in the criminal process and claims to have cleared all cases of extended detention. However, law enforcement authorities continue to have a host of legal rules and loopholes at their disposal that can be manipulated to hold criminal suspects for long periods of time without formal charge and trial. Finding evidence of "new crimes" shortly before pretrial detention limits expire is one way that authorities extend detention periods. In practice, with no limit on the number of new crimes that police can find, suspects can be held in pre-trial detention for years. Chinese criminal law experts say the exception is often abused.

For stories about recent developments in Zhao's case, click on the following: [CPJ](#), [Reuters](#), [Washington Post](#). For prior CECC summaries of the Zhao Yan case, click [here](#) and [here](#).

State Council Announces Decision on Implementing the Regional Ethnic Autonomy Law

The State Council (SC) announced a [Decision on Implementing the Regional Ethnic Autonomy Law](#) on May 31, just days after a [National Conference on Ethnic Work](#) ended and Communist Party leaders convened a special [Politburo Meeting on Ethnic Affairs](#).

Several of the Decision's 35 articles deal with economic issues, promising increased state support for development in autonomous areas. The Decision lists, for example, some guidelines for determining if central government exploitation of natural resources in minority areas truly benefits the local autonomous areas, as required by the [1984 Regional Ethnic Autonomy Law \(REAL\)](#). The Decision requires that the autonomous governments direct international donations and low-interest loans to minority areas "whenever conditions allow." The central government will encourage financial investment in minority areas and increase transfer funds to autonomous governments. The central government will

"encourage, support, and lead" the development of the non-state owned economy in minority areas.

The Decision places a heavier emphasis than in the REAL on minorities learning the Chinese language, an issue that has caused much [concern in Xinjiang](#). The Decision also actively encourages "talent from all levels and of all types to move to the autonomous areas" from economically-developed regions, where Han Chinese predominate. Although the government has encouraged [Han Chinese migration into minority areas](#) for decades, the Decision widens the range of recruits from the developed areas, confirms that they will receive preferential treatment, and provides work and educational assistance for their dependents.

The SC Decision addresses complaints that the REAL contains no enforcement or monitoring mechanisms. The Decision requires that the State Ethnic Affairs Commission offices at every level of government monitor implementation of the Decision and submit findings and recommendations to their local governments each year. Relevant State Council offices, Autonomous Regional governments, and provincial governments having subordinate autonomous prefectures or counties must develop concrete implementation measures and report implementation progress to the SC. Any government official who "abuses his power, is derelict in his duties, or engages in favoritism or irregularities" in implementing the Decision will face criminal proceedings or administrative penalties, depending on whether or not his acts are criminal under relevant law.

Chinese Scholar: Labor-Service Agencies Should Not Be Used to Circumvent Labor Contract Rules

Problems have arisen in China as employers turn increasingly to labor-service agencies (laodong fuwu) to find workers. In an article posted on the [Ministry of Justice](#) Web site, reporter Zhong Angang describes how these agencies serve as the middlemen or intermediate agencies in the labor relationship. They sign contracts directly with workers, collect wages and social security payments from the employers, pay wages to the workers, and deposit the social security payments in the relevant government office. Workers who use labor-service agencies include domestic servants, construction workers, coal miners, and white collar workers in such industries as banking and insurance.

Zhong Angang sees a number of problems with the labor-service system: (1) if there is a conflict between the worker and the employer, the agency has no defined responsibility to resolve the dispute; (2) if workers' legal rights are infringed by the employer, there is no obligation on the part of the agency to advocate on the workers' behalf; and (3) some agencies have not intervened when the employing company has exploited workers.

Professor Ye Jingyi of Beijing University Law School warns that unless the labor-service agency system is controlled, it may become the most common form of employment relationship, replacing regular labor contracts. Professor Ye recommends that the labor law should be more specific as to the responsibilities of the agencies.

Local Officials Censor Guangzhou Newspaper

The Southern Daily reported on June 22 that someone removed pages A35 and A36 from copies of the June 21 edition of its sister publication, the Southern Metropolitan Daily, that were distributed in the Da Gang township. These pages included an investigative article entitled "Township Government Levies Land in Violation of Regulations, Villagers Petition Government to Have it Returned," which reported that 1,147 people from the Long Gu village in Da Gang had petitioned for the return of approximately three acres of land that had been requisitioned by the township real estate development company.

This is not the first time local officials in one area have censored critical reports published by state run media in other areas. The CECC noted in its [2004 Annual Report](#) that government officials in Dingnan county, Jiangxi province, removed pages of the People's Daily before it was distributed in August 2003. The excised pages included a report about corruption in the county government. The problem is widespread enough that the editor-in-chief of Xinhua mentioned it in [an editorial](#) in a recent edition of "Seeking Truth" - the journal of China's Communist Party:

[S]ome even abuse their administrative authority to suppress criticism, interfere with public opinion supervision, and some restrict newspapers, magazines, and radio and television programs from undertaking normal distribution, sales, and broadcasts in their area, in order to avoid public opinion supervision.

While central authorities criticize the censorship practices of local governments, they [support identical censorship practices](#) when they are employed by the [General Administration of Press and Publication](#).

China Youth Daily Takes Aim at Scholar Opinions in Criminal Cases

The China Youth Daily (CYD) has published a [commentary](#) questioning the hiring of committees of legal scholars to produce "expert opinions" in criminal cases. Scholarly committees submit such opinions, which typically address both factual and legal issues in individual criminal cases, to courts adjudicating the cases. The CYD commentator concludes that courts should not accept such opinions for several reasons. First, scholars are authoritative and have influence, so

the submission of expert opinions is in fact a form of interference with the independence of the court. Second, because defendants pay the experts, the opinions are not an objective research product. Third, the commentator notes that wealthy defendants tend to hire such scholarly committees and thus gain an unfair advantage. The commentary concludes that while defendants should be able to request such opinions for themselves and incorporate them into their legal arguments, courts should not accept separate advisory opinions from scholar committees.

A growing number of criminal defendants have solicited such opinions in recent years, including mafia boss Liu Yong, defense lawyer [Zhang Jianzhong](#), and imprisoned American businessman [Jude Shao](#). Because scholarly opinion is accepted as a source of law in civil law systems, and many judges are former students of prominent legal scholars, such opinions can have significant influence in China. Particularly in sensitive criminal cases, scholarly opinions can help counterbalance the powers of prosecutors, who enjoy immense advantages over defendants and their attorneys. One example of such a committee is the Expert Research and Consultation Committee on Difficult Criminal Law Questions at Beijing's Renmin University.

People's Daily Editorial Calls on News Media to Strengthen "Supervision" of Public Opinion

China's state-run news media must "take the standpoint of the Communist Party," "stabilize the emotions of cadres and the masses," emphasize "positive" and "constructive" reporting, and stop focusing on "exposes and scandals," according to a May 31 People's Daily editorial. The editors refer repeatedly to "public opinion supervision," which they claim is "an important characteristic in the progress of political civilization" that "increases governmental transparency" and "ensures administration in accordance with law."

"Public opinion supervision" is another term for "media supervision," according to [an article published in the Study Times](#), a publication of the CCP Party School. These terms mean the same thing because, while in theory "public opinion supervision" refers to [the people supervising the Party through the media](#), in reality, it is the Party that supervises the media:

- "[I]nsist on the principle that the Party supervises the media, strengthen their ability to guide public opinion, and take the initiative in public opinion guidance work."

People's Daily: [Ideological Sweep: Emphasize Correctly Leading Society's Public Opinion](#)

- "In China, journalism constitutes one of the major parts of the Party's enterprises, the news media is the mouthpiece of the Party and the people, and must be under the leadership of the Party. In its thought, the news must take Marxism as its guide, must maintain a high degree of unanimity with the central Party with Comrade Hu Jintao as the Secretary; . . . in its organization it must insist on the Party's leadership of news work, ensure that leaders of news organizations at all levels firmly grasp in their hands loyalty to Marxism, and loyalty to the Party and the people."

Xinhua: [How Do We Firmly Grasp Guidance of Public Opinion, and Strengthen Our Ability to Guide Public Opinion?](#)

- "[I]t is necessary to clarify the goal of the reforms, and that is to establish within newspaper and periodical enterprises leadership by Communist Party committees . . ."

Mass Media Magazine: [A High Level Survey of Journalism Reform and Development](#), quoting the Deputy Director of the General Administration of Press and Publication

- "Party committees at all levels, especially the propaganda departments, should conscientiously strengthen and improve the Party's leadership over journalistic and propaganda work . . ."

Xinhua: [Liu Yunshan: Deepen "Three Kinds of Study, Education" Activity, Enhance Skills To Guide Public Opinion](#), quoting the Director of the Central Propaganda Department

Financial Times Reports on Miscarriage of Justice in China

The alleged victim of a Shaanxi man charged with murder last year turned up alive in a neighboring province, according to a [report](#) in the Financial Times. Police accused Yue Tuyuan of murder after an acquaintance of his disappeared last year and an unidentified body was found in a nearby river. During an interview with prosecutors, Yue claimed police tortured him into confessing the crime, but prosecutors claimed they had DNA evidence and Yue relented and repeated the confession. The charge was only dropped after the alleged victim was found, but police never informed Yue of that fact and charged him with fraud instead. A court convicted him of that crime.

The Yue case closely resembles the wrongful conviction case of She Xianglin, which recently caused an uproar in China (see related story [here](#)). She Xianglin was convicted of murdering his wife in 1994 and sentenced to death after his wife disappeared and an unidentified body turned up in a local reservoir. Mr. She was sentenced to death, but the

sentence was later commuted to 15 years imprisonment. In late March 2005, his wife suddenly returned to their Hubei village. These and other recent wrongful conviction cases have prompted a broad domestic critique of China's criminal justice system.

People's Daily, Xinhua Cite Successes of General Administration of Press and Publication

On June 21 [Xinhua](#) and the print edition of the [People's Daily](#) carried stories lauding China's [General Administration of Press and Publication](#) ("GAPP") for "promoting supervision and forwarding administration in accordance with law." The Xinhua version of the story mentioned what it termed "forceful acts" that "provided an environment conducive to the protection of intellectual property and the creative abilities of the people, and for the healthy flourishing and development of the news publishing industry":

- **Launch of a campaign against illegal publishing activities focused on illegal political publications.** In January 2005, [Xinhua reported](#) that government officials seized over 200 million "illegal publications" in 2004, and a [CECC review of official reports](#) shows that authorities seized hundreds of thousands of these publications solely because of their political content. The campaign, referred to as "Sweep Away Pornography and Strike Down Illegal Publications," is, [according to one government report](#), first and foremost an "anti-infiltration and anti-subversion political struggle."
- **Banning of newspapers and periodicals.** In April 2005, the [GAPP announced](#) it had banned 60 publications, and stated it was necessary to "strengthen the work of reading and evaluating [publications], and to track down the source and background situation of contents that have severe problems." According to a [senior GAPP official](#), some of these publications were banned because they violated Chinese laws against establishing a publication without government authorization.
- **Establishment of a 24 hour, real-time content censorship mechanism for Internet publications.** Chinese [publishing](#) and [propaganda](#) officials have said they must increase supervision and monitoring of "newly developing channels and newly developing domains, especially the Internet." Chinese authorities [portray the Internet](#) as an "ideological battlefield," and [deploy personnel](#) to "guide" Internet public opinion in a manner beneficial to the Party and the government.
- **Increased supervision and management of the orientation of opinion in publications and on the Internet.** In January 2005, a Communist Party propaganda official [told a news work meeting](#) in Shanxi that every type of news media in China "must make correct orientation the foundation of their life's work," and that no type of news media could be allowed to "have a different standard, or form a second public opinion forum."
- **Prosecution of the sale of book numbers.** As the CECC noted in its 2004 Annual Report, China's law requires that every publication in China [have a book number](#), and the GAPP maintains exclusive control over the distribution of these numbers, and thereby who is allowed to publish. GAPP officials have [explicitly linked](#) the allotment of book numbers to publishers' political orientation. According to an April 2005 [Beijing News report](#), some private publishers in China put out over 100 books a year, primarily through the illegal purchase of book numbers.
- **Prosecution of unauthorized cooperation with foreigners.** In April 2005, [Xinhua reported](#) the GAPP had issued a Notice reminding people that "newspapers and magazines may only be published by publishing work units approved by publishing administration agencies," and informing them that: "in order to safeguard China's periodical publishing order, illegal foreign language publications shall be banned in accordance with the law." [Government](#) and [Party](#) authorities portray foreign countries in general, and Western countries in particular, as enemies who are trying to use the media to infiltrate China.
- **"Moving forward of the line of demarcation."** This phrase (guankou qianyi) is a reference to tightening [prior restraints](#), and imposing increased scrutiny of publications at an earlier point in the [publication screening process](#).

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20050701&show=ALL#id15803>

Local Implementation of the New Religious Regulation

Since the national Regulation on Religious Affairs (RRA) became effective in March 2005, central and local Party officials have held high-level meetings and training sessions to promote implementation of the new regulation in "standardizing" management of religious affairs. Reports this month from [Anhui](#) and [Yunnan](#) show local officials' reaction to the implementation drive.

In Anhui, local officials reacted repressively. On June 13, officials in Lingbi county in Anhui province reported on their work to "standardize management" of religious affairs. Their report focuses on punishing religious organizations and venues for violations of the regulations. The punishments included banning 81 out of 119 privately established religious venues, seizing and detaining 21 illegal preachers, and eradicating 23 "nests of evil cult activity."

In Yunnan, local officials indicated their intention to increase regulation of the internal affairs of religious venues. At an implementation seminar held on June 20, Deputy Governor Li Hanbo described Yunnan's plan to "standardize

management" over large areas of the internal affairs of religious sites. He said: "Yunnan province will hereafter guide, inspect, and supervise the management of the internal affairs of religious venues, and help the venues comply with regulations on personnel, finance, accounting, policing, fire prevention, cultural protection, and preventive healthcare." Li also warned that, in the future, construction of Buddhist and Daoist temples and open-air religious images would be regulated.

Despite this emphasis on punishment and control, however, officials from both provinces also recognized a duty under the law to protect the legal rights of religious believers. Deputy Governor Li of Yunnan said the new Regulation clarified punishment of those who violate the legal rights and interests of the religious community, including citizens' freedom to believe. The Anhui report claimed to have successfully punished violations of the rights and interests of believers in 30 cases.

Unregistered Catholics in Hebei Protest Abuses by Government Officials

Unregistered Catholics in Hebei detailed the human rights abuses that local officials allegedly have been perpetrating against Catholics there in an unusual [letter](#) to the Italy-based Catholic publication AsiaNews. The letter identifies the officials as Chen Xiuyun, a provincial vice governor and director of the provincial United Front Work Department office and Wang Zhenguo, director of the county-level Administration of Religious Affairs office in Gaocheng county. The authors of the letter describe Chen and Wang as being nostalgic for the Cultural Revolution and unsuited to building the "harmonious society" that President Hu Jintao has advocated. The writers also claim that the two officials are using an anti-Catholic campaign to distract attention from their failure to develop the local economy.

The letter to AsiaNews is a rare means of protest by unregistered Chinese Catholics, but an expert on Chinese Catholics says that Chen and Wang's behavior is "not really exceptional."

Hebei province has the largest concentration of Catholics in China and is a stronghold of the unregistered Catholic community. The Cardinal Kung Foundation, a U.S.-based NGO that monitors this community, published [an updated list of Catholic clergy who are currently prisoners of conscience](#). As of June 8, 2005, 33 of 44 come from Hebei. Of these, 6 of 33 come from Gaocheng county.

Physician Arrested for Practicing "Mongol Version of Falun Gong"

Chinese authorities arrested Mr. Naguunbiliga, a popular ethnic Mongol medical specialist, and his wife Daguulaa on June 7 for practicing what the authorities call "a Mongol version of Falun Gong" and for holding "illegal gatherings," according to the [Southern Mongolian Human Rights Information Center](#). 41-year-old Naguunbilig is the author of 5 medical books and 11 scholarly papers, and a member of the Chinese Mental Health Society and Chinese Medical Qigong Institute. In 2002, he opened the "Inner Mongolia Aztai Mongol Senior's Health Center," which authorities shut down after his arrest in June. A former employee of the center denied any association with Falun Gong, stating that Mr. Naguunbilig practices "psychological and physical treatment based on the Mongolian medical tradition and European medical science." The [Regional Ethnic Autonomy Law](#) entitles minorities to advance both modern and traditional minority medicine. Naguunbilig's lectures on healing were attended by as many as 1,000 ethnic Mongols.

Several of the patients treated at the Center were under surveillance by the Chinese authorities for their association with the Southern Mongolian Democratic Alliance (SMDA), suppressed by police in 1995 for peacefully demonstrating for rights promised Mongols in the national Regional Ethnic Autonomy Law and the Chinese Constitution. SMDA founder [Hada](#) and several others were arrested in December 1995. Hada is currently serving a 15-year prison sentence.

Public Security and Censorship Agencies Shut Down Two Political Web Sites

Radio Free Asia reports that Internet service providers have shut down two well-known political Web sites in China on orders from Chinese public security authorities. The story, a transcript of which is available on [Boxun](#), reported that the "Public Opinion Supervision Net" (yuluncn.com) was shut down on June 16, and the "Democracy and Freedom Web" was shut down on May 22.

According to the report, the hosting service for the Democracy and Freedom Web told the Web site's operator that a public security official had ordered them to shut it down because it had "illegal content." RFA reported that the hosting service for the Public Opinion Supervision Net told its operator that the Beijing branch of the [State Council Information Office](#) had told them to shut it down.

In August 2004 Hong Kong's Ming Pao newspaper reported that Chinese authorities had "shut down and interfered with" the China Public Opinion Supervision Net three times since its establishment in October 2003. According to the RFA report, this is the 44th time Chinese authorities have shut down the Democracy and Freedom Web.

The Chinese government is currently [involved in a campaign](#) to shut down all private Web sites that fail to register with, and disclose the nature of their contents to, the [Ministry of Information Industry](#) and public security authorities.

Report: Dalai Lama Says a Democratic Tibet Would Not Need Another Dalai Lama

The Dalai Lama said that a "democratic Tibet" may not need a Dalai Lama, according to a June 20 [report](#) in the Hindustan Times, a major Indian daily newspaper. The Tibetan religious leader explained that if he dies in exile "there will be another Dalai Lama," but "if we cease to be a refugee community and can live in democratic Tibet, then I don't think there should be a successor to me after I die."

The Dalai Lama's premise is that if the political role historically filled by the Dalai Lama can be replaced by a democratically elected Tibetan leader, there would be no further need for the position. But most Tibetans revere the Dalai Lama as their religious leader and as a political figure, and when he speaks about the end of the line of Dalai Lamas, it raises concern in the Tibetan community.

The Dalai Lama turns 70 in July 2005. Some observers believe that Chinese leaders are waiting for him to die, and that the Chinese government intends to manage the selection of a new Dalai Lama. The 1995 installation of Gyaltzen Norbu as the Panchen Lama is a model for this set of policy choices. The State Council declared the Dalai Lama's recognition of Gedun Choekyi Nyima as the Panchen Lama to be "illegal and invalid" ([report](#)) and supervised the selection of Gyaltzen Norbu. The Chinese government demands that Tibetans accept Gyaltzen Norbu as legitimate and punishes Tibetans who show support for Gedun Choekyi Nyima.

If Chinese officials were to force Tibetans to accept a Dalai Lama that the Chinese government approved, tensions in Tibetan areas of China could worsen and last for decades, according to some analysts. The Dalai Lama's suggestion that he could be the last Dalai Lama if dialogue with China's leadership is productive may be an effort to forestall such a negative outcome. Additional information about the dialogue between the Dalai Lama's envoys and Chinese officials is available in the [CECC 2004 Annual Report](#).

Chinese Official: Government Has Confiscated 1.4 Billion "Illegal Publications" Since 1994

Chinese authorities convened a national [Sweep Away Pornography and Strike Down Illegal Publications](#) (SAPSDIP) Symposium on June 23 in Shenyang. Xinhua reports that Liu Binjie, deputy director of the SAPSDIP Task Force and the General Administration of Press and Publication, told the symposium that, since the launch of the Task Force in 1994, Chinese authorities have confiscated more than 1.4 billion illegal publications, and shut down over 40,000 print shops.

The Xinhua report and Liu's comments focused primarily on pirated publications, but according to a [report on the SAPSDIP Web site](#), the SAPSDIP campaign is "first of all an anti-infiltration and anti-subversion political struggle." SAPSDIP Task Force members and official Chinese news media report that the campaign has led to the banning of hundreds of [scientific, political science, and legal newspapers and magazines](#), and confiscation of hundreds of thousands of other [political and religious publications](#) because they were not approved by government censors.

Security Officials Raid House Churches and Arrest Christians in Jilin Province

Public security officials raided unregistered Protestant house churches in Jilin province in northeastern China on May 22 and detained house church members, reports the [China Aid Association](#) (CAA), a U.S.-based NGO that monitors house church Protestants. Police released most of those detained after 48 hours, but some were still in detention as of June 10. The house churches that were raided are not affiliated with any of China's major house church networks, according to the CAA. Many of the members of these churches are said to be university-affiliated intellectuals. The repression seems unusual because Jilin provincial authorities do not have a history of repression of Protestant or Catholic Christians.

Security Police Release Unregistered Catholic Priest

Chinese security police released unregistered Catholic priest Zhao Kexun on June 1, reports the Cardinal Kung Foundation. Father Zhao serves as the diocesan administrator of Xuanhua diocese in Hebei province, and [was detained](#) on March 30.

Zhao Zhendong, the bishop of the diocese, has been detained since December 2004. According to the Cardinal Kung Foundation, currently [44 unregistered Catholic clergy languish in detention](#) in China.

Political Commentator in China Files Administrative Appeal to Protect Right to Publish

Wang Yi, an author in China and member of the Independent Chinese PEN Center, has filed an administrative appeal with the Press and Publication Administration to have his right to self-publish respected, the International Herald Tribune (IHT) reported on June 16. According to the report, Chinese authorities confiscated 906 books that Wang had privately printed to give to friends. Wang told the IHT that if the Press and Publications Administration rejects his administrative appeal, he will sue it in court.

During a [government campaign against public intellectuals](#) in November and December 2004, Reporters Without Borders cited the China Information Center as reporting that the Central Propaganda Department had [blacklisted Wang and five other writers](#). According to the IHT, since then publishers have reneged on deals to publish three collections of his writings.

SPP Confirms New Policy on Exclusion of Illegal Evidence

Prosecutors must exclude illegally obtained testimony when deciding whether or not to indict a suspect, declared a Vice President of the Supreme People's Procuratorate (SPP) on May 26. According to an [article](#) in the China Youth Daily, the SPP Vice President said that "All oral evidence illegally obtained through torture or violence or illegally collected through intimidation, enticement, or fraud, etc. should be considered illegal evidence and resolutely excluded in accordance with the law." When police or prosecutors have collected evidence without strict respect for the law, they must collect the evidence anew or take other remedial measures before they can use it as a basis for a criminal charge.

The SPP announced the policy at a national conference of prosecutors. The SPP [also noted](#) that prosecutors who collect evidence illegally or engage in other violations of law or policy, such as manufacturing evidence or meeting privately with suspects and their representatives, would be suspended and subject to administrative discipline or prosecution. The SPP announcement on illegal evidence could be a step toward the endorsement of an evidentiary rule that would require criminal courts to exclude such evidence, or an effort to head off such a rule by demonstrating that prosecutors will deal with such problems in the investigation phase of the criminal process.

Update: Environmental Impact Assessors Avoid Beijing Project After Public Hearing

Beijing Normal University's (BNU) environmental impact assessment (EIA) department recently declined to conduct an assessment of a controversial construction project at the Old Summer Palace in Beijing. The decision highlights continuing problems within the community of Chinese organizations that can conduct EIAs.

After the State Environmental Protection Administration (SEPA) held its first public hearing in April on the renovation of the Old Summer Palace, the management of the Old Summer Palace park was ordered to halt construction and find an EIA organization to conduct the assessment. The park management initially chose the EIA department at BNU, but the university's EIA department delayed the assessment for weeks, causing the project to lose money, according to Chinese news media reports. By May 9, SEPA had stepped in and ordered that the EIA be completed within 40 days, or not later than June 18, according to a Beijing News [report](#).

In mid-May, after the university's EIA department continued to refuse to complete the assessment, SEPA officials publicly criticized the department, indicating its refusal stemmed from conflicting financial and personal interests, according to [reports](#). SEPA then announced that Qinghua University will conduct the EIA, according to a Beijing News [article](#). A June 20 [article](#) on the SEPA Web site says that Qinghua assessors will submit the EIA report at the end of June, and that its conclusions may support the construction project. The environmental NGO Friends of Nature has not ruled out calling for another public hearing, and is urging high-level officials from the cultural heritage, water, and parks departments to get involved and support SEPA, according to the article.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20050701&show=ALL#id15676>

Police Detain Tibetan Monk From Prominent Qinghai Monastery

Chinese police detained a Tibetan monk from one of the most important Buddhist sites in Qinghai province in mid-May 2005, according to a June 3 [report](#) by Radio Free Asia (RFA). Jigme Dasang (or Dazang), honored six times as a "Three Best Student" (san hao xuesheng), was in a prayer meeting at Kumbum Monastery when police took him into detention. A Huangzhong County Public Security Bureau spokesman confirmed the detention to RFA. Unnamed sources told RFA that anti-government posters appeared in the monastery and that monks feared there may be more detentions. Jigme Dasang is from Xinghai county, where five Tibetan monks were detained earlier this year, according to another RFA [report](#).

Kumbum Monastery (Ta'ersi) is closely associated with the 14th century founder of the Gelug tradition of Tibetan Buddhism, headed by the Dalai Lama. Another important religious figure, the 10th Panchen Lama, was born near Kumbum. After the 10th Panchen Lama died in 1989, the Dalai Lama recognized six-year-old Gedun Choekyi Nyima as the 11th Panchen Lama in May 1995. Chinese authorities declared the Dalai Lama's announcement illegal and supervised the selection of another boy, Gyaltzen Norbu, in late 1995.

In March 1996, about 25 Kumbum monks were detained for several weeks after posters advocating Tibetan independence and calling on Tibetans to pray for the safety of Gedun Choekyi Nyima appeared, according to a report by Tibet Information Network in August 1996. The boy and his parents disappeared a few days after the Dalai Lama made his announcement and have been held incommunicado at an unknown location since then. The matter stirs resentment among Tibetans because the Panchen Lama is ranked second to the Dalai Lama.

Kumbum is among the Tibetan monasteries most heavily visited by tourists. Its proximity to Xining, linked to all of China's major cities by rail and air, ensures a steady flow of visitors to the monastery.

Additional information about religious freedom for Tibetan Buddhists and the Panchen Lama issue are available in the [CECC 2004 Annual Report](#).

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