

China Human Rights and Rule of Law Update

October 1, 2005
[Subscribe](#)

United States Congressional-Executive Commission on China

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

Events

Roundtable: China's Household Registration (Hukou) System: Discrimination and Reform

The Congressional-Executive Commission on China held another in its series of staff-led Issues Roundtables, entitled [China's Household Registration \(Hukou\) System: Discrimination and Reform](#), on September 2, from 2:00 - 3:30 PM in Room 2168 of the Rayburn House Office Building. The panelists were Fei-Ling Wang, Professor, The Sam Nunn School of International Affairs, Georgia Institute of Technology, Atlanta, Georgia; and Chloé Froissart, PhD candidate at the Institute of Political Science of Paris, affiliated to the Center for International Studies and Research, Paris; Research Fellow at the French Center for Research on Contemporary China, Hong Kong.

Translation: Court Judgment in Shi Tao State Secrets Trial

The Congressional-Executive Commission on China has prepared a translation of the [Changsha Intermediate People's Court's Written Judgment in the Shi Tao State Secrets Trial](#).

Translation: New Rules on Internet News Publishing

The Congressional-Executive Commission on China has prepared a translation of the [Rules on the Administration of Internet News Information Services](#), promulgated by the [State Council Information Office](#) and the [Ministry of Information Industry](#) on September 25, 2005. A summary of the Rules prepared by the Commission is available [here](#).

Updates on Rights and Law in China

[Human Rights Updates](#) [Rule of Law Updates](#) [All Updates](#)

Yahoo! Cited in Court Decision as Providing Evidence in Shi Tao State Secrets Trial

On April 27, 2005, a Chinese court [sentenced newspaper editor Shi Tao to 10 years imprisonment](#) for disclosing state secrets for e-mailing notes of an editorial meeting to an organization in New York City. On September 6 [Reporters Without Borders](#) noted that the [court's decision](#) cited "customer information provided by the Yahoo! Holdings (Hong Kong) Limited" to verify that the e-mail originated from Shi Tao's place of work. Specifically, the decision cited the following:

Materials proving customer information provided by the Yahoo! Holdings (Hong Kong) Limited, verifying that the corresponding customer information for IP address: 218.76.8.201, time: April 20, 2004 11:32.17 p.m. is the following: customer telephone number: 0731-4376362, Hunan "Contemporary Business News" Publishing House. Address: Second Floor, Building 88, Jian Xiang New Village, Kaifu District, Changsha Municipality.

The [Washington Post](#) quoted Yahoo's co-founder, Jerry Yang, as responding to a question at a forum in Hangzhou on September 10 regarding Yahoo's involvement in the case by saying: "To be doing business in China, or anywhere else in the world, we have to comply with local law. We don't know what they want that information for, we're not told what they look for. If they give us the proper documentation and court orders, we give them things that satisfy both our privacy policy and the local rules." He also reportedly [told the forum](#) that the demand for the information was a "legal order," and [said that](#) he "would not put our company or its employees at risk in any way shape of [sic] form." [Journalist groups](#) and [scholars](#) have noted that the nature of the "legal order" to Yahoo! remains unclear, as well as the method by which Yahoo! determines the legality of such orders.

Liaoyang Labor Activist Yao Fuxin Has Heart Attack in Prison

Labor rights activist Yao Fuxin had a heart attack on August 6 while serving a prison sentence in Lingyuan, Liaoning province, according to a report by the [China Labour Bulletin \(CLB\)](#). Yao and Xiao Yunliang, a fellow worker, joined workers rallying in Liaoyang city, Liaoning province, in March 2002 to campaign for payment of wage arrears and pension benefits.

Public security officers detained Yao, a former factory employee, and the prosecutor charged him with "illegal assembly and demonstration." Subsequently, the prosecutor added a charge of "subversion." The Liaoyang Intermediate People's Court tried Yao on January 15, 2003, and sentenced him to 7 years in prison. Additional information on Yao and Xiao may be

found on the CLB [Web site](#) and in the [CECC Political Prisoner Data Base](#).

According to CLB report, Yao's family visited him on September 9 after his return to prison from the hospital. Yao apparently was on life support while in the hospital, and suffers from high blood pressure, partial paralysis, and vision and hearing problems as a result of the heart attack. His prison term ends in 2009.

Xiao Yunliang, was imprisoned for the same offense as Yao, also has suffered from medical problems, including arteriosclerosis, and liver and kidney stones. Xiao is also said to have lost sight in one eye as a result of conjunctivitis. Xiao's release is scheduled for March 2006.

Article 214 of the Criminal Procedure Law provides that a prisoner "may be permitted to temporarily serve his sentence outside prison if the criminal is seriously ill and needs to be released on parole for medical treatment." The China Labor Bulletin has called on Chinese authorities to release both Yao and Xiao on medical parole under this section.

Government Releases House Church Historian From Labor Camp

Public security officials released Zhang Yinan, a Protestant house church historian, from a re-education through labor (RETL) camp in Henan province on September 25, according to the [China Aid Association](#), a U.S. NGO that monitors religious freedom for Chinese Protestants. Officials instructed Zhang about what he could say in public about his case, and they refused to return his ID card.

After Zhang conducted interviews with house church Protestants about government persecution, public security officers detained him on September 26, 2003. He was charged with subverting the Chinese government and socialist order. The Pingdingshan RETL Commission found writings in Zhang's prayer journal to be "anti-Party" and "antisocialist," and sentenced him to a two-year term. About the time of Zhang's original detention, public security officers also detained Zhang's wife and fellow church member Xiao Biguang. Both were released within a few weeks.

In December 2004, the [UN Working Group on Arbitrary Detention](#) issued an Opinion that "it considered the deprivation of liberty to be arbitrary" in Zhang's case, and asked the Chinese government "to take appropriate steps to remedy the situation." For further information on Zhang Yinan and Xiao Biguang, see the CECC's [Political Prisoner Database](#).

Population Planning Official Confirms Abuses in Linyi City, Shandong Province

Dr. Yu Xuejun, a spokesman for the [National Population and Family Planning Commission](#) (NPFPC), acknowledged reports of abuses by local population planning officials in Linyi city, Shandong province, according to the September 20 edition of [the China Daily](#) and the NPFPC's Web site. Dr. Yu also confirmed that the government had dismissed and detained some of the responsible officials. Yu's statement said, "some persons did commit practices that violated [the] law and infringed upon legitimate rights and interests of citizens while conducting family planning work. Currently the responsible persons have been removed from their posts. Some of them are being investigated for liabilities and some have been detained. Competent authorities will further address the issue in line with their statutory mandates and procedures. NPFPC has required staff members of the population and family planning sector to learn lessons and draw inferences from this case." Dr. Yu neither identified the officials nor their offenses.

Dr. Yu's statement did not mention Chen Guangcheng, a lawyer who brought international news media attention to the abuses in Linyi. In the spring of 2005, Chen began collecting tape-recorded testimony of people abused by Linyi population planning officials, particularly of women forced to undergo abortions and sterilization. In September, Chen discussed his plans to file a lawsuit with diplomats, legal experts, and foreign journalists, including writers from the [Washington Post](#), [Time](#), and the [Times](#) of London. On September 6, Shandong officials abducted Chen from the streets of Beijing and placed him under house arrest in Linyi, which drew additional [international news media attention](#) to the abuses in Linyi.

National population planning policy requires women to secure "birth permits" before becoming pregnant and limits most urban women to one child. Chinese law allows severe economic sanctions to coerce women found pregnant without a "birth permit" into having an abortion and being sterilized. Officials sometimes use force to coerce compliance, in violation of Article 39 of China's [National Family Planning Law](#). [Abuses](#) against pregnant women and their families have been well documented since 1985. But the NPFPC official's statement may be the first time that the Chinese government has confirmed a specific set of reports of such abuses. Article 39 of the [National Family Planning Law](#), as revised in 2002, provides for criminal liability for population planning officials who abuse their power.

Chinese Government Declassifies Information on Fatalities From Natural Disasters

The [National Administration for the Protection of State Secrets](#) (NAPSS) announced that information about the number of fatalities caused by natural disasters will no longer be a state secret, according to a September 12 Xinhua [article](#). A NAPSS spokesperson told a joint NAPSS and Ministry of Civil Affairs news conference that releasing this information would benefit disaster prevention and relief work, according to the report. Therefore, the relevant provisions of the "Rules on State Secrets and the Scope of Their Classification in Civil Affairs Work" were annulled, the spokesperson said.

A [commentary](#) posted on Xinhua's English language Web site said the spokesperson attributed the previous secrecy to "decisions made based on historical background," but declined to elaborate. It also stated:

Death from natural calamities used to be taboo among government officials. Analysts think that under a planned economy, from [the] early 1950s to late 1970s, the Communist Party of China feared that exposing death figures could tarnish its image, draw blame from the public, or trigger social turmoil. On July 28, 1976, the country witnessed the devastating Tangshan earthquake in north China's Hebei province. However, the report of a 240,000 death toll was only released three years later. But the outbreak of [Severe Acute Respiratory Syndrome \(SARS\)](#), in 2003 has driven the government to become more transparent.

While this development is an encouraging sign, all news media in China remain subject to government [prior restraints](#) on [who may publish](#) and [who may engage in journalism](#), as well as an extensive [screening system](#) for politically sensitive news.

NPC Standing Committee Passes Public Order Administration Punishment Law

The National People's Congress Standing Committee (NPCSC) passed a new [Public Order Administration Punishment Law](#) on August 28, according to an [article](#) on the People's Daily Web site. "Public order" offenses are a category of violations that includes traffic offenses, public disturbances, prostitution, drug use, and other "minor crimes" that the Chinese government punishes with administrative penalties, including fines and administrative detention, rather than criminal sentences. Such administrative punishments are controversial because police issue them without effective judicial review or even the minimal procedural protections that the [Criminal Procedure Law](#) provides to criminal defendants. According to Xinhua, police [handled](#) over 5 million public order cases involving more than 10 million people in 2004.

The NPCSC has been deliberating the legislation since October 2004, and it will take effect on March 1, 2006. The new law replaces the 1987 [Public Order Administration Punishment Regulations](#), and resolves a legal problem with those regulations: under Article 8(5) of the [Legislation Law](#), punishments that involve deprivation of personal freedoms must be established by national law, not a "regulation."

Chinese news media stressed that, in deliberating the new law, NPCSC members placed great emphasis on balancing the maintenance of public order and the protection of human rights (for examples of such articles, click on the following: [1](#), [2](#), [3](#)). The law says that the "implementation of public order administration punishments must be fair, just, respect and safeguard human rights, and protect the human dignity of citizens," establishes a limit of 20 days detention for multiple public order offenses (as opposed to the 30 days that the Public Security Ministry reportedly requested), and prohibits torture and the collection of evidence through illegal means. But the final version of the law also maintains the Public Security Bureaus as the agencies with the power to adjudicate cases and administer punishments. The law also sets a maximum interrogation period of 24 hours (rather than the 12 hours proposed in an earlier draft), and does not give the accused the right to a hearing in detention cases or the right to legal representation. Moreover, the law creates new categories of offenses including "inciting or plotting illegal assemblies, marches, or demonstrations."

According to the Legal Daily, NPCSC delegates argued for a maximum administrative detention period under the new law that is shorter than the minimum imprisonment period under the Criminal Law. Their reasoning was that public order offenses are not considered "crimes" that warrant trial and sentencing under the Criminal Law and the shortest period of imprisonment under China's Criminal Law is 30 days. Such arguments would seem to have implications for another controversial form of administrative detention--re-education through labor (RETL). RETL offenses are similar to public order offenses in that they are considered something less than a "crime" that warrants prosecution and punishment under the Criminal Law. The maximum period of detention under RETL, however, is three years, with the possibility of a one year extension.

Shanghai Authorities Sentence Petitioner Wang Qiaojuan to One Year of Reeducation Through Labor

The Shanghai Reeducation Through Labor Administrative Committee notified the family of Wang Qiaojuan on August 17 that she had been sentenced to one year of reeducation through labor for "disturbing the peace in a public place," according to an August 30 [press release](#) issued by Human Rights in China (HRIC), a respected U.S. human rights NGO. The Committee's decision says that Wang "bumped her head" when police attempted to stop her from boarding a train without a ticket. According to HRIC, however, companions who witnessed the incident say that they were buying tickets, and that two public security officials grabbed Wang and slammed her head against the window frame. HRIC [previously reported](#) that public security officials had detained Wang at her home on July 7. Police released five other petitioners who were detained in the following days on similar grounds.

The Associated Press [reported](#) (subscription required) on August 31 that a Shanghai police spokesman said he had no information about Wang, and that a labor camp official said she is not allowed to release information about any such cases.

Wang was at the train station on June 24 with 15 other Shanghai residents, who sought to travel to Beijing to deliver a petition to national authorities (the right of Chinese citizens to petition is guaranteed under Article 41 of China's

[Constitution](#)). Their petition complained about Shanghai officials who blocked their application for access to documents relating to redevelopment projects in Shanghai. Wang was also among 22 people who went to Beijing on January 27 to express sympathy about the death of former Communist Party General Secretary Zhao Ziyang. Security officers detained that group in Beijing and forcibly returned them to Shanghai. When the group arrived in Shanghai on January 30, public security officers [detained](#) one of Wang's fellow petitioners, Xu Zhengqing. Authorities formally arrested Xu on February 25, and on June 19, Wang co-signed a public letter protesting Xu's detention.

Chinese Authorities To "Rate" Domestic NGOs

Ministry of Civil Affairs (MOCA) officials have announced plans to "rate" China's 289,000 NGOs, according to an August 31 Beijing News [article](#). MOCA convened a conference of experts on August 30 to discuss the establishment of an "assessment system" for NGOs.

Experts called for increased supervision of NGOs and the elimination of those that are illegally established, according to an [announcement](#) posted on the MOCA Web site. MOCA officials noted that many NGOs are inefficient and non-transparent, and said that the new "assessment system" is aimed at ensuring their healthy development.

These moves follow increasing Chinese government scrutiny over, and restrictions on, the operations of foreign and domestic NGOs (see this [analysis](#)), and suggests that Chinese authorities may be considering whether or not to impose stricter controls on NGOs.

Xinjiang Government Intensifies Campaign Against the "Three Forces"

The government of the Xinjiang Uighur Autonomous Region has increased efforts to control the "three forces" of separatism, terrorism, and religious extremism, according to an announcement by Wang Lequan, the Xinjiang Communist Party General Secretary, at an August 26 [press conference](#). The Chinese domestic press covered Wang's remarks widely (see [1](#), [2](#) and [3](#)). Since the Global War on Terrorism was launched, the Chinese government has accused many writers and activists who peacefully advocate for rights enshrined in [China's Regional Ethnic Autonomy Law](#) as supporting the "three evil forces" (see, for example, [here](#) and [here](#)).

General Secretary Wang reported that fighting terrorism is the "top priority" in Xinjiang. He described an ongoing campaign to step up antisecessionist propaganda, increase law enforcement, and expand cooperation with Central Asian neighbors through the Shanghai Cooperation Organization and its Regional Antiterrorism Structure. Xinjiang authorities reportedly have arrested over 200 Uighurs since July 20 (see [here](#) and [here](#) for further details), in a campaign that seems to be part of security preparations for the 50th anniversary of the founding of the Xinjiang Uighur Autonomous Region on October 1.

General Secretary Wang also accused Rebiya Kadeer, the prominent Uighur human rights activist, of plotting terrorist activities to disrupt the 50th anniversary celebration. Before Chinese authorities [released her](#) on March 17, Kadeer served over five years in prison for disclosing "state secrets" by sending newspaper clippings to her husband in the United States. The U.S.-based Uyghur Human Rights Project [denounced Wang's accusations against Kadeer](#), and Kadeer denies the allegations.

In December 2003, Chinese officials [listed four organizations](#) that advocate political independence for Xinjiang as terrorist organizations. One of these organizations, the World Uyghur Youth Congress (which merged with the East Turkestan National Congress in April 2004 to form the World Uyghur Congress), says that it "[promotes the use of peaceful, nonviolent, and democratic means to determine the political future of East Turkestan.](#)"

The U.S. government placed another of these groups, the East Turkestan Islamic Movement (ETIM), on its list of international terrorist organizations; and the United Nations acted similarly. The U.S. government has not [labeled](#) the other groups as terrorist organizations. President Bush and other senior U.S. officials have urged the Chinese government [not to equate peaceful calls for ethnic autonomy with terrorism](#).

For a scholarly critique of the Chinese government's accusations of terrorism against Uighur groups, see [here](#).

Court Official Acknowledges Imprisoning Tibetans Who Carried Dalai Lama Photos Into the TAR

An official of the Shigatse (Rikaze) Prefecture Intermediate People's Court, located in the Tibet Autonomous Region (TAR), acknowledged that during the past decade the court sentenced more than 20 Tibetans to between one and five years imprisonment for offenses that included possessing photos of the Dalai Lama, according to a September 1 Radio Free Asia (RFA) [report](#). The official, who declined to be identified, asserted the court's authority to "sentence any individual who commits reactionary actions." He confirmed an RFA [report](#) on August 11 that an 18-year-old Tibetan had been imprisoned in 2001 for bringing religious material featuring the Dalai Lama's photo with him when he returned from India to his family home in Gansu province.

Chinese law enforcement authorities sometimes characterize the possession of printed or recorded materials featuring the Dalai Lama's likeness or his religious teachings as a threat to state security, especially when a Tibetan carries them across

China's international frontier. The court official addressed the issue of importation, telling RFA that, "Any document that relates to Tibetan independence, Dalai Lama photos, or any other documents or literature containing reactionary themes or subjects are punishable." The severity of the sentence, he said, "depends on the quantity of illegal materials brought in from abroad. The court documents specify guidelines for the decisions we should make. The materials could be photos of the Dalai Lama, or other documents inciting separatist activities."

Information in the CECC Political Prisoner Database (PPD) accords roughly with the Shigatse official's statement. For the period 1996 onward, the PPD records 30 cases of Tibetan political prisoners who either served sentences in Shigatse, or were sentenced in Shigatse and transferred to Lhasa's TAR Prison. All but two are believed to have completed sentences ranging from one to six years.

Tibetans living in China rarely receive official permission to travel to India. They make the journey without a passport or visa, trekking across Himalayan mountain passes that lead into Nepal, and return the same way. Tibetans whom Chinese police catch crossing into the TAR without proper documents typically face about three months in detention if they are not carrying religious or political material that Chinese authorities characterize as a threat to state security.

Additional information about the Chinese government's policy toward the Dalai Lama is available in CECC Annual Reports.

Human Rights Activist Hu Jia Beaten and Detained During Visits by Foreign Officials

Chinese human rights activist Hu Jia said that China's state security officers beat him and placed him under house arrest for 14 days during visits by top United Nations and European Union officials, according to an interview he gave Agence France-Presse's Hong Kong Service on September 7. According to Hu, officials held him under house arrest from August 24 through September 6. He said four state security officials beat him on August 29 when he tried to leave his home to go to the hospital. Hu arrived in Beijing on August 24 with a group of AIDS patients from Henan province, according to an [August 31 report](#) by Radio Free Asia.

United Nations High Commissioner for Human Rights Louise Arbour visited China from August 29 to September 2. The eighth European Union-China Summit took place in Beijing from September 5 to September 7. During this period Chinese authorities [launched a crackdown on human rights activists](#) in Beijing, placing Liu Xiaobo, Zhang Zuhua, and Liu Di under 24-hour police surveillance, and raiding the offices of Chinese Rights Defenders, an informal grouping of activists and dissidents. Each of the activists, Hu Jia, and Hou Wenzhuo, the head of Chinese Rights Defenders, had signed an [open letter](#) to Ms. Arbour dated August 22 that included a list of "public intellectuals, journalists, doctors, and defense lawyers" that China's government has detained and imprisoned. The letter noted, among other things:

[T]he government has also increasingly modernized its control mechanisms and tightened up its information control and censorship on speech and expression. With the Internet, text messaging, and other new technologies, we benefit from unprecedented access to information and online political speech. There is more room for the media due to growing marketization. But to our dismay, the government has invested heavily in deployment of ever more cyberpolice in order to build the world's most comprehensive and sophisticated system of telecommunications surveillance, "firewalls," and electronic monitoring, thereby perfecting its censorship and its control of speech. A long list of vocabulary and topics is prohibited in all public media and on the Internet. Tens of thousands of cyberpolice patrol cybercafes, wiretap phones, intercept cellular phone conversation, and interfere with text-messaging devices. They use the same high-tech methods to monitor and obstruct the speech and expression on the Internet of independent journalists, writers, and rights activists, and to gather evidence surreptitiously to use against these people in court. The Propaganda Department of the Chinese Communist Party, which should not have any role in legislation, nevertheless wields tremendous arbitrary power in operating, controlling, and penalizing the mass media, threatening journalists and those in the media profession, and coercing them into practicing self-censorship. All these practices violate Chinese citizens' rights to information, free speech, and free press.

Imprisoned Internet Writer Zhang Lin Hospitalized During Hunger Strike

Writer Zhang Lin has been hospitalized since beginning a hunger strike to protest his imprisonment, according to a September 6 [report](#) from the Committee to Protect Journalists. On July 28, the Intermediate People's Court of Bengbu [sentenced Zhang to five years imprisonment](#) for inciting subversion. Zhang was accused of posting articles on the Internet and giving a radio interview. He is currently appealing the verdict.

Security Officers Detain Unregistered Catholic Priest, Seminarian in Hebei Province

Public security officers in Hebei province [detained Pang Yongxing](#), an unregistered Catholic priest, and Ma Yongjiang, a Catholic seminarian, on September 2, according to the Cardinal Kung Foundation (CKF), a U.S. NGO that monitors the religious freedom of Chinese Catholics. Father Pang has been active in evangelizing in the Hebei countryside, and [served three years in a labor camp](#) between 2001 and 2004 for "disturbing the peace of society."

Hebei province has the largest concentration of Catholics in China and the unregistered Catholic community is particularly strong there. Thus, unregistered Catholic clergy and lay believers in Hebei province have been a focus of government repression. The CKF publishes [a list of Catholic clergy who currently are prisoners of conscience](#). As of July 31, 2005, 34 of 42 clerics imprisoned in China are from Hebei province.

Chinese Leaders Attend TAR 40th Anniversary Ceremony, Adopt TAR Goals for 21st Century

Senior Chinese government and Party officials attended a September 1 ceremony in Lhasa marking the 40th anniversary of the founding of the Tibet Autonomous Region (TAR), according to a Xinhua [report](#). Jia Qinglin, a Politburo Standing Committee member who also heads the Chinese People's Political Consultative Conference (CPPCC), led the high-level delegation, which included Foreign Minister Li Zhaoxing; Minister of Public Security Zhou Yongkang; Minister of Construction Wang Guangtao, General Liang Guanglie, Chief of the People's Liberation Army General Staff; Liu Yandong, who heads the United Front Work Department; National People's Congress Vice Chairman Ragdi (Raidi); and Phagpala Geleg Namgyal (Pagbalha Geleg Namgyai) and Ngabo Ngawang Jigme (Ngapoi Ngawang Jigme), both Vice Chairmen of the CPPCC National Committee.

Jia told an assembly of Party cadres in Lhasa on August 30 that the pace of change in the TAR must be quickened from "accelerated development" to "development by leaps and bounds," according to a Xinhua [report](#) on August 31. Government priorities include boosting rural Tibetan living standards and income, increasing infrastructure construction, consolidating ties with China's populous east, and cracking down on expression and activity perceived as a threat to "social stability and national security."

Jia's comments reflected proceedings in Beijing on August 26, when President and General Secretary Hu Jintao chaired a Politburo meeting in which the Party leadership reaffirmed its commitment to transforming the TAR in the 21st century. The leadership set the goal of strengthening state security and moving the TAR from "basic stability" to "enduring peace and stability," according to an August 26 Xinhua [report](#).

Authorities in Lhasa tightened security before the TAR anniversary and detained as many as 10 Tibetans, according to an NGO [report](#). State security bureau officials detained 50-year-old Sonam Gyalpo, the only detainee identified, from his home on August 28. The officers ransacked his home and found video tapes of the Dalai Lama's religious teachings, photographic images of him, and printed material. The officers produced a detention warrant, a requirement under Article 64 of China's [Criminal Procedure Law](#), and asked that Sonam Gyalpo sign it before they took him away. It is not clear whether he signed the warrant. Previously, Sonam Gyalpo was imprisoned in 1987 for three years after he put up political posters and shouted in support of demonstrating monks, and in 1993 for one year after he returned from an undocumented trip to India with medicine blessed by the Dalai Lama.

UN Committee on Rights of the Child Urges China To Allow Visit to Boy Named As Panchen Lama

The UN Committee on the Rights of the Child (UNCRC) on September 20 called for the Chinese government "to allow an independent body to verify the current status" of Gedun Choekyi Nyima, the boy the Dalai Lama recognized in 1995 as the reincarnation of the Panchen Lama. During meetings in Geneva, UNCRC Chairman Jacob Doek said the boy "has been taken against his and his parents' will from Tibet to China," and told the Chinese representative that Chinese authorities could "clear the air" by allowing a visit, according to a [report](#) the following day by the exiled Tibetan government. The Chinese official reportedly replied that he would forward the request, and advised Chairman Doek that the Chinese government has not permitted "foreigners" to visit the boy and his parents because "too much interference creates too many problems," and the family does not want "to be disturbed due to security reasons." The U.S. government has urged the Chinese government to end restrictions on Gedun Choekyi Nyima and his family and to allow international representatives to visit them.

After the Dalai Lama announced his recognition of Gedun Choekyi Nyima, the State Council declared the announcement "illegal and invalid" and installed another boy, Gyaltzen Norbu ([Xinhua report](#)). Chinese security officials took Gedun Choekyi Nyima and his parents into custody and have kept them incommunicado since that time. Chinese authorities conduct political education classes in Tibetan monasteries and nunneries and require monks and nuns to endorse the legitimacy of Gyaltzen Norbu or face expulsion. Tibetans who possess an image of Gedun Choekyi Nyima or express support for him may face punishment that can include imprisonment.

Liaoning Court Sentences Author Zheng Yichun to Seven Years Imprisonment for Inciting Subversion

The Intermediate People's Court in Yingkou, Liaoning province, has sentenced Chinese author Zheng Yichun to seven years imprisonment and three years deprivation of political rights for [inciting subversion of the state's political power](#), according to articles posted on the Web sites of [Radio Free Asia](#), the [Epoch Times](#), and [Boxun](#) on September 22. These articles reported that the primary charges listed in the court's judgment were:

- From April 2003 through December 2004 Zheng posted 77 articles on the Epoch Times Web site that included contents that incited subversion of the state's political power. The court cited two articles in

particular- "Collective Indictment of the Communist Party," and "The Ten Great Systematic Lies That Rule China" - and said these resulted in Zheng being accused of "adopting the method of spreading rumors and slanders to attack the Chinese political system."

- Zheng had received 20,000 yuan in compensation for his essays.
- Zheng had conducted e-mail and telephone correspondence with Tang Qing of the Epoch Times to arrange payment for, and selection of, the essays.

The court said it deemed his crime to be "severe" because the number of essays with contents inciting subversion of the state's power was large, and the essays had a "malicious influence inside the country." Zheng stated in court that he would appeal.

In [March 2005](#), several human rights groups, including the [Independent Chinese PEN Center](#), [Reporters Without Borders](#), and the [Committee to Protect Journalists](#), expressed concern about Zheng's detention. Zheng's family had reported that public security officers initially detained him on December 3, 2004, and notified them on December 31, 2004 that he had been arrested and charged with inciting subversion. A September 22 [report](#) by the Committee to Protect Journalists cited Zheng's brother as saying Zheng is diabetic, and has not received adequate treatment in prison.

Reporters Without Borders [reported](#) on September 23 that local authorities detained for six hours a U.S. journalist who tried to attend Zheng's July 21 trial, and released him only after he signed a "confession" admitting unauthorized activity on Chinese soil.

Zheng was one of at least five journalists that Chinese authorities arrested between December 2004 and March 2005, including [Shi Tao](#), [Yang Tianshui](#), and [Li Boguang](#), when Chinese authorities launched a [crackdown on public intellectuals](#). In July 2005, a court in Bengbu, Anhui province sentenced [Zhang Lin](#), another writer arrested during that crackdown, to five years imprisonment for inciting subversion.

Catholic Patriotic Association Leaders Deny Bishops Permission to Attend Synod in Rome

A Catholic Patriotic Association (CPA) spokesman said that the CPA had denied four Catholic bishops permission to attend the October 2 Synod of Bishops in Rome, according to a September 12 Xinhua [report](#). The CPA is the government-approved organization of Catholic churches in China, and the mechanism by which the government and Communist Party control Catholic religious practice in China. A [synod](#) is an assembly of bishops called to discuss matters of faith, morals, or discipline. An invitation to the Synod of Bishops generally signifies respect and esteem for the bishop invited, as well as for his diocese and country.

The Holy See invited 36 bishops to participate in the synod, including the four bishops from the Chinese mainland and one bishop from both Hong Kong and Taiwan. The Holy See extended the invitations to the four mainland Chinese bishops in August, discussed the invitations with the Chinese government in early September, and publicly released the names of all the bishops invited to the Synod on September 8. The CPA spokesman said that the Holy See's invitation to the four bishops "shows no respect" for China's Catholics because the Holy See had communicated its invitation privately to the Chinese government and made the invitation public only after the government had refused it. But on September 16, [Ye Xiaowen](#), Director of the State Administration for Religious Affairs, characterized the Pope's invitation as "a friendly gesture still in the negotiating process," but also said that some of the bishops invited were too old or in ill health, and that he did not consider one to be a bishop.

Many experts on Christianity in China have interpreted the CPA spokesman's remarks as having reintroduced a harsh tone to the Chinese government's relationship with the Holy See, which seemed to have improved after the election of Pope Benedict XVI in April 2005. [Bernardo Cervellera](#), who was once a missionary in China and currently edits AsiaNews, notes that the government has not been as harsh as the CPA, which he characterizes as being "still full of ideologically Stalinist characters and leftovers from the Cultural Revolution." Father Cervellera said he believes "the last word has not yet been said," holding out hope that President Hu Jintao or another high-ranking government official might overrule the CPA.

The four bishops invited to the Synod are [Wei Jingyi](#), [Li Jingfeng](#), [Li Duan](#), and [Jin Luxian](#) (Wei is neither registered with the CPA nor recognized by the government; Li Jingfeng is not registered with the CPA but is recognized by the government; and Li Duan and Jin are registered with the CPA).

Xinjiang Police Form Special Unit To Investigate Exiled Activist Rebiya Kadeer

A special police unit in the Xinjiang Uighur Autonomous Region will monitor the relatives and business interests of exiled activist Rebiya Kadeer, according to an August 30 Radio Free Asia (RFA) [report](#). Kadeer served over five years in prison in Xinjiang for disclosing "state secrets" contained in newspaper clippings she sent abroad. A police officer confirmed to RFA that a special unit known as the Number 307 Office, or Rebiya Kadeer Investigation Office, is operating in Urumqi. Alim Abdiriyim, Kadeer's son, told RFA that his family members must notify the 307 Office if they wish to leave the city. Police also detained two of Kadeer's nephews for a day during the week of August 26, and attempted to confiscate their passports.

Before her March 2005 release, Kadeer [said](#), prison guards warned her not to discuss Uighur issues abroad, or else her business interests and relatives who remain in Xinjiang would suffer the consequences. Xinjiang police began what appeared

to be a [politically motivated attack](#) on Kadeer's family and associates in May, according to a Human Rights Watch [report](#). Several of her associates were detained and a son went into hiding. Alim Abdiryim told RFA that since the police raided his family's business in May and began "ruining our reputation," the family has been unable to make payments on a 9 million yuan bank loan.

On August 26, Wang Lequan, the Communist Party General Secretary in Xinjiang, accused Kadeer of plotting terrorist attacks to disrupt the celebration of the 50th anniversary of the founding of the Autonomous Region on October 1 (for details, see [here](#)). Wang offered no evidence to support the allegations. Wang also accused Kadeer of economic fraud, tax evasion, and loan default.

Censorship Agency Launches Campaign to "Inspect" Evening Newspapers

The [General Administration of Press and Publication](#) (GAPP) announced a nation-wide inspection of China's evening newspapers, according to a September 21 [article](#) (in Chinese) on Xinhua's Web site. The report originally appeared in the China News Report, a publication of the All-China Journalists Association (ACJA). GAPP officials made the announcement at the first meeting of the "National Evening (Section) Quality Inspection Committee," which convened in Beijing on September 19. The GAPP's Periodical Bureau will supervise the inspection campaign, which will be conducted by an "internal" organization within the ACJA and will target 39 evening newspapers around China.

Wang Guoqing, deputy chief of the GAPP's Periodical Bureau, told the meeting that the GAPP intends the inspection campaign to increase its control over publishing. He said that this campaign had "strong political administration supervision overtones," and would focus on resolving issues relating to "news for compensation [journalists accepting bribes], false news, vulgarity, and harmful advertising." Wang also told the meeting that the purpose of the campaign is to improve the "quality" of evening newspapers. The ACJA article reports that the scope of the inspections would include examining the "political orientation" of the newspapers' content. Inspectors will award newspapers points, with content being the most heavily weighted category (the others are editing, design, and printing).

The newspaper inspection campaign is reminiscent of two events in the last year which demonstrated how the Chinese government and Communist Party authorities' "grading" of the press influences what Chinese citizens read. The first involved a new [Regulation on the Administration of Book Quality](#), which became effective in March 2005. The second occurred in August 2005, when Li Datong, an editor of the China Youth Daily, criticized a proposed policy under which journalists at that newspaper would receive increased compensation for writing articles that received praise from Communist Party and government leaders.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20051001&show=ALL#id24413>

Ministry of Information Industry Publication: Controlling "Harmful" Information on the Internet "Top Priority"

Saying that "when humanity opened the window to the Internet civilization, it also opened Pandora's box," a September 1 [article](#) in the [Ministry of Information Industry's](#) (MII) People's Post and Telecommunication News states that "Controlling the dissemination of harmful information on the Internet has become one of the government's foremost pressing responsibilities." Although the only "harmful information" mentioned explicitly in the article is pornography, it cites the [Interim Provisions on the Administration of Internet Web sites Engaged in News Posting Operations](#) (Provisions) as one government measure enacted to "control harmful information" on the Internet. Enacted in 2000 by the MII and the [State Council Information Office](#) (SCIO), the Provisions include the following restrictions on freedom of expression and the free flow of information:

- News Web sites may only be operated by government agencies with authorization from the SCIO.
- General interest Web sites may only post news promulgated by government news agencies, and then only with authorization from the SCIO.
- All Web sites are prohibited from linking to Web sites outside of China without authorization, or posting news issued by news media or Web sites outside of China, unless explicitly authorized to do so by the SCIO.

In 2001 the [General Administration of Press and Publication](#) (GAPP) also issued the [Notice Regarding Prohibiting the Transmission of Harmful Information and Further Regulating Publishing Order](#), which prohibits anyone from establishing an enterprise whose primary purpose is transmitting news or engaging in news publishing without permission from the GAPP.

Recent examples of China's government attempting to restrict Chinese citizen's access to foreign news sources on the Internet include:

- In [April 2005](#), a city in Jilin province enacted an [Ordinance on the Supervision and Administration of Internet News](#) to stop Web sites from posting "whatever government news, social news, and cultural news they want" and linking to "news media Web sites outside of China."
- The MII [recently concluded a crackdown on private Web sites](#) that resulted in the [closure of thousands of Web sites](#) whose operators failed to register. The [registration procedures](#) stipulated that anyone posting

news on their Web site must provide proof that they have government authorization to do so.

Chinese Border Patrol Alleged to Fire on Tibetan "Asylum Seekers," 48 Detained

Chinese security forces patrolling the China-Nepal border allegedly opened fire on a group of Tibetans attempting to flee China by hiking from the Tibet Autonomous Region (TAR) into Nepal on August 26, according to a September 23 [report](#) by Radio Free Asia (RFA). The group of 51 persons hiked from Dingri county in the TAR's Shigatse prefecture, and included a monk, two nuns, and six children. Only three of the group eluded capture and escaped to Nepal. The security forces took the remaining 48 into custody, according to an account provided by one of the escapees.

Shigatse prefectural officials, who declined to be identified, confirmed to RFA that the 48 detainees were en route to the prefectural capital. One official told RFA that the detainees had mentioned several reasons for fleeing China, including inadequate religious teaching, insufficient educational opportunities, and poor living conditions. He said that authorities in each detainee's place of residence would be notified, and that the cases of the children would be referred to "education officials."

In 2004, more than 2,300 Tibetans who reached Nepal received assistance from the representative of the UN High Commissioner for Refugees (UNHCR), according to the U.S. State Department's [Country Reports on Human Rights Practices - 2004](#). Most Tibetans who risk the journey to Nepal want to reach India, where they seek admission into schools, look for jobs, or enter monasteries and nunneries. Most wish to participate in an audience with the Dalai Lama. Chinese authorities rarely grant Tibetans permission to travel to India; according to the State Department report, Chinese police deny passports to Tibetans whose travel they suspect will "harm the national security and national interests."

Government Regulators Block Foreign Access to China's Media Market

Chinese government regulators blocked Rupert Murdoch's News Corp.'s plan to operate a television channel in China, according to an August 30 New York Times [report](#) (registration required). According to the Times, News Corp. had been distributing the National Geographic Channel, a music channel, and other programming to local cable television companies without government permission. The government's action coincides with its recent promulgation of several regulations that limit foreign access to China's media industry:

- [Notice of Certain Decisions Regarding Non-Public Investment in Cultural Industries](#) (2005-04-13): Prohibits private investment in wire services, newspaper, magazine, and book publishing, radio and television stations, news Web sites, and the importation of newspapers, magazines, movies, and television shows.
- [Rules on the Administration of Radio, Film, and Television System's Local Foreign Affairs Work](#) (2005-07-06): Prohibits television and radio stations from leasing their channels to foreign companies, and from cooperating with foreign companies in station operations.
- [Regulations on the Administration of Commercial Performances](#) (2005-07-07): Bans performances that harm the "honor or interests of the state," and prohibits foreigners from operating commercial performance groups.
- [Measures Regarding Strengthening the Administration of the Importation of Cultural Products](#) ("Measures") (2005-08-02): The text of this regulation is still unavailable. According to Xinhua, however, the Measures freeze approvals for new foreign satellite television channels, and will "increase control over content censorship" of imported television programs.
- [Certain Opinions Regarding the Introduction of Foreign Investment into the Cultural Domain](#) ("Opinion") (2005-08-04): The text of this regulation is unavailable. According to Xinhua, however, the Opinion prohibits foreign companies from investing in news organizations or Web sites, radio or television stations, companies that produce or show films or radio or television programs, artistic performance groups, film importation and distribution companies, and businesses that engage in book, periodical, or Internet publishing.
- [Notice Regarding Further Strengthening the Administration of Radio and Television Channels](#) (2005-08-04): Stipulates that to preserve the government's ability "to make final decisions regarding the contents of propaganda," controlling shares in radio and television stations must be in the hands of the government, and non-government investors may not participate in editorial decisions.

Under WTO rules, a WTO member can only enforce published trade-related measures. The Chinese government has not published the Opinions and the Measures. When it acceded to the WTO, China specifically committed to publish all trade-related measures for comment before promulgation. The government did not publish any of the measures listed above before promulgation.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20051001&show=ALL#id22430>

Government Assigns Largest Group of Ethnic Han Officials to Date to Posts in Uighur Areas

According to the [Xinjiang Daily](#), 947 government workers from outside the Xinjiang Uighur Autonomous Region began three-year assignments in Xinjiang in mid-2005. Wang Encheng, director of the Central Personnel Department, reported that this

fifth class of "Assist Xinjiang" cadres is the largest to date, with 130 more officials than were assigned in 2004. He noted that a "new era in the 'Assist Xinjiang Cadre Policy' has begun," with the new arrivals assuming a larger number of first secretary Party posts at the county level. The Personnel Department will place the cadres primarily in southern Xinjiang, where over 95 percent of the population is Uighur, though new positions also have been added in the north.

The Regional Ethnic Autonomy Law mandates that the top official in each autonomous area be a member of the titular minority, but no similar provisions exist reserving senior Communist Party posts for minority representatives. All of the Xinjiang Party first secretaries, for example, are ethnic Han. The central government's "[Assist Tibet, Assist Xinjiang, Assist Border Regions](#)" personnel policy has placed tens of thousands of ethnic Han officials in minority areas since 1982. The goal of the policy is to combat "domestic and foreign forces'...vain attempts to stir up ethnic separatism and to threaten our country's social stability, ethnic harmony, and national unity," according to the State Ethnic Affairs Commission Web site. The Xinjiang Daily article downplayed the cadres' contributions to security and highlighted their role as "bridges for cooperation" between Xinjiang and the rest of China.

Potala Palace Monk Detained Before TAR 40th Anniversary

Chinese security officers in Lhasa detained Sonam, a monk employed at Lhasa's Potala Palace, on or about August 21, according to a September 17 Human Rights Watch (HRW) [report](#). In his early 40s, Sonam has worked at the Potala since the 1980s, and was considered a trustworthy employee, according to the report. Authorities sent him on an official visit to Nepal in the mid-1990s, and recently promoted him to the position of chapel caretaker. HRW received unconfirmed reports that two other Potala monks were detained about the same time, and may have been released.

NGOs also reported that Lhasa authorities detained several Tibetans during a period of intensified security bracketing the [40th anniversary](#) of the creation of the Tibet Autonomous Region (TAR), which was commemorated on September 1, but only two persons have been identified so far. State Security Bureau officers ransacked the home of Sonam Gyalpo, a 50-year-old tailor, on August 21 and detained him after they found religious material featuring the Dalai Lama's likeness, according to a [report](#) on September 9. The central Chinese government sent a high ranking delegation to Lhasa, headed by Politburo member Jia Qinglin, for the anniversary ceremony. The period of heightened security ended on September 10, according to HRW.

The Potala Palace was the Dalai Lama's winter residence until he fled into exile in 1959. The Chinese government took over administration of the Potala as a "cultural relic" and tourist site in the 1980s, but it remains a primary destination for Tibetan worshippers. The Potala was added to the UN Educational, Scientific and Cultural Organization (UNESCO) World Heritage List in 1994. A [UNESCO report](#) issued in September 2002 provides information about Chinese government management of the Potala.

Government Issues Notices Restricting Media Rights, and Calling for More Propaganda for Children

China's [State Administration of Radio, Film, and Television](#) (SARFT) issued three new notices in mid-September:

[Notice of "Self Discipline Agreement for Chinese Radio and Television Announcers and Hosts"](#) (2005-09-10). The Agreement states that announcers and hosts will "voluntarily" obey the [Professional Ethical Standards for China Radio and Television Announcers and Hosts](#) that SARFT issued in December 2004. The text of the Agreement is largely identical to that of the Standards. Under the Agreement, announcers and hosts commit to increase their study of political theory, raise their political character and political proficiency, guide people with "correct public opinion," passionately love "the motherland," serve the greater interests of the work of the Communist Party and the government, and implement the Communist Party's "line, principles, and policies."

[Notice Regarding Correctly Administering Radio and Television Live Reporting](#) (2005-09-10). The notice warns that live broadcasts of reports relating to politics and government policies must be handled carefully in order to avoid "problems." The notice does not specify what these problems are, but states that in order to "ensure the correct guidance of public opinion, radio and television broadcasters must receive approval from SARFT before making any "large scale live broadcast reports of significant events . . . especially those live broadcast reports of activities chaired by central leading cadres." The notice also requires all radio and television broadcasters to be sensitive to "political" issues and "increase their political acumen and their powers of political discrimination." Broadcasters must also screen live broadcast reports to "ensure their orientation is correct."

[Urgent Notice Regarding Prohibiting the Use of Dedicated Programs to Broadcast Foreign Animated Films](#) (2005-09-13). The notice complains that some television stations in China have been broadcasting foreign animated features without first allowing SARFT to screen them. The notice is partly a move to increase the Communist Party's ability to influence the political ideology of China's children, as it says that some of the animated features have "orientation mistakes," and calls on broadcasters to increase their "political awareness" and aggressively carry out the implementation of the "Certain Opinions of the Chinese Communist Party Central Committee and the State Council Regarding Strengthening and Improving the Building of Children's Ideology and Morality." It also comes in the same week Xinhua [reported](#) a Chinese company was developing a series of video games based on 100 Chinese heroes to promote patriotism and allow children to be "influenced

by the characters [sic] of the national heroes." Another Xinhua [report](#) (in Chinese) said the first game in the series was introduced by [Shi Feng](#), deputy director of the [General Administration of Press and Publication](#), which [recently announced](#) (in Chinese) it would invest 15 billion yuan to promote the creation of 100 government-developed computer games over the next five years. The notice is also an example of economic protectionism, however, as it specifies that at least 60 percent of animated feature broadcasts must be domestic productions. Since May 2005, Chinese authorities have [issued at least six other regulations](#) and [launched at least one crackdown](#) in order to limit the economic and political influence of foreign news and entertainment media in China.

Shandong City Requires Web Sites to Register with Public Security Office

Public security officials in Penglian, Shandong province, have issued a [notice](#) that all small and medium sized Web sites in the city must register with the police, according to a September 2 [article](#) on a Web site operated by the Dalian municipal government and local Communist Party Central Committee. The article states that the registration is necessary to "clean out" Web sites with "reactionary" and other types of "harmful" information. Public security officials intend to investigate Web sites that register and "punish" Web sites that fail to register.

Penglian joins [Qingdao](#), [Beijing](#), and [Guangzhou](#) in forcing Web sites to register with public security authorities. Officials have cited provisions of the [Measures for the Administration of Security Protection of Computer Information Networks with International Interconnections](#) as authorizing this registration requirement, but have not explained why the government has chosen to begin enforcing those provisions now, when the Measures were enacted in 1997. The move coincides, however, with the [Ministry of Information Industry's](#) (MII) [recently concluded crackdown](#) on private Web sites that resulted in the [closure of thousands of Web sites](#) whose operators failed to register. Like the public security crackdown, the MII's campaign was based on regulations that were enacted several years ago (the [Measures for the Administration of Internet Information Services](#), which became effective in 2000), but that are only now being enforced (pursuant to the [Registration Administration Measures for Non-Commercial Internet Information Services](#)).

Ministry of Commerce Promulgates Auto Trade Policy

The Ministry of Commerce (MOFCOM) promulgated a [policy](#) (in Chinese) governing trade in autos and automobile-related products on August 10. The policy contains provisions governing both trade within China and the import and export of autos and auto-related products, but no specific provisions that would advance Chinese government efforts to create an export-oriented auto industry. The policy confirms that foreign investors may enter the domestic distribution market for autos; such rights are part of China's WTO accession commitment to open the distribution sector. The policy prohibits imports of used cars, used car parts, and right-side drive autos.

A Ministry of Commerce official explained (in [English](#) and [Chinese](#)) that the government issued the new policy to develop a competitive domestic industry in all aspects of auto distribution. MOFCOM evidently made no changes to the draft version that it released for comment in October 2004.

U.S. industry spokesmen told a [major U.S. trade publication](#) (subscription required) that the prohibition of used auto imports would not affect U.S. auto manufacturers.

The [National Development and Reform Commission \(NDRC\)](#), issued a more general [Auto Industry Development Policy \(in Chinese\)](#) in 2004. The policy seeks to create a consolidated domestic auto manufacturing industry. An August 23 [Xinhua article](#) reports that the general provisions will form the basis for more detailed measures in the future to advance the policy's goals.

The auto industry regime in place before the new auto trade policy was announced in August has caused some problems for U.S. and other foreign companies. For example, in April, the NDRC issued the [Management Measures for Imports of Auto Parts Having the Characteristics of a Complete Automobile](#) (in Chinese), which significantly increased the rate of duty on "knock-down kits" (kits of unassembled auto components requiring only assembly in China) to equal the rate on imported autos that are completely assembled. Some U.S. manufacturers export knock-down kits to China.

Nine North Koreans Expelled From South Korean School in Tianjin

The principal at the South Korean International School in Tianjin turned away nine North Koreans seeking safe passage to South Korea on September 12 after they forced their way into the school, according to a South Korean civic group supporting North Korean refugees in China and reported by [Yonhap News](#). The expulsion is unusual as those North Korean asylum seekers who have managed to enter international schools or foreign embassies in the past have generally been allowed safe passage to South Korea after protracted negotiations with Chinese officials (see [here](#) and [here](#)). The school principal contends that the group, which included a seven-year-old and a one-year-old child, did not identify themselves as North Koreans or request passage to South Korea.

The Chinese government considers all North Koreans in China "illegal economic migrants" and forcibly returns them to North Korea, where they face imprisonment for defecting. The [U.S. State Department estimates](#) that there are 30,000 North

Koreans refugees in China.

242 Ford House Office Building, 441 2nd St. SW, Washington DC 20515
Phone: 202-226-3766 | Fax: 202-226-3804 | E-mail: info@cecc.gov | Website: www.cecc.gov