

# China Human Rights and Rule of Law Update

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## United States Congressional-Executive Commission on China

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

### Announcements

#### **Hearing: Combating Human Trafficking in China**

The Congressional-Executive Commission on China held a Commission hearing entitled "Combating Human Trafficking in China: Domestic and International Efforts," on March 6. Senator Chuck Hagel, Chairman of the Commission, presided. The statements of Chairman Hagel, Commission Member Senator Sam Brownback, Commission Member Deputy Secretary of Labor Steven J. Law, and the hearing witnesses are available on the CECC Web site: [www.cecc.gov/pages/hearings/2006/20060306/index.php](http://www.cecc.gov/pages/hearings/2006/20060306/index.php)

#### **Roundtable: The China-Dalai Lama Dialogue**

The Congressional-Executive Commission on China held another in its series of staff-led Issues Roundtables, entitled "The China-Dalai Lama Dialogue: Prospects for Progress" on March 13. The panelists were: Tashi Wangdi, Representative of His Holiness the Dalai Lama to the Americas, Office of Tibet, New York; Sonam Wangdu, Chairman, United States Tibet Committee; and Tseten Wangchuk, senior broadcaster, Voice of America, Tibetan language service. Statements of the panelists are available on the CECC Web site: [www.cecc.gov/pages/roundtables/2006/20060313/index.php](http://www.cecc.gov/pages/roundtables/2006/20060313/index.php)

#### **Issue Paper: China's Household Registration System (Chinese and English versions)**

The Congressional-Executive Commission on China has prepared a Chinese translation of its recent Issue Paper: China's Household Registration System: Sustained Reform Needed to Protect China's Rural Migrants ([HTML](#) / [PDF](#)).

#### **Translations: Background Documents on the Suspension of "Freezing Point"**

On January 24 the Propaganda Department of the Communist Party Youth League ordered the China Youth Daily's Freezing Point [*bingdian*] weekly to suspend publication for publishing an essay by professor Yuan Weishi criticizing how Chinese textbooks teach the history of the Qing Dynasty. It allowed the publication to resume only on the condition it replaced two senior editors and published an essay refuting Yuan's essay. The Congressional-Executive Commission on China has prepared a [report](#) on these events, as well as English translations of the following documents:

- [Decision Regarding the Handling of the China Youth Daily Freezing Point Weekly Mistake in Publishing "Modernism and History Text Books"](#), ordering the China Youth Daily suspend publication of the Freezing Point weekly.
- [Joint Declaration Concerning the "Freezing Point" Incident](#), criticizing the suspension and signed by Zhu Houze, former head of the Central Propaganda Department; Li Rui, former secretary to Mao Zedong; Li Pu, former Deputy Director of the Xinhua News Agency; Zhang Sizhi, former Vice Chair of Beijing Lawyers Association; Hu Jiwei, former Editor-in-Chief of the People's Daily; and Zhong Peizhang, former head of the China Youth Daily group, and seven other senior government and Party figures.
- [Open Letter From Freezing Point Writers to National People's Congress Standing Committee](#), calling the Propaganda Department's actions unconstitutional and illegal, and signed by Cui Weiping, a professor at the Beijing Film Academy; He Weifang, a law professor at Beijing University; and Qin Hui, a history professor at Qinghua University, and ten other well known scholars and writers.
- [Decision Regarding Handling the Rectification and Expeditious Relaunch of the "Freezing Point" Weekly](#), stating the conditions under which the Party would allow the Freezing Point weekly to resume publication.

#### **Web Site Resource and Translation: Prior Restraints on Religious Publishing in China**

The Congressional-Executive Commission on China has prepared a new Web site resource: [Prior Restraints on Religious Publishing in China](#). This page covers national publishing and printing regulations on religious materials, regulations and guidance on printing materials that touch on religious issues, and the prosecution of house church pastor Cai Zhuohua for distributing Bibles.

The Congressional-Executive Commission on China has also prepared an English translation of the [Provisions Regarding the Administration of Contracts to Print Bible Texts](#) issued by the General Administration of Press and Publication, State

Council Religious Affairs Bureau, and General Administration of Customs in 1994. The Bible Printing Provisions regulate both Bible printing jobs from overseas and the printing of the domestic Chinese edition of Bible texts.

## Update on Rights and Law in China

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

### **Officials Detain Eight Groups of Protestants in February and March**

Public security officials have detained Protestants on eight occasions and in seven Chinese provinces since February 13, according to reports by the [China Aid Association](#) (CAA), a U.S. NGO that monitors religious freedom in China.

- On [February 13](#), officials detained more than a dozen Protestant house church leaders in the Xinjiang Uighur Autonomous Region, including pastor Lou Yuanqi, who as of March 10 was held at the Huocheng County Detention Center.
- On [February 26](#), officials raided a Protestant house church service in Pizhou city, Jiangsu province. Officials declared the service "illegal" because the church was not registered, and briefly detained pastor Chu Huaiting, Wang Chaoying, Wang Jing, and Xue Yuanling, and beat several older members of the church. According to another CAA [report](#), officials released the four detainees on the same evening. With respect to whether or not the service was "illegal," Article 12 of the [Regulation on Religious Affairs](#) (issued 2004) provides that religious activities "shall, in general, be held at registered sites for religious activities...and presided over by religious personnel or other persons who are qualified under the prescriptions of the religion concerned." The Chinese government generally qualifies only religious personnel who submit to state control of religious groups, and harasses, detains, and sometimes arrests believers who choose to worship outside state-controlled venues.
- On [March 1](#), officials raided a Protestant house church Bible school in Huaibei city, Anhui province. Officials detained about 36 house church leaders, teachers, and students, including pastors Chu Huaiting (whom officials had detained several days earlier in Jiangsu--see above), Liu Haiting, Liang Zhenjun, and Joseph Wang.
- On [March 6](#), officials raided a Bible study meeting at a registered Protestant church in Xiangcheng county, Henan province. Officials declared the meeting "illegal," allegedly because registered pastor Liu Tuanjie conducted the session outside his designated geographic area. Officials detained Liu, Li Xueqin, and a Mrs. Ma, whom officials released after her family paid a fine of 3,000 yuan (approximately \$400).
- On [March 6](#), officials detained Ruan Yonggui and Liu Fukao, Protestant house church pastors in Shanxi province. Both Ruan and Liu are affiliated with the China Gospel Fellowship, a network of house churches which has several million members, according to an Overseas Missionary Fellowship [report](#).
- On March 10, the China Aid Association reported that officials had "[recently](#)" placed Su Wenxing, a Protestant orchestra conductor and an ethnic Miao, under house arrest in Beijing. Su has conducted high-profile performances of religious music in China and abroad, as discussed in a May 2004 [article](#) in World magazine.
- On [March 13](#), officials raided a meeting of Protestant house church leaders in Wen county, Henan province, detained about 80 house church leaders, but released 36 of the leaders within 24 hours. According to a subsequent CAA [report](#), officials released an additional three leaders on March 18 and six more on March 20. Fifteen leaders remain in detention. Officials reportedly beat many of the leaders (Pastor Li Gongshe, one of the detainees, has been hospitalized), and forced a 21-year-old woman to strip during interrogation. Among those still detained as of March 21 were Ma Wenqing, Zhang Jinzhi, Pastor Zhang Liang, Zhang Suihong, Xian Guirong, Wei Rongzhen, Li De'an, Xu Xuemin, Wang Xiaoi, Pastor Li Huimin, Zheng Liting, Yue Jianghui, Li Hongmin, and Pastor Fan Zhongyu. The detentions occurred in Henan province, where the house church movement is particularly strong. A [review](#) published by the state-controlled Amity News Service, which communicates the views of China's registered Protestant church, acknowledges the strength of the house church movement in Henan. In 2005, a number of house church Protestants were detained in Henan province, including detentions in [May and June](#) and [July and August](#), and one incident of detention each in [October](#) and [December](#).
- On [March 20](#), officials raided a Bible study meeting and detained Lian Changnian, a Protestant house church pastor, in Xiantao city, Hubei province. Pastor Lian is from Xi'an city in Shanxi province. Officials released Pastor Lian after 10 days of detention, according to a March 29 Christian Monitor [report](#).

In November 2005, officials detained [four groups of unregistered Protestants](#) and [five groups of unregistered Catholics](#), and

detained unregistered Protestants in [mid-December](#), around [Christmas](#), and again in [January](#).

For more information on Protestants in China, see the [CECC 2005 Annual Report](#), Section III(d).

## **Dalai Lama's Envoy: China Talks Deal with Substantive Issues, Encounter Obstacle**

The Tibetan government-in-exile released a [statement](#) on February 25 from Lodi Gyari, the Dalai Lama's Special Envoy, about the fifth round of dialogue with Chinese officials. Lodi Gyari and Envoy Kelsang Gyaltsen, accompanied by two senior staff, visited China from February 15 to 23. The envoys did not travel this time to the Tibet Autonomous Region (TAR) or one of the Tibetan Autonomous Prefectures (TAPs) in other provinces, in contrast to their three previous visits. Special Envoy Gyari described these visits in statements released in [September 2002](#), [May-June 2003](#), and [September 2004](#). During the February visit, as a result of their expressed interest in seeing "the situation" in another of China's five provincial-level ethnic autonomous regions, the envoys visited the Guangxi Zhuang Autonomous Region. (For more information about China's system of ethnic autonomy, see Chapter III, Section 6 of China's [Constitution](#), China's [Regional Ethnic Autonomy Law](#) (REAL), [Provisions on Implementing the Regional Ethnic Autonomy Law](#), and Section III(a) - "[China's Minorities and Government Implementation of the Regional Ethnic Autonomy Law](#)," in the [CECC 2005 Annual Report](#).)

The envoys met in Guilin on February 22 with Zhu Weiqun, the deputy head of the United Front Work Department (UFWD) of the Chinese Communist Party (CCP). "We dealt with substantive issues," Gyari said in his statement. "As a result, today there is a better and deeper understanding of each other's position and the fundamental differences that continue to exist in the position held by the two parties." Following the fourth round of dialogue in Bern, Switzerland, in late June and early July 2005, Gyari also spoke favorably, saying in a [statement](#) released by the Tibetan government-in-exile that the talks were "concrete and substantive."

Gyari drew attention to the fundamental differences in outlook affecting the dialogue, saying in the February 25 statement, "This round of discussion also made it clear that there is a major difference even in the approach in addressing the issue." He did not disclose the nature of the obstacle. After the 2005 Bern round, Tibetan-government-in-exile official Thubten Samphel said in July that the most fundamental difference is over "the definition of Tibet," according to a [report](#) by the Associated Press (reprinted on the Web site of Phayul.com). "While China sees Tibet as the area included under the Tibet Autonomous Region (TAR), Tibetans claim a much larger area where the culture and language are Tibetan," Samphel said.

See Section VI - "Tibet," [The Status of Discussion Between China and the Dalai Lama](#), of the [CECC 2005 Annual Report](#) for more information.

## **Hunan Court Sentences Infant Traffickers; New Orphanage Standards Due Soon**

The Qidong County People's Court in Hengyang city, Hunan province, sentenced the head of a Hengyang welfare institute (approximately equivalent to an orphanage) and other alleged traffickers on February 24 to prison terms for trafficking in infants, according to a February 24 Xinhua [article](#). The court sentenced three traffickers to 15 years in prison and six others to terms ranging from 3 to 13 years and sentenced the director of a welfare institute in Hengdong county in Hunan province to 1 year in prison. Hengyang city government agencies dismissed or censured 22 other welfare institute employees and local Department of Civil Affairs (DoCA) officials, including the director and vice-director of the Hengyang city DoCA.

According to the Xinhua article, beginning in 2002, the traffickers bought infants in Guangdong from individuals who had abducted them. The traffickers then sold the infants to welfare institutes in six counties in Hengyang city for 3,200 to 4,300 yuan (US \$400 to \$537) each. Welfare institute employees, aware that the infants had been trafficked, then forged abandonment certificates and arranged adoptions for the infants, some internationally. In 2005, Hengyang city welfare institute employees bought 78 infants from the traffickers. The China Center of Adoption Affairs (CCAA), the agency that arranges all foreign adoptions of Chinese infants, investigated the matter and concluded that no American families had adopted infants involved in the affair, according to a U.S. State Department official quoted in a March 16 Associated Press [article](#) available on the Yahoo News Web site.

Welfare institutes that have permission to arrange foreign adoptions, such as the Hengyang city welfare institutes, require a "donation" that prospective adoptive parents pay when they receive their child, typically between US \$3,000 and \$5,000. The U.S. Consulate General in Guangzhou city, Guangdong province, [reports](#) (via the U.S. State Department Web site) that this fee is not a bribe and is a reasonable estimate of the costs of care for the orphan. According to a March 12 Washington Post [article](#), however, the fee acts as an incentive to drive up the demand for healthy infant girls. Private U.S. agencies and individuals long involved in adoption from China [dispute](#) this assertion and other conclusions reported in the article about the alleged relationship between infant trafficking and adoption of Chinese infants by prospective parents.

Li Xueju, the Minister of Civil Affairs, announced that the Chinese government is in the process of standardizing welfare institute administration across the country and will issue new standards "soon," according to a March 10 Beijing News [article](#) posted on the China Women's Web site. Li noted that DoCA will tighten supervision over institute staff, and public security bureaus will increase their anti-trafficking capabilities. In testimony to the Commission at a March 6 [hearing](#), "Combating Human Trafficking in China: Domestic and International Efforts," a U.S. NGO official called for specialized anti-trafficking

training for law enforcement personnel and judges. For more information on human trafficking in China, see the 2005 CECC Annual Report section on [Trafficking of Women and Girls](#).

## Ministry of Justice Issues Prohibitions to Restrain Prison and RETL Police Abuses

The Ministry of Justice (MOJ) distributed "Six Prohibitions on People's Prison Police" and "Six Prohibitions on People's Reeducation Through Labor (RETL) Police" on February 14 for implementation by justice bureaus across China, according to a February 16 Legal Daily [article](#) (in Chinese). MOJ Vice Minister Fan Fangping told Legal Daily that, beginning on the date of the announcement, prison and RETL police found violating the prohibitions would be subject to punishments ranging from warnings to dismissal. In cases in which police behavior may constitute a crime, authorities will also investigate the actor's criminal liability. Vice Minister Fan disclosed that the MOJ is preparing to dispatch a supervisory group of its own, and that local justice bureaus will also be expected to implement regular supervision and investigation of police activities.

In addition to reiterating existing prohibitions under Article 14 of the [Prison Law](#) and Article 22 of the [People's Police Law](#), the prohibitions also represent some positive new developments. The MOJ initiative signifies central government recognition that problems of physical abuse and other misconduct exist within the Chinese prison and RETL systems. Vice Minister Fan acknowledged, "On an individual police officer basis, there still exists an attitude of privilege and a working style that is simplistic and crude, and even behavior that harms the interests of the masses." A February 17 Xinhua [report](#) (in Chinese) noted that the prohibitions break new ground by subjecting all violations, and not just violations with "serious consequences," to punishment in accordance with law. The report noted that in the past, some officials who have violated laws and procedures have avoided accountability for their acts because they "did not lead to serious consequences." The new prohibitions make no such distinction, and aim more broadly at the most common issues arising in the prison and RETL systems, according to Vice Minister Fan. In particular, they:

- Strictly prohibit beating or subjecting inmates serving a prison (or RETL) sentence to corporal punishment, or instigating others to beat or subject such an inmate to corporal punishment;
- Strictly prohibit using firearms, police equipment, or police cars in violation of regulations;
- Strictly prohibit asking for, or receiving, possessions belonging to inmates serving a prison (or RETL) sentence or to their family members;
- Strictly prohibit transferring or providing contraband on behalf of inmates serving a prison (or RETL) sentence;
- Strictly prohibit drinking alcohol while on duty; and
- Strictly prohibit gambling.

On January 1, Beijing municipal officials put into effect a similar set of six prohibitions, as well as "Temporary Provisions on Investigating Responsibility for Mistakes in Law Enforcement by People's Prison Police" (Beijing Provisions), which impose quality control measures on prison police in the Chinese capital. According to a December 15, 2005, Beijing Daily [article](#) (via Xinhua, in Chinese) the Beijing Provisions provide disciplinary measures for the actions of prison police during 23 different stages of prison administration, including placing criminals into prison, managing and releasing criminals, handling and suggesting sentence reductions and parole, and handling temporary service of sentence outside prison and release on parole for medical treatment or evaluation. Beijing prison police are subject to warnings, demerits, demotions, discharge from duty, or dismissal for misconduct toward inmates such as insults, beatings, prolonged confinement, and isolation. Prison police are subject to warnings or dismissal, depending on the degree of the violation, for intentionally failing to declare a sentence reduction or parole for inmates who meet the criteria, and for misleading diagnosis and authentication conclusions regarding medical release. In addition, the Beijing Provisions subject prison police to fines of several thousand yuan for taking gifts and money from inmates or their family members.

Despite these positive steps toward greater protection of Chinese prisoners, the MOJ and Beijing prohibitions establish a top-down supervisory system that does not specify a mechanism for victims of abuse to enforce the prohibitions against police abusers. News media reports about the February 23 release of Tiananmen democracy protestor [Yu Dongyue](#), for example, raise questions about the availability and adequacy of legal channels for complaint by prisoners, their legal representatives, or their family members. According to a June 16, 2005, Radio Free Asia [article](#), central government officials in Beijing never responded to calls for Yu's release on medical grounds. A June 6, 2005, South China Morning Post article quoted Yu's mother as saying that when she submitted the application, prison officials told the family that political criminals could not be granted medical parole and that "[Yu] never admitted he was wrong." The Times [reported](#) on February 23 that Yu spent two years in solitary confinement, was subjected to electric shocks and brutal beatings, and was once tied to a post and left standing in the sun for days. According to the Times, a friend said that when authorities transferred Yu to a prison hospital after a mental breakdown in 1992, other prisoners were ordered to take care of him but instead beat him at will. Vice Minister Fan expressed to the Legal Daily that the MOJ hopes to broaden the scope of supervision over prison police abuse to include "public opinion and the masses." He explained that a supervisory telephone hotline, and either an electronic or mailing address for reporting to authorities, would help open the channels for the public at large to react to issues of abuse. Yu Dongyue's case, which drew media attention just one week after the MOJ issued the prohibitions, calls into question the practical effect of the prohibitions and what recourse might be available to ordinary citizens.

## Official Discloses Use of Mass Roundups During NPC, CPPCC Sessions

A senior Ministry of Public Security (MPS) official disclosed the use of mass roundup measures to maintain social order during the early March annual plenary sessions of the National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC), according to official sources. The CPPCC plenary session began on March 3, and the NPC plenary convened on March 5. Xu Hu, Deputy Director of the MPS's Department for the Management of Public Order, said at a March 2 press conference that public security officials will round up those "people without proper professions, fixed places of residence, or stable incomes who have been hanging around Beijing for a long time" and encourage them to leave the capital, according to a Chinese-language [transcript](#) posted on the China Internet Information Center's (CIIC) Web site. The CIIC Web site operates under the auspices of the State Council. (For a translation of Deputy Director Xu's relevant remarks from the transcript, click on "see more" below.)

Xu's comments as transcribed by the CIIC contradict news media reports. Articles dated March 3 in [Xinhua](#) (reprinted on the CIIC Web site), [Ta Kung Bao](#), and the [South China Morning Post](#) reported that Xu said that public security officials would not interfere with the efforts of ordinary Chinese petitioners to present their grievances to officials, and that only those petitioners who violate relevant regulations would be rounded up and encouraged to leave Beijing. Neither statement, however, appears in the transcript of the press conference posted on the CIIC Web site, or in the full [transcript](#) carried on the China Central Television Web site.

Public security officials have expelled petitioners from Beijing before prior annual NPC, CPPCC, and Communist Party Central Committee plenary meetings. For more information, see section V(e), on Access To Justice, of the Commission's [2004 Annual Report](#). Articles 3 and 46 of the [National Regulations on Letters and Visits](#) prohibit retaliation against citizens who seek to petition the government, but Chinese officials frequently [abuse](#) petitioners who come to Beijing to do so. Abuse includes local officials' dispatch of plainclothes security officers called "retrievers" to Beijing to abduct or detain petitioners, forcing them to return to their home provinces, as detailed in a December 2005 Human Rights Watch [report](#).

Human rights groups and news media sources have reported that Chinese officials have detained or harassed large numbers of petitioners seeking to present their grievances to officials during the NPC and CPPCC plenary sessions. Police raided an area near the south Beijing train station on February 28 and detained more than 400 petitioners, according to a March 2 Agence France-Presse news report reprinted on the [South China Morning Post](#) Web site. In the days before the early March plenaries, officials also acted against human rights defenders participating in a [hunger strike](#) protesting government repression. In addition, Chinese authorities have warned 10 AIDS victims who were infected with the virus as the result of a blood-buying scandal to stay away from the capital, according to Wan Yanhai, a Beijing public health activist quoted in a March 3 [article](#) in the Guardian of London.

The Guardian article and a February 27 Human Rights in China [report](#) also noted the following detentions or controls placed on petitioners and activists:

Liu Xinjuan: Authorities deported Liu, an activist who has complained about residential homes being demolished without proper compensation, from Beijing to Shanghai on February 24, where she was forced into a mental hospital.

Ji Wenpai: Public security officers have blocked Ji, a Beijing woman who claims her home was demolished without compensation, from entering the city during the NPC and CPPCC plenary sessions.

Zhang Jianping: Police are stationed outside the home of Zhang, who was paralyzed after he was hit by a car owned by a forestry official, to prevent him from going to Beijing.

Mao Hengfeng: Shanghai authorities placed Mao, an activist who has protested China's population control policies, under residential surveillance on February 13.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id43693>

## Authorities Increase News and Political Censorship in Run-Up to NPC, CPPCC Sessions

The [Sweep Away Pornography and Strike Down Illegal Publications Task Force](#) held a teleconference in January 2006 and notified "relevant agencies" that they should "purify the publishing market" and be on duty 24 hours a day during the annual plenary sessions of the National People's Congress (NPC) and the Chinese People's Political Consultative Conference (CPPCC), which concluded on March 13, according to a January 19 Chinese Readers' Digest [article](#) (in Chinese) on the Guangming Daily Web site.

Government officials in Zhongshan city, Guangdong province, issued a [Circular Regarding Rectifying the Publishing Market and Cultural Entertainment Market to Create a Good Cultural Environment for New Year's, Spring Festival, and the "Two Meetings"](#) on January 4, calling on local customs, traffic, press and publication, and commercial agencies to step up their enforcement measures against "harmful information," including "political illegal publications."

Chinese authorities caught at least "seven or eight" unauthorized newspapers attempting to register to cover the meetings of the NPC and CPPCC, according to a February 20 [article](#) (in Chinese) in Xinhua's Outlook Weekly. This news follows a

Xinhua report in January that the government had [banned 79 newspapers](#) in 2005 for not having a government-issued publishing license.

Chinese authorities in Henan province launched a crackdown on political publications and Falun Gong materials in order to "ensure the health and stability of the publications market" during the NPC and CPPCC meetings, according to a February 23 report in the Henan Daily (in Chinese, via [Xinhua](#)).

## Reforms to Rural Healthcare System Announced at National People's Congress

Premier Wen Jiabao announced the launching of a "Program for Establishing and Developing a Rural Healthcare Service System" in a March 5, 2006, [government work report](#) to the annual plenary session of the National People's Congress (NPC), according to the text of the report posted March 16 on the Guangming Daily Web site. The State Council adopted the plan on March 1, according to a March 2 Xinhua [report](#). An outline of the plan also was published on December 31, 2005, in an [Opinion on Promoting the Construction of a New Socialist Countryside](#).

Premier Wen told the NPC delegates that over the next five years the government will invest more than 20 billion yuan (US \$2.5 billion) to modernize hospitals, clinics, and medical equipment at the village, township, and county levels. In an effort to speed up the establishment of rural health cooperatives, Premier Wen pledged that 40 percent of counties in China will have experimental health cooperatives by the end of 2006, and allowances paid to farmers in the program will be doubled from 20 yuan (US \$2.5) to 40 yuan (US \$5). Wen also said that governments will build rural health cooperatives across the entire country by 2008. Since 2002, the central government has encouraged the formation of rural health cooperatives, which receive local government subsidies and cover the medical expenses of any farmer who can pay a modest annual premium. The poorest residents in rural areas, however, frequently do not enroll in the cooperatives because they cannot afford the required fee, as noted in the Commission's [2005 Annual Report](#).

Since the collapse of the rural public health infrastructure in the 1980s, a disparity in the quality and cost of healthcare has grown between urban and rural areas. Eighty percent of medical resources are concentrated in cities, and the rural cooperative medical care system covers only 22.5 percent of rural residents, according to a March 3 [article](#) in the People's Daily. Recent [research](#) has focused attention on the resulting disparity between urban and rural residents in the infant mortality rate and average adult lifespan, and also has highlighted the financial burden healthcare costs create for rural Chinese citizens. For more information on the challenges facing rural China's public health system, see [Section III\(h\)- Public Health](#) of the Commission's 2005 Annual Report.

## Central and Local Government Officials Again Pledge to Improve Mine Safety

Premier Wen Jiabao pledged in a March 6, 2006, address to delegates of the National People's Congress to increase central government spending on mine safety, and admitted that China's mine safety has "serious problems," according to a March 6, 2006, South China Morning Post [report](#) (subscription required). Wen placed the primary responsibility for mine accidents on local officials, and allowed that, together with traffic accidents, mine accidents result in great losses in lives and property. He said that China's poor safety record is the result of the huge demand for coal, poor implementation of safety rules, lack of oversight by local officials, and the corruption of safety officials and mine owners. Wen said the central government would contribute some 3 billion yuan (approximately US \$374 million) to develop solutions to coal mine gas explosions, and he called on local governments and mine owners to invest more in safety programs.

Local officials have already begun to act to improve coal mine safety. For example, eight mine safety inspection supervisors have started work in Mentougou District of Beijing Municipality, reported [The Beijing News](#) on March 2. The inspection supervisors, trained by a new mine safety office established by Mentougou local government, will be deployed to small mines in the district to ensure safe production.

In some areas of China, however, official mine safety initiatives have been completed and then abandoned. Safety production officials found that mines that had been ordered closed in Fangshan District of Beijing Municipality continued to operate illegally, according to a [Beijing News](#) report. Some mines had not been closed and sealed as ordered, others had their seals removed, and in others, operators drilled new shafts near the original pithead.

One central government official responsible for work safety sees corruption, often in the form of investments in mines by local government officials, as part of the cause of mine safety problems. Li Yizhong, director of the State Administration of Work Safety, said that supervisory officials and Party members would be punished if they neglected safety rules or refused to disclose their investments, according to a March 2 Legal Daily [article](#). Li urged that local officials who do not declare their financial holdings should be removed from office immediately. He emphasized that Party members should work to clear up corruption and officials who continue to act illegally would be punished.

## Journalist Li Yuanlong Indicted for Subversion for E-mailing Essays Abroad

The Bijie People's Procuratorate in Guizhou province charged Li Yuanlong, a journalist with the Bijie Daily, on February 9,

2006, with inciting subversion of state power in connection with his using software to circumvent China's Internet censorship and e-mailing essays to the operators of foreign Web sites that the Chinese government blocks, according to a copy of the [indictment](#) posted on the Boxun Web site on March 1. According to a February 27 Committee to Protect Journalists (CPJ) [press release](#), Li reported on rural poverty, and had been censored in recent years because of complaints by local officials embarrassed by his reports. CPJ reported that Chinese authorities have prevented his family from visiting him since his detention, but a local lawyer has seen him twice.

Li's wife said officials from the Ministry of State Security detained him on September 9, 2005, Agence France-Presse [reported](#) (via the Hong Kong Standard) on February 28. Chinese authorities arrested Li on September 29. According to a February 28 Reporters Without Borders [report](#), on October 22, officials transferred his case to the Bijie district procuratorate, but after a month-long investigation the procuratorate informed the court that there was insufficient evidence to bring him to trial. In December 2005, the procuratorate sent the case back to state security requesting further investigation. State security returned the case to the procuratorate in January, requesting they reinstitute their prosecution, Radio Free Asia [reported](#) on February 2.

According to the [indictment](#), the Bijie procuratorate considered the following acts as constituting incitement to subvert state power in violation of Article 105(2) of the [Criminal Law](#) and Article 2(1) of the [Decision of the Standing Committee of the National People's Congress Regarding Safeguarding Internet Safety](#):

- Beginning on February 5, 2005, Li used "Freegate," "Ultrareach," and other software to access foreign Web sites.
- Between May and August 2005, Li used the names "Night Wolf" and "yehaolang" to send e-mails using a Hotmail account to "Boxun," "Epoch Times," and other foreign Web sites containing four articles with titles such as "In My Mind, I'm Becoming an American" and "Common Birth, Tragic Death."
- Li's essays "fabricated, distorted, and exaggerated relevant facts, and incited subversion of state power and overthrow of the socialist system."

Li Jiangqiang, a lawyer and a member of the Independent Chinese Pen Center who has represented other journalists and writers, including [Yang Tianshui](#), has agreed to represent Li Yuanlong without charge, Human Rights in China [reported](#) on February 24.

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## Guangdong Public Security Bureau Blames Mass Incidents on Rights Defender Activities

The Guangdong Public Security Bureau (PSB) has circulated a report that blames a succession of mass protests in 2005 on "disputes over so-called rights defense," according to a February 24 Ming Pao article (in Chinese). Public security officials indicated that in 2006, they will concentrate on striking against internal and external "hostile forces" who get involved in domestic issues of "rights defense." The report blames hostile forces for politicizing issues of farmer and consumer economic rights, and taking advantage of individual incidents to write essays stirring public opinion. It accuses these forces of inciting the masses, who are unaware of the truth, to create disturbances that threaten the construction of a harmonious and stable society in Guangdong.

The number of mass incidents in Guangdong, and [public order disturbances across the country](#), has been on the rise and reflects a general increase in social unrest in China. Despite increasing unrest, Communist Party officials have [ruled out](#) significant political reform as a response, and instead emphasized the need to [strengthen Party control](#) over society and government. While Chinese leaders emphasize the [need to "strike hard" to counter social unrest](#), domestic scholars and activists have called attention to repeated government abuses of power. Activists have launched a [hunger strike relay](#) to lend their support to "laborers, farmers, intellectuals, free [religious] believers, as well as Party, government, military, police, and members of all communities and all groups (including petitioners and social activists in all places) who are illegally persecuted or violently beaten." Concurrent with its report on the Guangdong PSB's announcement, Ming Pao Daily published a commentary cautioning that going forward, "administrative agencies may perhaps adopt even more severe measures of repression against a number of human rights defenders in domestic intellectual circles, who participate in rights defender activities."

The UN High Commissioner for Human Rights [defines](#) a "human rights defender" as someone who acts on behalf of individuals or groups to promote and protect civil and political rights, and to promote, protect, and realize economic, social, and cultural rights. The definition includes those who focus on good governance and advocate for an end to government abuse of power. With the release of the report, the Guangdong PSB has made explicit its campaign against human rights defenders such as Yang Maodong (who is better known by his pen name, [Guo Feixiong](#)), and linked their activities directly to crimes of disturbing public order. Guangdong officials [formally arrested](#) Guo in October 2005 for "gathering people to disturb public order," a crime under Article 290 of China's [Criminal Law](#). The charge was related to Guo's efforts to provide legal advice to the residents of Taishi village, Guangzhou city, in their [recall campaign](#) against the village committee head. Guangdong officials ultimately dropped the charge and [released Guo](#) in December 2005, but a February 1 South China Morning Post [article](#) (subscription required) noted that plainclothes security officers began 24-hour surveillance of his activities on January 29. Guo spent January 30 and 31 in Taishi village and posted an [essay](#) (in Chinese) on the Boxun Web

site, recounting his visit. According to the essay, officials told villagers that Guo and his associates wished to overthrow the Chinese Communist Party and warned the villagers to distance themselves from these activists.

The Guangdong PSB's campaign against Guo and others disregards the peaceful nature of their activities, runs counter to international law, and fails to address the underlying discontent that has fueled social unrest. Guo and others have maintained a strict policy of non-violent action (such as hunger strikes) to protest government abuses of power, and invoked through announcements on February 7 and 16 (both posted via the Epoch Times, in Chinese) other non-violent rights movements led by Gandhi and Dr. Martin Luther King Jr. Article 12 of the [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#) (also known as the "Declaration on Human Rights Defenders") provides that "everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means," government abuses and violence infringing on citizen rights. However, the Guangdong report justifies sustained repression and punishment, rather than protection, of human rights defenders in China. On February 3, Beijing lawyer [Gao Zhisheng](#) wrote in an [essay](#) (posted by Boxun, in Chinese), "The Chinese Communist Party itself is ruining our [nation's] hopes for peaceful transformation." According to a February 11 Wen Wei Po [article](#) (in Chinese), on February 7, Premier Wen Jiabao told a group of businessmen and grassroots representatives who gathered for an informal discussion at the Zhongnanhai leadership compound in Beijing, "The reason we invited all of you to come [to Zhongnanhai] is because we want you to express more opinions." When Guo traveled to the entrance of Zhongnanhai on February 8 to express his grievances, he was instead detained upon arrival and forcibly returned to Guangzhou, according to February 10 reports by the [Epoch Times](#), [Boxun](#), and [RFA](#) (all in Chinese).

The [\(Xinhua Gate\) Peaceful Petition](#) (posted via Boxun, in Chinese), which Guo carried with him to Zhongnanhai, brought attention to the ongoing violence against human rights defenders, the conflict in Taishi village, the December 2005 [shootings in nearby Shanwei](#) city, also in Guangdong, and the closing of the Yunnan Forum, an electronic bulletin board service where Internet users discussed sensitive political issues. In the petition, Guo called on President Hu Jintao and Premier Wen to address these issues by ensuring the safety of human rights defenders; respecting the lawful rights of citizens to initiate recall campaigns and participate in village elections; appealing to the law, rather than the People's Armed Police, to resolve forced eviction and other local conflicts; and respecting citizens' freedom of expression. Guo has consistently called attention to government abuses of power in Guangdong, including through a February 2 essay on [The Widespread Infringement of Human Rights Suffered by Rights Defenders](#) (posted via Boxun, in Chinese). The essay notes that Guangdong officials have targeted and authorized repressive, or even violent, measures against the following human rights defenders:

- Professor [Ai Xiaoming](#) of Sun Yat-sen University in Guangzhou, who posted an open letter to Premier Wen Jiabao regarding events in Taishi village.
- Gao Zhisheng, head of the Beijing Shengzhi Law Firm, which provided legal advice to residents of Taishi village and employed Guo Feixiong.
- [Guo Yan](#), a Guangzhou lawyer who provided legal representation on behalf of Taishi villagers and Guo Feixiong (no relation to Guo Yan) when he was first detained.
- [Lu Banglie](#), a local people's congress deputy from Zhijiang city, Hubei province, who provided legal advice to residents of Taishi village.
- [Tang Jingling](#), a Guangzhou lawyer who provided legal representation on behalf of Taishi villagers and Guo Feixiong when Guo was first detained.
- [Yao Lifa](#), a vocal democracy activist and former local people's congress deputy who posted an open letter to the local district people's government condemning the government's handling of the Taishi recall campaign.
- [Zhao Xin](#), a member of the Independent Chinese PEN Center and Executive Director of the Empowerment and Rights Institute, which assisted Taishi villagers in their recall campaign and issued a statement questioning the legality of local official actions.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id42751>

## Communist Party, State Council Set Rural Reform Goals for 2006

The Communist Party Central Committee and the State Council jointly issued an [Opinion on Promoting the Construction of a New Socialist Countryside](#) on December 31, 2005. The People's Daily published the Opinion on February 22, 2006. On February 23, the State Council issued an English language [press briefing](#) on the Opinion.

The joint Opinion sets out key policy goals related to rural development for 2006. These include: refocusing investment priorities on rural areas, addressing problems facing migrants, and advancing proposals for reform to the land requisition system. The Opinion reflects increased central concern regarding social tensions generated by rural-urban inequality, corruption, and the lack of meaningful oversight of local officials.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id42578>



## Xinjiang Cracks Down on "Illegal" Religious Publications

The Urumqi Cultural Market Inspection Brigade and the Tianshan branch of the Urumqi Public Security Bureau confiscated 350 "illegally printed" religious posters on February 10 and 11 during a surprise inspection of the ethnic language publishing market in Urumqi's Erdaoqiao neighborhood and surrounding districts, according to a February 15 [article](#) posted on Tianshan net. Urumqi is the capital of the Xinjiang Uighur Autonomous Region (XUAR). The article provided no details about the content of the posters. At a February 22 teleconference on government efforts to "[Sweep Away Pornography and Strike Down Illegal Publications](#)," XUAR Propaganda Department head Li Yi said that the campaign against illegal publications within the region should include focus on materials that are of an illegal political nature, that propagate ethnic separatism, or are of a religious nature, according to an [article](#) posted February 23 on Tianshan Net. As part of this campaign during 2005, XUAR authorities confiscated 9,860 materials that were either illegal publications of a religious nature, Falun Gong materials, or publications related to "feudal superstitions," according to a March 16 [article](#) on Tianshan Net. These announcements came as several other provinces in China [reported](#) that government agencies had confiscated hundreds of thousands of publications because of political and/or religious content.

Since the 1990s, the XUAR government has carried out a continuing [crackdown](#) on religious practice in the region, especially among Uighurs. Local regulations reflect the government's tight control over religious activities, including publishing and printing of religious materials. In a 2005 report entitled [Devastating Blows: Religious Repression of Uighurs in Xinjiang](#), Human Rights Watch (HRW) and Human Rights in China (HRIC) report that 2001 draft amendments (yet to be made public in China) to the 1994 XUAR Regulation on the Management of Religious Affairs impose tighter standards for publishing religious materials. The regulation now permits only authorized provincial-level religious organizations to apply to publish religious materials. At the national level, however, the State Council's 2004 [Regulation on Religious Affairs](#) does not specify such a requirement. For more information on national regulations and guidance that impose prior restraints on the publication of religious materials and religious subject matter, see the [analysis](#) in the CECC Virtual Academy. The U.S. Department of State noted in its 2005 [Country Reports on Human Rights Practices](#) that only the state-run Xinjiang People's Publication House is authorized to print Islamic literature in the region. Amnesty International reported in its 1996 report [Religious Repression in China](#) that regulations detailed in the Xinjiang Daily in April 1996 reportedly restricted the publication of materials on Islam to this sole publisher.

A manual for ethnic religious work in Urumqi published in 2000 and cited in the HRW/HRIC report details the process for publishing religious materials. The manual specifies that "printing religious propaganda material without authorization" is 1 of 16 categories of "illegal religious activity." The manual says that national regulations, which are not cited by name, require approval from the provincial-level religious affairs bureau to publish "material affecting Islamic religion" and also require that the publication be reported to the provincial-level News Publishing Department. The manual adds that "[t]his kind of material can only be distributed and circulated within government-approved mosques." The manual also includes information on seeking approval to publish news, research, or other materials that may touch on "sensitive" issues about Islam, such as state policy and "questions of national minorities' religious beliefs, taboos [and] customs[.]" National regulations and circulars also detail procedures for the publication of material on such sensitive topics, which include religious issues and issues related to Islam. For more information see the [analysis](#) in the CECC Virtual Academy.

HRW and HRIC observe that authorities have searched individual households for illegal religious publications in the continuing crackdown on religious activity. One informant cited in the 2005 report said that "[the militia] come during the night, searching house by house, and if they find religious material they take you for questioning. They say it's 'illegal religious publications.' My father is a simple farmer, what does he know if his Koran is illegal or not?" In July 2005, authorities detained three Uighurs for possessing an unauthorized religious text, the Uyghur Human Rights Project reported in an August 3, 2005, [press release](#).

For additional information on the government's repression of religion in the XUAR and its control over free expression, see the sections on [Rights Violations in Xinjiang](#), [Religious Freedom for China's Muslims](#), and [Freedom of Expression](#) in the 2005 CECC [Annual Report](#).

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## Officials Detain Two Unregistered Catholic Priests in Baoding, Hebei

Public security officials in Baoding city, Hebei province, detained Lu Genjun and Guo Yanli, both unregistered Catholic priests of the Baoding diocese, on February 17, according to a February 23 [report](#) of the [Cardinal Kung Foundation](#) (CKF), a U.S. NGO that monitors religious freedom in China. Officials sent Guo to a detention center in Xushui county in Hebei province and sent Lu to an undisclosed location. For more than 10 years, the Chinese government has concentrated its effort to control the unregistered Catholic community on the unregistered Catholic clerics of the Baoding diocese. As of February 15, 17 of 41 Catholic clerics in prison, under house arrest, or under strict surveillance were from Baoding diocese, according to the CKF's list of [Prisoners of Religious Conscience for the Underground Catholic Church in China](#).

Reports on religious persecution in Baoding indicate that the Chinese government has concentrated its effort to control unregistered Catholic clerics on Baoding in part because officials wish to prevent large gatherings of Catholic pilgrims. The village of Donglu, 25 miles from the city of Baoding, is the site of a Marian shrine to which thousands of Chinese Catholics formerly made pilgrimages in May and October. On May 23, 1995, some 30,000 Catholics claimed to have seen an

apparition of the Virgin Mary at the Donglu shrine, according to a CKF [report](#). In May 1996, the Chinese government detained Su Zhimin, the unregistered bishop of Baoding, destroyed the Donglu shrine, and undertook a major effort to prevent pilgrims from entering Donglu, according to a CKF [report](#). In 2002, officials leveled the grave of Fan Xueyan, Su Zhimin's predecessor as unregistered bishop of Baoding, according to a 2002 Human Rights Watch [report](#). In 2004, AsiaNews [noted](#) the continuing efforts of Catholics to make pilgrimages to Donglu and the Chinese government's continuing efforts to prevent them from doing so.

In 1997, officials again detained Su Zhimin, who had escaped and written an open [appeal letter](#) to the Chinese government, according to a CKF [report](#). Although Su has been the frequent subject of official U.S. and international inquiry with the Chinese government since his 1997 detention, his whereabouts and condition remain unknown.

For more information on Catholics in China, see the [CECC 2005 Annual Report](#), Section III(d).

## Party Experiments With Limited Public Participation in Selecting Local Officials

Chinese officials are experimenting with reforms that allow a limited degree of public participation by citizens in the selection of local Communist Party officials. Ouyang Song, Deputy Director of the Party's Organization Department and Deputy Director of the Leading Group for the "advanced education" campaign, noted at a March 1 State Council [press conference](#) that these "public nomination, direct election" experiments are currently under way in 217 counties in 13 provinces.

While these reforms allow some citizen participation in the selection of the local Party officials who control local governments, they remain highly limited in practice. Experimental projects in many localities only grant citizens a small role in the nomination of potential candidates, allow Party committees significant authority to strike names from the nominee lists, and give Party members the final authority to choose officials.

These experimental "public nomination, direct election" reforms are not completely new. Party regulations issued in 1995 and 2002 granted officials the discretion to permit public participation in the nomination of local Party and government leaders, but warned that Party selection of nominees should not depend solely on the total number of votes received in the nomination process. The 2002 regulations permit competition among different nominees for Party and government posts.

Under the 2002 regulations, Party control remains complete throughout the selection process. Higher-level Party organizations control nomination proceedings. Party committee approval is required after nominee competition takes place. Party approval is also required before nominees for government positions may be confirmed.

See also section V(e), [Democratic Governance and Legislative Reform](#), of the Commission's 2005 Annual Report.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id46168>

## TAR Governor Acknowledges "Dialogue" with Dalai Lama's Envoys

Jampa Phuntsog (Xiangba Pingcuo), the Chairman of the Tibet Autonomous Region (TAR) government, acknowledged the Dalai Lama's envoys' [February visit to China](#) during "unusually frank" remarks to reporters in Beijing on March 6, according to a Reuters [report](#) dated the same day. "We cannot call the talks negotiations now. They are just dialogue, or contact, but the channels for communication have always been smooth," he said, adding that, "We will have further discussions in [the] future. But we haven't yet reached the stage of substantive negotiations." Jampa Phuntsog, who also serves as a Deputy Secretary of the TAR Communist Party Committee, made the comments to the press at a meeting of the TAR delegates to the National People's Congress (NPC). The TAR delegation meeting was open to reporters for the first time, according to the Reuters account.

The [South China Morning Post](#) (subscription required) reported on March 7 that NPC Vice Chairman Ragdi (Raidi), a member of the Communist Party Central Committee who once served as Chairman of the TAR People's Congress, said, "We have maintained unimpeded channels for contact with the Dalai Lama, and some of those channels are not known [by the outside world]."

Jampa Phuntsog's and Ragdi's comments were more frank than remarks by Ministry of Foreign Affairs (MFA) spokesman Qin Gang at a February 16 MFA press briefing. When asked about the arrival the previous day of Lodi Gyari and Kelsang Gyaltzen, the Dalai Lama's envoys, Qin described their visit as an internal affair. He said that some "overseas Tibetans" were visiting China in a "private capacity," according to a Press Trust of India (PTI) report on February 16 (reprinted on the Web site of the [World Tibet Network](#) (WTN)). The [official MFA transcript](#) of the press conference contains no reference to the envoys or their presence in China, but records Qin's remarks protesting the Dalai Lama's February 15-20 visit to Israel.

## Senior Chinese Government, Party, and Business Leaders Deny Internet Censorship

China's state-run news media organizations, including Xinhua, the China Daily, People's Daily, and Beijing News, published several articles during February and March that quoted senior Chinese political and corporate leaders as saying that the

Chinese government's controls over freedom of expression and the free flow of information conform to international norms and standards. For example:

**Wen Jiabao** (Premier of the State Council):

Regarding the issue of freedom of speech and freedom of the press, I would add two things, and that is that every citizen has freedom of speech and freedom of the press. At the same time, every citizen must obey the law, and safeguard the interests of the nation and society.

The People's Daily also cited Wen as saying that the Chinese government's management of the Internet conforms to international common practice.

[Wen Jiabao: It Is Necessary to Study the Social Contradictions of the New Age](#), Xinhua, March 14, 2006 (in Chinese)  
[Chinese Premier Calls for Proper Handling of Social Conflicts in New Era](#), People's Daily, March 14, 2006

**Liu Zhengrong** (Deputy Chief of the Internet Affairs Bureau of the State Council Information Office):

Regulating the Internet according to law is international practice. After studying Internet legislation in the West, I've found we basically have identical legislative objectives and principles.

So far there is also no Web site closed down by the authority just because it published some harmful information, it never happened.

The China Daily also cited Liu as saying that Chinese people can access the Web freely, except when they are blocked from "a very few" foreign Web sites whose contents mostly involve pornography or terrorism. In an article about Liu's comments, Xinhua said "China's government denied the arrest of any individual for 'just releasing his comment on the Internet.'"

[Regulation of Internet in Line with World Norms](#), China Daily, February 15, 2006

[SCIO - China's Regulation of the Internet Complies With International Standards](#), Xinhua, February 15, 2006 (in Chinese)

[China Denies Arrest of Any Individual for Releasing Online Comment](#), Xinhua (via the People's Daily), February 15, 2006

[China Denies Harsh Internet Censorship](#), Xinhua, February 14, 2006

**Zhou Jinfeng** (member of the Chinese People's Political Consultative Conference and the China Democratic National Construction Association):

Foreign countries have a set of management systems for obscene, violent, and other harmful information in the area of the traditional media, and have implemented similar controls for the Internet. The basic measures we use for Internet management are consistent with international standards.

[CPPCC Member Zhou Jinfeng: Effective Internet Management Needs Destruction and Construction](#), the Beijing News, (via the People's Daily), March 8, 2006 (in Chinese)

The following statements appeared in [Web site Executives Discuss China's Internet Growth](#), China Daily, February 28, 2006:

- **Wang Xiaohui** (CEO of China.com):

Recently, certain Western media and some U.S. lawmakers have accused China of controlling the Internet. I think the accusations are completely unfounded. They know nothing about the development and management of China's Internet industry and relevant laws. In a word, they are ignorant of China's Internet development environment.

- **He Hongxia** (director of corporate communication of Baidu.com):

China regulates the Internet within the framework of law. This management is not "control," but rather is to help regulate the development of the Internet through the means of law, government supervision, self-discipline, and technical support. This management mode was developed in the process of practice. It borrows common international practices on Internet management and takes into account the needs for Internet development, and best suits the stage of Internet development in China.

As the CECC noted in its [2005 Annual Report - Freedom of Expression](#) section, the Chinese government continues to restrict public access to political information from sources outside China that the government cannot control, influence, or censor. The central government attempts to block radio broadcasts by Voice of America, Radio Free Asia, and the BBC. In addition, under Chinese law, no one may legally publish a book, newspaper, magazine, news Web site, or Internet publication in China without [significant registered capital](#), a [government sponsor](#), and [government authorization](#). According to state-run media, the government has "put together the world's most extensive and comprehensive regulatory system for Internet administration," and has "perfected a 24-hour, real-time situational censorship mechanism for Internet publishing content." Throughout 2005 and 2006, authorities have continued to [shut down and block Web sites because of their political content](#).

The CECC has also prepared the following reports regarding events during the period in which these comments were made:

- [Journalist Li Yuanlong Indicted for Subversion for E-mailing Essays Abroad](#)
- [Li Jianping Indicted for Subversion for Publishing Articles on the Internet](#)
- [Internet Writer Luo Changfu Released After Serving Three Years for Subversion](#)
- [Cai Lunjun, Imprisoned for Posting Internet Articles, Released at End of Sentence](#)
- [New Rules to Increase Government Surveillance of Internet News Go Into Effect](#)
- [MII to Monitor Online Content, Sanction Web Sites That Fail to Register](#)
- [Media Summary: Chinese Authorities Continue to Shut Down, Block Web Sites](#)

In March 2005, government agencies [began enforcing](#) a four-year-old regulation requiring all private Web sites to register with the Ministry of Information Industry and disclose whether their sites include restricted content such as news and cultural information. In September 2005, the MII and the [State Council Information Office promulgated](#) the [Rules on the Administration of Internet News Information Services](#) to "tighten supervision over online news services," and to prohibit anyone from using the Internet to post or transmit news reports or commentary relating to politics, economics, and military, foreign, and public affairs without prior government authorization.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id45639>

## Party Officials: Social Instability Not Serious, Party Campaigns Will Solve

Remarks to the press in early March by a senior Communist Party official deny that China faces rising social instability and assert that the Party's "advanced education" campaign will allow Chinese leaders to address popular discontent. Chinese authorities have [ruled out](#) "democracy for all" as a source of anarchy rather than a path to social and political stability in the government's 2005 White Paper on "[Building of Political Democracy in China](#)."

Ouyang Song, Deputy Director of the Party's Organization Department and Deputy Director of the Leading Group for the "advanced education" campaign, made the comments at a March 1 State Council Information Office press conference. They substantially parallel remarks made in July 2005 by Li Jingtian, Ouyang's predecessor in these posts, at a similar press conference.

Ouyang's remarks conflict with previous statements of central government officials and academic analysis. In a July 2005 speech to the Standing Committee of the Chinese People's Political Consultative Conference, Public Security Minister Zhou Yongkang [noted](#) that 74,000 public protests involving 3.67 million people occurred in 2004, a significant increase from the 58,000 protests involving 3 million people in 2003, and a seven-fold rise from the 10,000 protests recorded in 1994. Chinese scholars have [noted](#) a similar rise in mass labor incidents, increasing from 1,482 in 1994 to about 11,000 in 2003.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id44112>

## Rights Organization Says New Regulation has Failed to Protect Religious Freedom

"Chinese citizens' ability to exercise their right to freedom of religion remains as subject to arbitrary restrictions as ever," Human Rights Watch (HRW) reported in a March 1 [press release](#) that marked one year since the new [Regulation on Religious Affairs](#) (RRA) entered into force. The Chinese government had hailed the RRA as progress in protecting religious freedom, but HRW reported that, since its implementation, authorities "continue to detain and arrest religious believers, close religious sites, and impose restrictions on the movements, contacts, visits, and correspondence of religious personnel."

Human Rights Watch criticized the RRA for its vagueness and potential for arbitrary application. "There's nothing accidental about the vagueness - it gives officials the room they need to legitimize closing mosques, raiding religious meetings, 'reeducating' religious leaders, and censoring publications," HRW Asia director Brad Adams said in the press release. The press release also noted the Chinese government is not likely to resolve quickly the issue of whether or not to recognize additional religions; Buddhism, Catholicism, Daoism, Islam, and Protestantism are the only religions currently authorized in China.

The press release mentioned several instances of government crackdowns on religion since the RRA entered into effect, including:

- Detaining three Uighurs for [possessing an unauthorized religious text](#) and detaining a Uighur teacher and students studying the Koran.
- Banning the [Sala](#) branch of Islam and detaining 179 practitioners.
- Compelling Tibetan Buddhist nuns and monks to attend "[patriotic education](#)."
- Expelling Tibetan Buddhist [monks](#), nuns, and a [monastic official](#) for supporting the Dalai Lama.
- Detaining [unregistered Catholic clerics](#).
- Raiding unauthorized Protestant gatherings, including a series of raids in [Jilin province](#).

- Sentencing Pastor Cai Zhuohua to [prison](#) after he printed and gave away Christian literature.
- Sentencing to prison or reeducation through labor over 400 Falun Gong practitioners.

For additional information, see section III(d), [Freedom of Religion](#), in the CECC 2005 [Annual Report](#).

## Chongqing Court Exonerates Man Who Retracted Coerced Confession

The Chongqing No. 1 Intermediate People's Court (IPC) exonerated a man of a robbery charge two years after it initially convicted and sentenced him to death for the same crime, according to a March 2 Legal Daily [article](#) (in Chinese). After an initial conviction on March 11, 2004, Cao Hongbing appealed his death sentence to the Chongqing High People's Court (HPC). On December 7, 2004, the Chongqing HPC vacated the lower court's order and remanded the case for retrial. During the retrial, held on March 30, 2005, Cao retracted his original admission of guilt to the police and asserted that his admission was coerced. The Chongqing IPC exonerated Cao on February 27, concluding upon retrial that:

- The procuratorate unreasonably dismissed contradictions in the evidence presented at retrial;
- The procuratorate failed to link together a tight chain of circumstantial evidence; and
- The procuratorate's case failed to meet the legal requirement (under Article 162(1) of China's [Criminal Procedure Law](#) (CPL)) that "the facts of [the] case are clear, [and] the evidence is reliable and sufficient."

The Chongqing IPC's reversal of its original judgment calls into question law enforcement's heavy reliance on pre-trial statements, particularly in light of the increasing number of statements that are retracted at trial, as noted in a February 14 Beijing Youth Daily [article](#) (reprinted by Xinhua, in Chinese). Under Article 93 of the CPL, interrogation of the accused begins by asking him whether he has committed a criminal act and "let[ting] him state the circumstances of his guilt or explain his innocence." Article 93 imposes upon the accused a legal obligation to answer these questions and allows the accused to remain silent only if a question is "irrelevant to the case," effectively creating a duty to confess. Although responses provided during interrogation may later be used as evidence at trial, Zhang Sihan, a professor at the National Judges College, commented in the Beijing Youth Daily article that the retraction of pre-trial statements "has really been increasing each year," and that in recent years, "oral statements have become not so reliable anymore."

Under the CPL, a defendant's statement alone cannot serve as the basis for a criminal judgment. Article 46 clearly states, "In the decision of all cases, stress shall be laid on evidence, investigation, and study; credence shall not be readily given to oral statements." Article 46 further prohibits a court from convicting and sentencing a defendant "if there is only his statement but no evidence." Liu Jinghua, Deputy Chief Judge of the Criminal Division of the Beijing High People's Court, reiterated this legal requirement and stated in the Beijing Youth Daily article that those handling criminal cases "should not excessively rely on oral statements." Liu explained that "oral statements are merely one type of evidence," and that "only when all evidence of guilt is linked together so that it forms a chain of evidence, should a court then judge a person to be guilty."

Nonetheless, the CECC has previously reported on the problem of wrongful convictions that are based in part on pre-trial statements. The CECC's [2005 Annual Report](#) noted that the news that a court in Hubei province had [wrongfully convicted and imprisoned She Xianglin](#) caused a public outcry and intensified calls to consider broad reforms to China's criminal justice system. In a February 16 Voice of America [article](#), Mr. She's lawyer commented on the lessons that China's criminal justice system should be taking from his client's wrongful conviction and subsequent exoneration. He called into question the system's bias toward a presumption of guilt and reiterated, "If conclusive evidence and facts do not exist, then [a court] cannot judge a certain individual to be [a criminal]." The 2005 Annual Report stated that "coerced confessions remain widespread" and that a number of social and institutional factors, such as "lack of legal consciousness, poor training, and weak forensic skills on the part of investigative personnel (problems that lead to an over-reliance on confessions)," as well as "a presumption of guilt at all stages of the criminal process," contribute to this problem.

For additional information on She Xianglin's case and the issue of coerced confessions, see [China's "Strike Hard" Campaign and New Scrutiny of the Criminal Justice System](#), as well as [Torture and Abuse in Custody](#), both in [Section III\(b\)](#) of the 2005 Annual Report.

## Inter-Agency Task Force Cracks Down on Political Publications

Liu Binjie, Deputy Director of the General Administration of Press and Publication and Deputy Chief of the [Sweep Away Pornography and Strike Down Illegal Publications Task Force](#), said that political publications are the highest priority target for the Task Force, according to a February 23 Guangming Daily [report](#) (in Chinese). Liu said it is necessary to "purify the market," and government officials elsewhere in China reiterated Liu's call to crack down on political publishing, according to state run news outlets such as those in Guangxi province (including the [Liuzhou Government Information Office](#), the Guangxi Daily (via [Xinhua](#)), and the Beihai Daily (via [Xinhua](#)) and the [Jinan provincial government](#) (all in Chinese). The latter two reports said it is necessary to "strike hard at" and "tightly seal up and investigate" political illegal publications and Falun Gong materials that "spread political rumors and create ideological chaos." A February 20 [report](#) (in Chinese) in Xinhua's Outlook Weekly cited Liu as saying that the number of "political illegal publications" available in China is increasing

for two reasons:

1. "Western hostile forces" are intensifying their push for "[color revolutions](#)," and in recent years have conducted "incessant cultural [infiltration](#)" of China (Chinese authorities have also expressed concern over the past year that [religious](#) and [civil society](#) groups are becoming a source of "infiltration").
2. More Chinese people are going abroad to travel and bringing back publications that others then illegally copy.

Liu characterized the Sweep Away Pornography and Strike Down Illegal Publications campaign as an "[ideological](#) and cultural" struggle, and suggested stepping up inspections of publication markets as means of suppressing illegal publications.

On February 23, several provinces, autonomous regions, and major cities in China participated in a joint "2006 Sweep Away Pornography and Strike Down Illegal Publications Spring Battle to Collectively Destroy Illegal Publications," during which they destroyed over 10 million "illegal" publications, the Guangming Daily [reported](#) (in Chinese) on March 3. The Guangming Daily said the action demonstrated China's resolve to enforce copyrights, but as the CECC has [previously noted](#), Chinese authorities have admitted that hundreds of thousands of the publications that they confiscate each year are deemed "illegal" because of their [political](#) and [religious](#) content.

## Torture Rapporteur's Report Discloses New Prison Near Lhasa

Special Rapporteur on Torture Manfred Nowak learned of a new prison holding at least some Tibetan political prisoners during his November 20-December 2, 2005, visit to Beijing, Lhasa, and Urumqi, according to a March 10 "advance edited version" of Nowak's [report](#) on his China visit. The new Qushui Prison is located in Qushui (Chushur) county near Lhasa, capital of the Tibet Autonomous Region (TAR).

During his visit to the TAR, Nowak visited three prisons in the Lhasa area and interviewed three Tibetan political prisoners serving long sentences, according to his report. He had asked to meet with an undisclosed number of prisoners at Tibet Autonomous Region Prison (TAR Prison, also called Drapchi Prison), but officials did not inform him until he arrived at the prison that most of the prisoners he had asked to interview were transferred in April to Qushui Prison. The report does not state whether or not Nowak knew of Qushui Prison's existence, but TAR officials did not mention it when they briefed him. The Special Rapporteur succeeded in visiting Qushui Prison, but travel and bureaucratic delays allowed him to interview only 3 of the 10 prisoners he asked to meet: Jigme Gyatso, [Bangri Chogtrul Rinpoche](#), and Lobsang Tsultrim.

Qushui Prison holds more than 300 male prisoners serving sentences longer than 15 years for "very serious crimes," according to the Nowak report, as well as prisoners sentenced as a "principal" criminal when more than one person commits a "joint crime" (See Chapter II, Section 3 - Joint Crimes, [Criminal Law](#)). For example, Article 103 of the Criminal Law stipulates that "ringleaders" committing the crime of "splitting the state" will be sentenced to 10 or more years of imprisonment, but an accomplice who takes an "active part" will be sentenced to not less than 3 years nor more than 10 years. The inmate population of the TAR Prison (Drapchi) numbers about 900 people, including prisoners serving sentences of 10 years or more (but who were not sentenced as principal criminals), according to the report. An August 2004 People's Daily [article](#) reported the same number of prisoners at the TAR Prison, suggesting that the addition of Qushui Prison has not reduced the population of the older TAR Prison.

Based on information in the [CECC Political Prisoner Database](#), 40 Tibetan political prisoners currently held in the TAR are serving sentences of 10 years or more. Twenty-three of those 40 prisoners are serving sentences of 15 years or more. Only a few Tibetan political prisoners have been confirmed by name so far to be imprisoned in Qushui Prison, but at least 25 were transferred there in the summer of 2005, according to a January 20 [report](#) by the International Campaign for Tibet (ICT).

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id46016>

## China Democracy Party Member Tong Shidong Released

Chinese authorities released China Democracy Party member Tong Shidong at the expiration of his seven-year prison sentence on March 9, according to a March 10 South China Morning Post [article](#).

On June 10, 1999, public security authorities in Changsha, Hunan province, detained Tong Shidong for "subversion of state power," according to Dui Hua, [Human Rights in China](#), [Human Rights Watch](#), and [The Laogai Research Foundation](#). A professor of physics at Hunan University, Tong founded the Hunan University Preparatory Committee of the China Democracy Party (CDP) in late 1998, at the same time that Chinese authorities began a crackdown on the CDP. Authorities formally arrested Tong on July 17, 1999. The Changsha procuratorate accused Tong of organizing the CDP's Hunan Preparatory Committee and disseminating materials related to the organization. The Changsha Intermediate People's Court sentenced Tong on December 22, 1999, to 10 years imprisonment for "subversion of state power," a crime under Article 105 of China's [Criminal Law](#). Chinese officials reduced Tong's sentence by 18 months in August 2002 and by an additional 21 months in December 2004.

Several leading Chinese activists founded the CDP in 1998 to promote multi-party politics, direct elections, and checks on government power. The CDP's [founding declaration](#) calls for an orderly and peaceful transformation of Chinese politics. Chinese authorities have used subversion charges to impose lengthy prison sentences on other activists associated with the CDP, including Xu Wenli and [Xu Wanping](#).

Chinese authorities strictly control the development of independent social or political groups that might challenge Party rule. National [Regulations on the Registration and Management of Social Organizations](#) and [Temporary Regulations on the Registration and Management of Non-Governmental, Non-Commercial Enterprises](#) issued in 1998 require non-governmental organizations to have a Party or government sponsor to register. The government crackdown on the CDP followed efforts by CDP members to register as a social organization in the months before the 1998 regulations were issued, as noted in a 2000 Human Rights Watch report titled [Nipped in the Bud, The Suppression of the China Democracy Party](#).

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## **SARFT Uses Accreditation Authority to Silence Critical Television Host**

The [State Administration of Radio, Film, and Television](#) (SARFT) used its authority to accredit television hosts to shut down the television show of well-known economist Lang Xianping (also known as Larry Lang) in late February 2006, according to a March 7 Radio Free Asia [article](#) (in Chinese) and a March 14 Financial Times [article](#). According to Lang's assistant and Shanghai-based television producers, SARFT shut down Lang's program on the grounds that he lacked a required government certification that he speaks standard Mandarin Chinese. Lang is a Taiwan-born professor of finance at the Chinese University of Hong Kong. According to the Financial Times:

Mr. Lang made his name by attacking the sale of state assets at what he said were often fire-sale prices in under-the-table deals to private entrepreneurs. Mr. Lang's tirades against the sale of state assets struck a nerve in a country increasingly concerned about the corruption involved in the rapid accumulation of wealth by some entrepreneurs in recent years. The government agency that oversees large state enterprises banned management buyouts in early 2005, largely as a result of the controversy generated by Mr. Lang, and has only recently slightly eased the rules.

SARFT requires all television editors, journalists, and hosts to be accredited by the government, and in addition to language standards, also imposes ethical and ideological requirements. For example:

- In [April 2005](#), SARFT issued its "[Interim Implementation Rules for Administration of Those Employed as Radio and Television News Reporters and Editors](#)," saying "It is necessary to instruct news reporting and editing personnel to strengthen their political consciousness."
- In [March 2005](#), the Communist Party's [Central Propaganda Department](#), the [General Administration of Press and Publication](#), and SARFT jointly issued a [set of regulations](#) requiring news reporting and editing personnel to support the leadership of the Party, focus on "correct propaganda" as their guiding principle, and have a firm grasp of "correct guidance of public opinion."
- In [December 2004](#), SARFT issued the "[Professional Ethical Standards for China Radio and Television Editors and Reporters](#)" and the "[Professional Ethical Standards for China Broadcast Television Announcers and Hosts](#)."
- Also in [December 2004](#), SARFT issued the [Notice Regarding Strengthening the Supervision of Radio and Television Discussion Programs](#), calling on television operators to "increase their control over what radio and television interview program hosts say on the air."
- In [June 2004](#), SARFT issued the [Interim Rules on the Administration of Qualifications of Radio and Television Editorial Journalists and Hosts](#), stating that only individuals who hold a professional degree or higher and who "endorse the basic ideology, fundamental line, and general and specific policies of the Chinese Communist Party" may obtain government certification to work in radio or television journalism. The rules also prohibit anyone who has been expelled from the Party from becoming a radio or television journalist.

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## **Xinjiang Focuses on Reducing Births in Minority Areas to Curb Population Growth**

The Xinjiang Uighur Autonomous Region (XUAR) government will keep the region's population within 22 million people by the end of 2010, according to news from a XUAR population and family planning work meeting on February 13 that was [reported](#) February 14 on Tianshan Net. The XUAR has one of the [highest rates of population increase](#) among provincial-level areas in China, and Han migration to the region has been the primary cause of the XUAR's population growth in the past 50 years. The article noted that floating and migrant populations will continue to contribute to the region's population growth, but it reported that the government will carry out its population planning policy by continuing measures to control birth rates. (For more information on China's population planning policies throughout the country and related human rights abuses, see the section on [Population Planning](#) in the 2005 CECC [Annual Report](#).)

Another [article](#) on the meeting, posted February 14 on the Xinhua Xinjiang Web site, reported that the total population and

natural growth rate in the XUAR met the target contemplated in the 10th Five-Year Plan, but also noted that births are booming in the region. The article reported that during the period of the 11th Five-Year Plan, the government would focus its population planning work on the region's rural areas. XUAR Party Committee Deputy Secretary Nur Bekri, who spoke at the meeting, noted that in rural areas, especially poorer ones, birth rates are "still relatively high." A January 24 [article](#) on Tianshan Net described such poor regions with high birth rates as areas populated by ethnic minorities. In the article on Xinhua's Web site, Bekri did not discuss how the "relatively high" birthrates relate to the region's [Regulation on Population and Family Planning](#), which permits rural non-Han couples to have three children and rural Han couples to have two. Bekri stated that if the government fails to control the population growth rate, this could cancel out gains achieved in economic development. The February 14 Tianshan Net article cited concerns about the population's impact on the economy, society, natural resources, and the environment.

The February 14 article on the Xinhua Web site reported that the XUAR's population planning policy has taken the "first steps" in moving from "emphasis on punishing multiple births" to "emphasis on encouraging and rewarding fewer births." As noted in the 2005 CECC Annual Report, however, throughout China the government continues to punish non-compliance with population planning policies, even as it implements systems to reward fewer births. A March 7 [article](#) on Tianshan Net reported that, starting in 2006, the XUAR would give 600 yuan (US \$75) annually to rural married couples over 45 years old whose only child is deceased or disabled, if that couple has not had more children. The XUAR has taken the lead among provincial-level areas in instituting such a program, the article reported. The article also noted that in 2005, the XUAR instituted pilot work for an encouragement and reward support system for population planning households.

Neither of the February 14 articles reported any changes in migration policy. The government [provides incentives](#) for Han Chinese outside the region to move to the XUAR, and it asserts that encouraging migration promotes stability in the region. The XUAR government claims the "[three forces](#)" of separatism, terrorism, and religious extremism threaten stability. It has targeted [peaceful forms of expression](#) by Uighurs, as well as components of Uighur identity, including [religion](#), in its battle against these perceived threats.

Uighur rights groups criticized the results of the February meeting. In a February 15 [press release](#) from the Uyghur Human Rights Project, Uighur activist [Rebiya Kadeer](#) called the policy announcement "extremely bad news" for Uighurs, especially Uighur women. She also noted that Han migration and the government's political and cultural policies have already marginalized Uighurs, according to an Associated Press [report](#) posted February 17 on the ABC News Web site.

For additional information, see the section on [Rights Violations in Xinjiang](#) in the 2005 CECC Annual Report.

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## **New Rules to Increase Government Surveillance of Internet News Go Into Effect**

The [Rules on Internet Security Protection Technology Measures](#), which impose new requirements for Web site operators to retain the contents of news they post on the Internet, went into effect on March 1, 2006. The Rules, promulgated by the Ministry of Public Security on December 28, 2005, mandate nationwide data retention standards for Internet service providers (ISPs) and Internet information services (IISs). The Rules require ISPs to:

- record and retain their customers' registration information for 60 days;
- retain records for 60 days of when their customers access the Internet, and what their Internet address and/or domain name was; and
- have security technology in place to allow them to record and track "Internet movement" (which the Rules did not define or explain).

The Rules require IISs (defined [elsewhere](#) as any service that uses the Internet to provide information, and generally deemed to include Internet portals, Web site and blog hosting services, as well as private Web sites and blogs) to record and retain the content of any information that news providers post on their Web sites, as well as the time it was posted. This requirement is the most recent in a series of measures the Chinese government has taken since the beginning of 2005 to increase its ability to restrict and monitor the flow of news to China's citizens, including:

- A January 2006 [announcement](#) that the Ministry of Information Industry would be focusing on monitoring Internet content in 2006.
- Chinese authorities [launching a period of "severe sanctions"](#) against unregistered Web sites in December 2005.
- A [government crackdown](#) on private Web sites that the MII carried out throughout 2005.
- The promulgation of new rules [governing the publication of newspapers and magazines](#) and new rules that [tightened government control over online news services](#) in September 2005.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id45635>



## Li Jianping Indicted for Subversion for Publishing Articles on the Internet

The Zibo Intermediate People's Procuratorate in Shandong province, formally indicted businessman Li Jianping on March 7, 2006, on charges of "incitement to subvert state power," according to the [procuratorate's indictment](#). The indictment specifically alleges that Li "compiled and wrote 31 articles that libeled the socialist system, defamed Party and government leaders, and incited subversion of state power, and used e-mail to send them to ChinaEWeekly, Epoch Times, Democracy Forum, Global Forum, and other Web sites for publishing. Many Web sites reprinted these, and they were disseminated broadly."

Public security officials came to Li's home on May 27, 2005, to carry out an "Internet security inspection," and detained him on suspicion of defamation, according to a March 19 Human Rights in China (HRIC) [press release](#). HRIC reported that on May 28, police searched Li's home again and seized manuscripts, communications and bank records, and overseas checks representing payments for his articles. Police also searched Li's office, seizing documents and records. Public security officials held Li in detention at the Zhangdian public security office in Zibo for over a month, and the procuratorate did not authorize his arrest until June 30, 2005. The public security bureau submitted Li's case to the procuratorate on August 30, 2005, but the procuratorate sent the case back to the public security bureau on October 12 and again on December 26 for supplementary investigation because of insufficient evidence. The public security bureau submitted the case again on January 26, 2006, at which time Li's defense attorney, Zhang Xingshui (who also represented Cai Zhuohua - [a house church pastor whom Beijing authorities imprisoned for giving away bibles](#)), submitted a statement to the procuratorate on the inadequacy of the evidence against Li.

Radio Free Asia [reported](#) on March 14 that it contacted the Zibo procuratorate regarding Li's case on March 14, but the person answering the phone said it was "inconvenient to discuss the case." Li's wife said she has not seen him since authorities took him into custody.

Li participated in the 1989 Democracy Movement as a founder of the Independent Federation of Shanghai Universities, HRIC reported. According to the Committee to Protect Journalists [press release](#), he wrote frequently for overseas news Web sites banned in China (several of which were named in the indictment). Some of his articles discussed China's Communist Party leadership, including former and current Chinese presidents Jiang Zemin and Hu Jintao.

## Chongqing Court Rejects Xu Wanping Appeal

The Chongqing High People's Court rejected the appeal of Xu Wanping on February 28; a lower-level court had sentenced Xu in December 2005 to 12 years in prison in connection with his association with the banned China Democracy Party (CDP), according to a February 28 Reuters [article](#). The High People's Court "found that Xu received financial aid from hostile foreign organizations starting in 2001, and joined illegal organizations aimed at subverting the Chinese government," according to a Xinhua article reprinted on the [China Radio International](#) Web site.

The Chongqing No. 1 Intermediate People's Court sentenced Xu Wanping on December 21, 2005, to 12 years imprisonment in connection with joining the CDP, assisting with CDP organizational activities, and distributing articles on the Internet that criticized the leadership of the Communist Party, according to a court [decision](#) dated December 21, 2005, (posted on Boxun) and a December 24, 2005, Human Rights in China (HRIC) [press release](#). The court convicted Xu of "subversion of state power," a crime under Article 105(1) of China's Criminal Law. HRIC reports that Chinese authorities detained Xu on March 30, 2005, and formally charged him on May 24. They [denied](#) Xu access to his family and legal counsel during his detention, failed to open Xu's trial proceedings to the public, and refused to provide a copy of Xu's indictment to his family and lawyer. Xu previously served eight years in prison as the result of his participation in the 1989 Tiananmen democracy protests, and was sentenced in 1998 to three years of reeducation through labor for disturbing public order.

## Cai Lujun, Imprisoned for Posting Internet Articles, Released at End of Sentence

Chinese authorities released Cai Lujun from the Shijiazhuang No. 1 Prison in Hebei province, on March 2, 2006, following the conclusion of his three-year sentence for incitement to subvert state power, according to a March 3 Radio Free Asia [article](#) (in Chinese). The Shijiazhuang state security bureau placed Cai under residential surveillance on February 22, 2003, detained him on March 3, and arrested him on April 8. The Shijiazhuang Intermediate People's Court tried Cai in August 2003 and sentenced him to three years in prison in September 2003.

According to the Shijiazhuang Intermediate People's Court's [judgment](#), Cai's crime was that he distributed to, and discussed with, people on the Internet "articles and speech aimed at attacking the socialist system and harming national security." The court said he authored and distributed articles on the Internet that were "aimed at viciously slandering and starting rumors regarding the leadership of the Communist Party, inciting subversion of state power, and overthrowing the socialist system." The court rejected Cai's defense that his speech was protected under the Chinese Constitution because it was "qualitatively different with that of going through ordinary channels to provide government organs with reasonable suggestions or reform measures."

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id45625>

## Internet Writer Luo Changfu Released After Serving Three Years for Subversion

Chinese authorities in Chongqing have released Internet essayist Luo Changfu from prison following completion of his three-year sentence for inciting subversion of state power, according to a March 16 Boxun [article](#). State security officials detained Luo on March 13, 2003, after he published essays on the Internet calling for the release of Liu Di, the Boxun Web site [reported](#) on November 14, 2003. Luo was tried in July 2003 by the Chongqing No. 1 Intermediate People's Court, which sentenced him to three years in prison and one year deprivation of political rights on November 16, 2003.

Luo was detained within days of two other Internet writers - [Cai Lujun](#) and Yuan Langsheng - being taken into custody. In its judgment finding Cai guilty of inciting subversion of state power, the court said that Luo and Yuan had been in contact with Cai in connection with forming an online organization. Authorities released Yuan without charges after two weeks, according to a May 16, 2003, Digital Freedom Network [article](#), but sentenced Cai to three years' imprisonment for inciting subversion of state power. The government subsequently sentenced another Internet essayist, Du Daobin, who wrote articles calling for the release of Cai, Yuan, and Luo, to three years' imprisonment and two years' deprivation of political rights "with a reprieve of four years," according to a June 12, 2004, Xinhua [article](#) via the People's Daily. For one example of Du's articles, see [Please Take Note of Developments in the Three Cases of Yuan Langsheng, Cai Lujun, and Luo Changfu](#) published on the Epoch Times Web site on March 28, 2003.

In addition to his connection with Cai, Luo had also published several articles on the Internet drawing attention to the Chinese government's ongoing detention of another Internet writer, Liu Di. Chinese authorities detained Liu (who writes under the name "Stainless Steel Mouse") in November 2002, and held her until November 2003 without charges after she posted a series of essays on the Internet discussing political reform and criticizing the Party. They subsequently placed her under house arrest in 2004 during the annual meeting of the National People's Congress and on the 15th anniversary of the Tiananmen crackdown. Chinese authorities placed Liu Di under 24-hour police surveillance as part of a [crackdown on human rights activists in Beijing](#) during the visit of United Nations High Commissioner for Human Rights Louise Arbour to China from August 29 to September 2, 2005, and the eighth European Union-China Summit that took place in Beijing from September 5 to September 7.

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## Lhasa Court Commutes Life Sentence for Children's Home Director to 19 Years

The Lhasa Intermediate People's Court commuted a life sentence imposed on Bangri Chogtrul Rinpoche, a Tibetan reincarnated lama, to 19 years of fixed-term imprisonment on July 31, 2003, according to a [February 28 statement](#) by the Dui Hua Foundation. Bangri Chogtrul subsequently also received a further one-year sentence reduction on November 17, 2005. Bangri Chogtrul, who is also known as Bangri Tsamtrul Rinpoche and as Jigme Tenzin Nyima (Jinmei Danzeng Nima), lived as a householder and directed a Lhasa children's home until security officials detained him in August 1999 after another Tibetan attempted to blow himself up in a Lhasa plaza.

The Lhasa Intermediate People's Court initially sentenced Bangri Chogtrul in a closed court proceeding on September 26, 2000, for "attempting to split the country," a crime under Article 103(1) of the [Criminal Law](#), according to the official sentencing document. (For additional information, see [Section VI - Tibet, Tibetan Culture and Human Rights](#), of the [CECC 2005 Annual Report](#)). Article 80 of the Criminal Law stipulates that a sentence to fixed-term imprisonment after commutation begins on the day the court orders the commutation. Bangri Chogtrul's sentence, now 18 years, will expire on July 30, 2021.

Bangri Chogtrul's sentencing document lists evidence against him that includes meeting the Dalai Lama in India, accepting a donation for the home from a foundation in India, and a business relationship with Tashi Tsering, a Tibetan contractor who lowered a Chinese flag in Potala Plaza on August 26, 1999, and unsuccessfully tried to detonate an explosive device. Bangri Chogtrul acknowledged meeting the Dalai Lama, accepting the contribution, and knowing the contractor, but he denied the charges against him and rejected the court's portrayal of events. The Gyatso Home directors had an 80,000 yuan contract with Tashi Tsering to construct additional housing for the children's home, an arrangement which the court portrayed as a plot by the home's directors to help Tashi Tsering carry out his plan, according to a [September 12, 2005 report](#) by the International Campaign for Tibet (ICT). The sentencing document does not list any specific evidence that links Bangri Chogtrul's activities or the building contract directly to Tashi Tsering's attempted bombing, but instead treats the prosecution's conjectured links as evidence.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060404&show=ALL#id45324>

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## China Designates Intellectual Property Tribunals, Modestly Expands Jurisdiction

The Supreme People's Court (SPC) has undertaken a series of minor reforms affecting the naming of tribunals that handle intellectual property cases and the jurisdiction of several local courts. The SPC announced that both the SPC's No. 3 civil tribunal and corresponding local tribunals that have been handling intellectual property disputes can use the formal title "Intellectual Property Tribunals" in addition to their other titles, according to a March 11 China News Net [article](#) (in Chinese) reposted on the Qianlong.com Web site. In a June 13, 2004 speech at the Asia Pacific Economic Forum, Jiang Zhipai, chief justice of the SPC's No. 3 civil tribunal, noted that the tribunal in question was originally created in 1996 and renamed as the No. 3 civil tribunal in 2000, but that its responsibilities for directing and supervising IP cases around the country have

remained consistent throughout.

The SPC also announced that it has modestly expanded the jurisdiction of local courts to handle intellectual property cases. Since 2005, the SPC has authorized three more intermediate people's courts (IPCs) to handle IP first-instance trials of plant variety disputes, and four more IPCs to handle first-instance patent trials, according to a March 10 China Court Network [article](#) (in Chinese). China currently has 52 IPCs with trial jurisdiction over patent disputes, 37 IPCs with trial jurisdiction over plant variety disputes, and 43 IPCs with trial jurisdiction over integrated circuit disputes. As of the end of 2005, the SPC has also authorized 15 basic-level people's courts to conduct first-instance trials in IP cases.

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