

Statement
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Thank you, Senator Baucus and Representative Bereuter, for inviting us to testify at the first public hearing of the Congressional-Executive Commission on China. The timing of today's hearing makes it particularly important and useful - exactly two weeks before President Bush's first official visit to Beijing on February 21-22.

I would like to begin by offering some specific recommendations to the Commission, and then I will outline major human rights and rule of law concerns in China, based on Human Rights Watch's documentation of abuses in China and Tibet over the past year.

I realize that the Commission's mandate, under the PNTR (Permanent Normal Trade Relations) bill establishing the body, is quite broad. The Commission is charged with monitoring China's compliance with the rights contained in the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights, as well as the development of the rule of law in China.

But to be effective, I believe the Commission should focus its work - especially this first year of its active involvement - in some strategic areas. These should include, for example, the release of political and religious prisoners; greater cooperation with UN human rights mechanisms and adherence to UN human rights treaties; and increased access by human rights monitors. Over the longer term, other issues should also be considered, such as freedom of expression and restrictions on the Internet (see below for details), and ways to creatively use the 2008 Olympics in Beijing as a catalyst for human rights improvements. These could be topics for future Commission hearings.

I hope the Commission's initial report to the President and the Congress, originally due last October, will be issued early this spring and, at a minimum, will highlight some of the Commission's key concerns and make some policy recommendations for both the Executive and Congressional branches.

I would also urge the Commission to seek to post one of its professional staff members at the U.S. embassy in Beijing, in order to facilitate and expand upon the research activities of the Washington-based staffed. This suggestion was contained in a letter sent to the Commission last September by several NGOs, including Human Rights Watch; we also discussed it with the U.S. Ambassador to China, Clark Randt, during one of his recent visits to the U.S.

Recommendations for U.S. Policy:

1. President Bush's China visit:

The significance and symbolic value of the president's visit to Beijing - exactly thirty years after President Nixon's historic visit, and shortly after China has joined the World Trade Organization - provides some real leverage. It should be used to press for significant steps to improve human rights.

We welcomed the release last month of Ngawang Choepel, a Tibetan musicologist and former Fulbright scholar who was serving an 18-year prison sentence on espionage charges. Whether or not his release on medical grounds was in any way related to the forthcoming presidential visit, it

seems to indicate that even at a time of political transition in Beijing, China's leaders are anxious to maintain good relations with the U.S. Ngawang Choepel's case received sustained, high level attention from both the Clinton and Bush administrations and, perhaps most significantly, from many members of Congress. Active concern by Congress was clearly a major factor in bringing about his release. I think his release also illustrates that pressure can work. And it is precisely this kind of pressure - generated through both private and public diplomacy - that the Commission should seek to exert, in the lead up to the president's visit and in the weeks and months to come.

I certainly hope that there will be many more releases of political dissidents, religious activists, Tibetans activists and others. Further releases may even be announced before the president's trip.

However, the administration and Congress should also press for more far-reaching steps. This is one area where the Commission and its individual members can be particularly helpful. First, I would urge some members of the Commission to offer to travel to Beijing with the president, in order to hold bilateral discussions with senior officials in key ministries, such as the Bureau of Religious Affairs, Ministry of Foreign Affairs, the Labor Ministry, and others; to introduce the Commission and its mandate to the Chinese leadership; and perhaps to explore establishing a framework for talks with members of the National People's Congress (NPC) on human rights and rule of law concerns.

Secondly, I hope the Commission will write to China's leaders in advance of Bush's visit, then follow up with private contacts with Chinese officials by individual Congressional members. Such a letter might, for example, urge China not only to release large numbers of political prisoners but also to submit the ICCPR to the NPC for ratification as soon as possible; to invite the U.N. Special Rapporteur on Religious Freedom to conduct a return visit to China and Tibet this year to assess any progress made in implementing the recommendations resulting from his November 1994 visit; to agree to the terms of the new U.N. Special Rapporteur on Torture and Ill-Treatment for a visit; and to open up Xinjiang, the far northwestern province of China, to regular, unrestricted access by U.N. and private human rights monitors.

The situation in Xinjiang deserves special attention in light of the widespread and systematic human rights violations against ethnic Uighurs, including many involved in non-violent political, religious and cultural activities. China has tried to justify its broad denial of basic freedoms in Xinjiang on counter-terrorism grounds; but Chinese authorities have failed to discriminate between peaceful and violent dissent in their fight against "separatism" and "religious extremism." (More details on the situation in Xinjiang follow in the next section of my testimony.)

2. UN Commission on Human Rights:

The annual session of the U.N. Commission on Human Rights will begin in Geneva on March 16. Although the U.S. does not have a seat on the Commission this year, it can propose and promote resolutions. The administration, to my knowledge, has yet to formally decide whether to pursue a China resolution and to identify a possible sponsor, although the State Department has begun informal consultations with the European Union and others about the agenda for Geneva.

I urge the Commission to use its influence with the Executive Branch to reiterate the strong concerns of members of Congress in both houses that China should be held accountable for its international human rights obligations in the highest U.N. body charged with monitoring compliance. Whether or not a resolution is ultimately passed, the multilateral pressure exerted by a serious Geneva campaign gives China's leaders an incentive to make progress on human rights,

and to cooperate with U.N. human rights mechanisms, in order to avoid the loss of face that U.N. censure would entail.

The State Department's annual human rights country report is due to be delivered to Congress on February 25, soon after President Bush's Beijing visit. I expect the report will make it apparent that based on the overall record of China's human rights performance, action in Geneva is warranted.

If a China resolution is introduced, I hope that the Congressional-Executive Commission and its members will work with the State Department to urge other governments to support a resolution and to oppose any "no action" motion by China to prevent it from coming up for debate and vote in April.

3. **Labor Rights**

Protection of internationally recognized worker rights is an explicit part of this Commission's agenda, referred to in the PNTR bill, and yet the issue has not received adequate attention in U.S.-China relations

With China's entry into the WTO, increasing unrest among laid off and unemployed workers is expected. Despite some changes in the Chinese labor law adopted last October, there has been little progress towards allowing rights of free association for Chinese workers as recommended by the International Labor Organization (ILO). All attempts to organize independent trade unions are considered illegal, and free trade union organizers are often detained and arrested.

The ILO has offered to send a mission to Beijing to discuss China's obligations, as an ILO member, to respect workers' right of free association. The Commission should consider developing a strategy to encourage China's cooperation with the ILO on this core international standard. Last May, the ILO signed an agreement in Beijing to cooperate on the creation of social safety net programs, job retraining and other issues. But freedom of association was not addressed in the agreement.

The Commission could also help by scheduling a hearing to examine the human rights implications of China's WTO membership, especially with regard to workers' and migrants' rights. It should also recommend that Elaine Chao, the U.S. Secretary of Labor, arrange to go to China later this year to begin a high-level dialogue on core ILO standards, as well as to offer U.S. assistance with social safety net and worker health and safety programs. Her predecessor was formally invited to visit China by the Chinese labor minister when he came to Washington in March 1999.

As the administration develops programs to enhance rule of law, human rights and democracy in China with the funds provided by Congress this fiscal year -- approximately \$10 million all together -- the Labor and State Department and Congressional members of this Commission should meet to discuss ways of constructively addressing reform of China's labor laws.

Human Rights Developments in 2001

The Chinese leadership's preoccupation with stability in the face of continued economic and social upheaval fueled an increase in human rights violations in 2001. China's increasingly prominent international profile, symbolized by its entry into the World Trade Organization (WTO) and by Beijing's successful bid to host the 2008 Olympics, was accompanied by tightened controls on fundamental

freedoms. The leadership turned to trusted tools, limiting free expression by arresting academics, closing newspapers and magazines, and strictly controlling Internet content. It utilized a refurbished "Strike Hard" anti-crime campaign to circumvent legal safeguards for criminal suspects and alleged separatists, terrorists, and so-called religious extremists. In its campaign to eradicate Falungong, Chinese officials imprisoned thousands of practitioners and used torture and psychological pressure to force recantations. Today, we are releasing a major new report, "Dangerous Meditation: China's Campaign Against Falungong," documenting the crackdown. (Copies are available for Commission members.)

Freedom of Expression

Starting in late 2000, authorities began tightening existing restrictions on the circulation of information, limiting the space available to academics, journalists, writers and Internet users. Attacks on academic researchers may have been partly a response to the January 2001 publication of the Tiananmen Papers, a collection of government documents spirited out of China which described in detail the role played by Chinese leaders at the time of the historic June 1989 crackdown.

In December 2000, Guangdong's publicity bureau told newspapers and journals not to publish articles by eleven prominent scholars. In June 2001, one of those named, economist He Qinglian, fled China after Chinese security agents seized documents, letters, her cell phone, and photos of America friends. Although her 1998 book, *China's Pitfalls*, had been widely praised by the Communist leadership for its expose of corruption, she later angered authorities when she publicized the widening income gap in the country. Before she fled, the propaganda department of the Chinese Communist Party banned publication of her works; she lost her reporting job at the Shenzhen Legal Daily; and was subject to round-the-clock-surveillance. In May, after the Yancheng Evening News published an interview with Ms. He, Chinese authorities ordered top staff to submit self-criticisms.

Between February and September, four Chinese academics who were either naturalized U.S. citizens or permanent U.S. residents were arrested and tried on charges of spying for Taiwan. Dr. Gao Zhan, a scholar at American University in Washington, sentenced to ten years' imprisonment, was permitted to return to the U.S. within days after the conclusion of her trial; Qin Guangguang, a former editor and scholar, was granted medical parole and returned to the U.S. immediately after being sentenced to a ten-year term; journalist and writer Wu Jianmin was expelled following his trial in September; and Dr. Li Shaomin, a naturalized U.S. citizen teaching in Hong Kong, was deported in July after a four-hour trial. Sichuan native Xu Zerong, a Hong Kong resident since 1987, detained in June 2000, was put on trial on charges of illegally supplying state secrets and sentenced to 13 years in prison in late January 2002, according to his family.

Scholars were also affected when the Chinese Academy of Social Sciences rescinded invitations to foreign and Taiwan scholars to participate in an August 2001 conference on income disparities. In November 2000, authorities cancelled an officially sponsored poets' meeting in Guangxi province after it became known that dissident poets, some of whom helped underground colleagues publish, were expected to attend. Three organizers were detained. In May, police in Hunan province raided a political reading club that had attracted teachers and intellectuals, and detained several participants including the founder.

Restrictions on information flows also affected HIV-AIDS research and reporting. In May, Beijing prohibited Dr. Gao Yaojie, who had helped publicize the role of unsanitary blood collection stations in the spread of the disease, from traveling to the U.S. to receive an award. Earlier, Henan health officials had accused her of being used by "anti-Chinese forces;" local officials, who often profited from the sale of blood, had warned her not to speak out. In July, village cadres refused to allow her to enter their AIDS-ridden villages.

Media regulations were also tightened. In November, the Communist Party's top publicity official signaled a new policy when he told a meeting of journalists that "the broad masses of journalists must be in strict agreement with the central committee with President Jiang Zemin at its core," a warning repeated in January by Jiang himself. The same month, a Party Central Propaganda Department internal circular warned that any newspaper, television channel, or radio station would be closed if it acted independently to publish stories on sensitive or taboo topics such as domestic politics, national unity, or social stability. The regulations instituted a new warning system; after three citations, a media outlet was subject to closure.

By June, the Party had instituted a stricter regime. A decree expanded taboo content to include speculation on leadership changes, calls for political reforms, criticism of Party policies including those related to ethnic minorities or religion, and rejection of the guiding role of Marxism-Leninism and Mao-Deng theories, among many other categories. The decree forbade independent reporting on major corruption scandals, major criminal cases, and human and natural disasters and threatened immediate shutdown for violators. The government also ordered a nationwide campaign to educate journalists in "Marxist news ideology."

In the immediate aftermath of the September 11 attacks in New York and Washington, the Chinese Communist Party's Central Committee Propaganda Department ordered news media to refrain from playing up the incident, relaying foreign news photos or reports, holding forums, publishing news commentaries without permission, or taking sides. Chinese youth had welcomed the attacks on Internet postings and officials said the restrictions were needed to prevent damage to U.S.-China relations.

Authorities routinely prohibited the domestic press from reporting on incidents it considered damaging to China's image, but permitted expos 閃 when it suited the government's purposes. On September 8, 2001, former Xinhua reporter Gao Xinrong, sentenced to a thirteen-year term in 1998 for exposing corruption associated with an irrigation project in Shanxi province, wrote U.N. High Commissioner for Human Rights Mary Robinson asking that she intercede on his behalf after appeals in China were unsuccessful. Similarly, Jiang Weiping, a Dalian, Liaoning province journalist, who also exposed corruption, was arrested in December 2000 and tried in September 2001 on charges of "leaking state secrets." He received a nine-year sentence. After a military truck blew up in Xinjiang in November 2000, three journalists at two newspapers were punished for "violat[ing] news discipline and reveal[ing] a lot of detailed information" before Xinhua, the official news agency, printed the official line on the incident. News media in China are required to use Xinhua reports on any stories that local or central propaganda authorities deem sensitive. In June, Yao Xiaohong, head of news for Dushi Consumer Daily in Jiangxi province, was dismissed after reporting an illegal kidney transplant from an executed prisoner. In October, under pressure from central government publicity authorities, he was fired from his new job at the Yangcheng Evening News in Guangdong province.

Chinese authorities, however, did not always succeed in silencing the press. In March, after Chinese authorities insisted that a mentally ill man had caused an elementary school blast that killed over forty youngsters and teachers in Jiangxi province, the domestic press and Internet sites stopped reporting that the children had been involved in the manufacture of firecrackers. After parents used the press and the Internet to establish the truth of what really happened, Premier Zhu Rongji, who had initially denied local accounts, was forced to renege.

Chinese authorities moved against publications as well as individual journalists. In May, a magazine called Today's Celebrities was preemptorily closed for printing articles about corruption and the Cultural Revolution (1966-76). Employees had to stop the post office from delivering copies of the offending issue. In June, in a move to change its character, authorities replaced the acting editor and other editorial staff at

Southern Weekend (Nanfang Zhoumuo), China's most outspoken news publication. The magazine had published a series of articles blaming the government for problems in rural areas, reported on the school explosion, and featured an in-depth discussion of President Jiang Zemin's "three represents" thesis. The latter has been promulgated as Jiang's important contribution to the theoretical underpinnings of communism in China. Officials also closed the Guangxi Business Daily, which had operated for two years as an independent, privately-owned paper, when it refused to merge with the Guanxi Daily. In Jiangsu province, officials ordered the immediate suspension of the Business Morning Daily after it suggested that President Jiang's policies had advanced Shanghai's development at the expense of other cities.

At the other extreme, when Beijing's interests coincided with independent press accounts, the government encouraged the reporting. Such was the case in July, when owners of the Nandan tin mine and local officials hindered accurate reporting of a flooding disaster at the site. They had been denying that the accident, which claimed close to 100 lives, had occurred. Beijing has been trying to close down illegal mines and improve safety standards in others. In the Nandan case, local officials had ignored the violations because the mine contributed heavily to the county's coffers.

The foreign press was also muzzled. In early March, after Time ran a story on Falungong, Beijing banned future newsstand sales of the magazine. In June, five security officers beat an Agence France-Presse reporter after he photographed a protestor outside a "Three Tenors" concert held to support Beijing's Olympic bid. In July, government officials in Beijing prohibited the U.S. CBS television network from transmitting video footage for a story about Falungong. Chinese authorities banned the October 29 issue of Newsweek when it ran a cover story on corruption. China International Television Corporation, which administers satellite broadcasting, informed foreign TV channels that as of January 1, 2002, they must transmit through a government "rebroadcast platform," a move making censorship of incoming broadcasts easier. China Central Television also reneged on a July agreement to air in full U.S. Secretary of State Colin Powell's Beijing interview. It cut one-fifth of his remarks, including those defending U.S. criticism of Beijing's human rights record.

Restrictions on the Internet

Stringent regulations on rapidly growing Internet use came into effect in November 2000. New regulations required general portal sites to get their news solely from state-controlled media unless they had received special permission to post news from foreign media or from their own sources, required that bulletin board services and chatrooms limit postings to approved topics, and made monitoring of postings routine. A month later, Chinese authorities increased the number of Internet police to more than 300,000. In January 2001, a new regulation made it a capital crime to send "secret" or "reactionary" information over the Internet. In February, software called Internet Police 100, capable of "capturing" computer screens and "casting" them onto screens at local public security bureaus, was released in versions that could be installed in homes, caf 闕, and schools. The product was designed in part to keep "unhealthy" information such as cults, sex, and violence, off the Net. But even with some sixty sets of regulations in force, President Jiang in July decried the spread of "pernicious information" over the Web and called the existing legal framework inadequate.

By January 2002, the Ministry of Information and Technology had ordered service providers in "sensitive and strategic areas" to keep detailed records of who uses their services and at what times. Providers were also required to install software capable of screening and copying private e-mails with "sensitive material," to end transmissions of such material immediately, and to report offenders to public and state security bureaus.

Chinese regulations limited news postings on the websites of U.S.-based companies operating in China. The English chatroom of SOHU.com, partly owned by Dow Jones, posted a list of issues prohibited on the Internet by Chinese law, including criticism of the Chinese constitution, topics which damage China's reputation, discussion that undermines China's religious policy, and "any discussion and promotion of content which PRC laws prohibit." The posting continues: "If you are a Chinese national and willingly choose to break these laws, SOHU.com is legally obligated to report you to the Public Security Bureau." An internal AOL memo recommended that if AOL were asked what it would do if the Chinese government demanded records relating to political dissidents, AOL staff should respond "It is our policy to abide by the laws of the country in which we offer services."

In an attempt to control the proliferation of Internet cafes, Chinese officials stopped issuing new licenses while a clean-up operation to uncover evidence of banned sites or posting of subversive messages was underway. Beginning in April, public security departments checked more than 55,000 sites. Also in April, four state ministries and departments, including the Ministry of Information Industry, promulgated "The Procedure for Managing Internet Service Business Sites." It bars caf 闕 along a major Beijing thoroughfare and within 200 meters of key central party, political, and military organs, and middle and elementary schools, and within residential buildings. In October, officials announced that more than 17,000 cafes had been closed.

Internet bulletin boards, chat rooms, and online magazines, including university-based sites and those catering to journalists, were also closed. In June, Southern Weekend Forum, which allowed postings criticizing the firings at the Southern Weekend, was closed; Democracy and Human Rights Forum, produced by the website Xici Hutong was suspended for complaints about lack of press freedom. In August, two sites that criticized Jiang Zemin's stand on allowing private entrepreneurs to join the Party, the electronic magazine China Bulletin and the Tianya Zongheng forum were closed. Even People's Daily, the Party newspaper, was forced to remove a collection of articles by a Party member opposed to Jiang's initiative. In September, the State Council ordered the closure of Baiyun Huanghe, a bulletin board with 30,000 registered users at the Huazhong University of Science and Technology in Wuhan, after students posted articles about events in Tiananmen Square in 1989. Once the bulletin board reopens, the university's Party committee will manage it. In mid-October, the Telecommunications Administration and Office of Information closed Zhejiang Media Forum, a bulletin board for journalists, and demoted the webmaster for leaking secrets, slandering leaders, and attacking government bodies.

At least sixteen people were arrested or sentenced in 2001 for using the Internet to send information or to express views that the leadership disliked. In March, a court in Sichuan province sentenced Jiang Shihua, a middle-school teacher, to a two-year term for "inciting the subversion of state political power." In April, Wang Sen, was detained for having exposed local trafficking in medicines; a Hebei province court sentenced Guo Qinghai, a bank employee, to a four-year term for subversion for posting pro-democracy articles on a U.S. web site; and veteran activist Chi Shouzhu, who had printed out pro-democracy writings from a web site, was detained. In May, public security officers detained Hu Dalin for helping his father maintain websites featuring the latter's leftist writings, and Wang Jinbo for libeling the police (he received a four-year sentence in December on subversion charges.)

Four intellectuals, Yang Zili, Xu Wei, Zhang Honghai, and Jin Haike, detained in March, were tried at the end of September on charges of subversion for organizing the Association for New Chinese Youth and publishing articles about political reform. To date, they have not been sentenced. Huang Qi, detained in June 2000 and tried in secret in August 2001 on subversion charges for featuring articles about democracy on his website, had not been sentenced as of January 2002.

Political activists

Political dissidents continued to be persecuted. Two members of the banned China Democracy Party, Wang Zechen and Wang Wenjiang, were sentenced to six and four-year terms respectively in December 2000. Dissident Jiang Qisheng, held since May 1999 and tried in November 1999, was finally sentenced to a four-year term at the end of December 2000 for circulating a political essay calling for a candlelight commemoration and public mourning of those who died in the massacre in Beijing on June 3-4, 1989. Authorities also let it be known that interference with Beijing's Olympic bid would not be tolerated, sentencing activist Shan Chenfeng, who urged the International Olympic Committee to pressure China to release dissidents, to a two-year administrative sentence in February. Shen Hongqi, a lawyer, received a three-year sentence for an article advocating reform of China's political system. Police in Inner Mongolia detained activists associated with the Southern Mongolian Democratic Alliance, which seeks to promote Mongolian traditions and cultural values, but which the government accuses of splittist activities. In May, Dalai, also known as Bai Xiaojun, was detained for promoting the coming celebration of the birthday of Genghis Khan; in June, police detained Altanbulag, a young musician, for distributing materials relating to human rights and ethnic problems in Inner Mongolia. Authorities also banned works by two young Mongolian poets and in October detained one, Unag, for several weeks

Criminal Justice

On April 3, 2001, President Jiang initiated a three-month "Strike Hard" (yan da) anti-crime campaign. Stressing the need to safeguard social stability and the reform process, he asked that improvements in fighting crime be made with "two tough hands." The following day, Xiao Yang, president of the Supreme People's Court, announced that China's court would abide strictly by the law during intensified efforts to punish criminal elements. The pledge has been honored more in the breach, as the campaign has featured hastily processed cases, denial of due process rights, summary trials, harsh sentences, mass sentencing rallies, and an upsurge in executions. In Shanghai, for example, judges were ordered to take less time to review evidence in the pre-trial phase. A Supreme Court circular on April 12 stipulated that courts should mete out severe punishments to offenders, stressed the need for courts to act rapidly, and noted that capital cases should be made irreversible through ironclad evidence. Although the prohibition against the use of torture was reinforced by Luo Gan, the Chinese Communist Party's chief law and order official, forced confessions under duress were officially acknowledged. The practice is illegal, but evidence obtained through torture is admissible in court. Li Kuisheng, a prominent lawyer in Zhengzhou, Henan, was finally cleared of all charges and released in January 2001. He had been arrested in November 1998 after defending a client fighting corruption charges, and under torture had "confessed" to fabricating evidence.

Provinces and municipalities reported regularly on their compliance with the campaign. Their accounts included totals of those apprehended, sentenced, and executed, and information on the kinds of crimes committed. Capital sentences were imposed for some sixty offenses including, in addition to violent acts, economic crimes, drug trafficking, smuggling, arms dealing, racketeering, counterfeiting, poaching, pimping, robbery, and theft. During the first month of Strike Hard, some 10,000 people were arrested and at least five hundred executed. By the end of October, at least 1,800 people had been executed, at least double that number had received death sentences, and officials had announced they would continue the campaign at least through June 2002 with increased "intensity." By September, China's deputy procurator general called for a "strike always" campaign. The elimination of prostitution and gambling, a crackdown on superstitious activities, and better management of migrants joined the list of targets. In July, the Public Security Ministry distributed cash awards amounting to 1.15 million renminbi (over U.S.\$140,000) to departments in five provinces in recognition of their Strike Hard efforts. In January 2002, The Minister of Public Security warned the police not to relax their efforts but rather to step up the campaign.

Despite the Strike Hard campaign, officials in some areas implicitly acknowledged unfairness in the criminal justice system. In October, Beijing courts began implementation of new rules on the presentation

of evidence requiring that both sides present evidence in open court rather than to judges privately. In November 2000, Liaoning officials announced that prosecutions in some cities would be based on proof rather than confessions, thus guaranteeing suspects' right to remain silent during criminal interrogation. However, the following month, a senior National People's Congress member admitted that in many places forced confessions, extended detentions, and restrictions on the activities of attorneys for the defense were still problems. In January, the vice-president of the Supreme People's Court admitted to corruption within the legal system, including intentional errors of judgment, forged court papers, and bribe taking. In June, the Supreme People's Procuratorate issued six new regulations to prevent violations in the handling of cases and acknowledged Communist Party interference in sensitive cases. However, in August, in Luoyang, Henan province, judges who heard the cases of twenty-three defendants charged in a fire that killed 309 people said they would not release their findings until they had talked to provincial leaders.

China's commitment to a rule of law is being severely tested in two cases involving businessmen, Fong Fuming, a U.S. citizen, and Liu Yaping, a permanent resident. Mr. Fong, an engineer and power industry consultant accused of bribery and obtaining state secrets, was held without trial from February 28, 2000 to October 22, 2001. Fong's indictment was dated September 24, 2001, but the defense did not learn of it until two weeks before trial. Although the U.S. Embassy was informed the trial would be open, Mr. Fong's son was turned away when he arrived at court. As of late January 2002, no verdict had been issued.

Liu Yaping, held in Hohhot, Inner Mongolia, on charges of fraud and tax evasion since March 2001, has been denied proper medical treatment despite a life-threatening brain aneurysm. On August 7, he was "released pending trial," but instead of being free to move about the city as was expected, he was transferred to a hospital and kept under twenty-four hour guard until mid-January 2002 when he was released and informed he could go to Beijing for medical treatment. However, as of late January, he still had not received the documents, including his passport, that would make travel possible. During his months in custody, Mr. Liu has had only very limited to family members and to legal counsel. He has never been indicted.

Freedom of Religion and Belief

China continued to crack down on groups it labeled cults and on religious expression practiced outside the aegis of official churches. Falungong continued to experience the harshest repression, with thousands of practitioners assigned to "reeducation through labor" camps and more than 350 imprisoned, many for nothing more than printing leaflets or recruiting followers for protests. Throughout the year, recalcitrant practitioners were subjected to stepped up physical abuse and psychological coercion. Unconfirmed but credible reports of practitioners dying in custody mounted. On June 11, the Supreme People's Court and the Supreme People's Procuratorate issued a new interpretation of cult provisions in the Criminal Law to make it easier to punish practitioners on a wide variety of charges. The interpretation made incitement to injure oneself a capital offense, and it increased punishments for self-immolation, leaking state secrets, subversion, separatist activities, small-scale "assemblies," and small-scale publishing and distribution. There were reports in mid-August of forty-five followers tried and at least five sentenced to terms of up to thirteen years for offenses such as organizing the printing of leaflets and banners and recruiting followers for protests. In December 2001, the Beijing police arrested eleven members of a "criminal gang" for spreading Falungong propaganda. Ten members were administratively sentenced to reeducation through labor; the eleventh is in custody.

Authorities also targeted other so-called cults, among them Zhonggong, Xiang Gong, Guanyin Famin, Kuangmin Zhaimen, the Holy Spirit Reconstruction Church, Mentuhui, Nanfang Jiaohui, and the Local Church (also known as the Shouters), sentencing members and leaders, closing their offices, and seizing their publications. On January 28, 2002, a court in Fuqing, Fujian province, sentenced Lai Kwong-keung (Li Guangqiang in Mandarin), a Hong Kong resident, to two years' imprisonment for "smuggling" some

33,000 bibles to Local Church groups. The smuggled version was not one approved by Chinese religious officials. Yu Zhudi and Lin Xifu, from the mainland, received three-year terms. After U.S. protests, the original charge, "using an evil cult to damage a law-based society," was downgraded to running an "illegal business operation," but each man was fined the equivalent of U.S.\$18,000. A Local Church follower who organized songs and prayers in front of the courthouse also was detained until the trial concluded. Two other Local Church members from Anhui province have also been indicted on cult charges for proselytizing. After news broke in December that a Hubei province court had sentenced Gong Shengliang, leader of the Nanfang Jiaohui, to death on charges of "premeditated assault," rape, hooliganism, and using an evil cult to damage society, sufficient international pressure succeeded in reducing the charges to death with a two-year reprieve. Four other members also received death with reprieve. Such sentences are generally commuted to life imprisonment. It has been charged that several alleged rape victims were coerced into giving false testimony. A total of sixty-three members of the church have been charged. A court in Xiamen sentenced three mainland members of the Taiwan-based Holy Spirit Reconstruction Church to seven-year prison terms in January.

A few weeks before Christmas 2000, hundreds of "illegal" Protestant and Catholic churches and Buddhist and Taoist temples and shrines in Wenzhou were demolished. In March and April, several dozen house church leaders in Hubei province were detained; in May, twelve others were administratively sentenced in Inner Mongolia and twenty-three others released after they paid fines amounting to approximately U.S.\$25 each. The Chinese government also instituted a special study group to bring Christianity "into line with socialism" through reinterpretation of basic beliefs. As part of the movement, the study group is looking into local church publications considered incompatible with the new interpretations.

The continuing government-ordered merger of Catholic dioceses, a move that went unrecognized by Rome, also signaled Beijing's determination to run the church in accord with its own needs. As a result of a student-teacher boycott of Chinese-controlled ordinations in early 2000, fewer seminarians were enrolled in the Chinese Catholic Theological and Philosophical seminary in Beijing. After political education sessions, some seminarians were dismissed or ordered to return to their dioceses. In October, after Pope John Paul expressed regrets for Catholic Church errors committed during the "colonial period" and expressed hope of normalized relations, Chinese religious officials responded by demanding that the Vatican first sever its ties with Taiwan, refrain from "using the pretext of religious issues to meddle in Chinese internal affairs," and apologize for last year's canonization of "foreign missionaries and their followers who committed notorious crimes in China." Detentions in 2001 included those of several elderly influential bishops and priests including Bishop Pei of Inner Mongolia, Bishop Li Hongye of Henan province, Father Feng Yunxiang in Fujian province, Father Liao Haiqing in Jiangxi province, and Bishop Shi Enxiang, Father Li Jianbo, and Father Lu Genjun from Hebei province.

Labor Rights

Reports of clashes between police and workers and farmers protesting layoffs, unpaid wages and benefits, corruption, and relocation problems continued throughout the year. Details as to the course of the incidents and the outcomes differed markedly. In December 2000, there were conflicting accounts of whether workers from a construction company in Heilongjiang were detained after some 2,000 of them blocked a railway line. One report of a dispute at the Guiyang Cotton Textile Factory in January 2001 said ten workers were hospitalized with injuries; local officials said the protests ended peacefully. In Changchun in September, either police or members of a private security force reportedly beat some one hundred distillery workers protesting the privatization of their company and lack of adequate compensation. Local authorities denied the allegations. In April police in Yuntang village, Jiangxi province arrested five villagers who had been leading a three-year protest against new taxes, then stormed the village killing two unarmed protestors and injuring some thirty-eight others. In October, in Qingdao, Shandong province, one hundred police officers detained protestors demonstrating against the city's

failure to honor its commitment to provide appropriate housing for residents forced to relocate to make way for a real estate project.

Labor activists continued to be targeted. Hu Mingjun, Deng Yongliang, and Wang Shen were detained in May after helping steel workers in Sichuan province organize a protest to demand back wages. In one prominent case, Li Wangyang, imprisoned from 1989 to 2000 for his 1989 participation in the Shaoyang Workers Autonomous Federation, was sentenced for subversion in September to a new ten-year term after petitioning for compensation for mistreatment suffered in prison. Li's sister, Li Wangling, received a three-year administrative sentence on June 7 for publicizing her brother's case.

In October 2001, the Standing Committee of the National People's Congress Workers passed a revised Trade Union Law requiring enterprises with more than twenty-five workers to establish a union and prohibiting management personnel from holding important union positions. But only government-affiliated unions were mentioned in the law, and the right to strike was not guaranteed. In November 2000, a month after workers tried to form an independent union in a silk factory in Jiangsu province, Chinese authorities committed Cao Maobing, the union organizer, to a mental hospital. It took 210 days for him to be released.

Tibet

China revised its overall Tibetan policy in June 2001, the fourth such change since it took command of the region in 1950. Goals for 2001-2006 included accelerated economic development and tightened control over alleged "secessionist" activities. A semantic shift from "general stability" to "permanent rule and lasting peace" (chang zhi jiu an) at the June forum may also have signaled Beijing's determination to strengthen direct control over Tibetan affairs. During a July visit, Vice-President Hu Jintao stated that it was "essential to fight unequivocally against separatist activities by the Dalai clique and anti-China forces in the world."

Efforts to engage the Chinese leadership in a dialogue with representatives of the Dalai Lama were unsuccessful in 2001. Following the Dalai Lama's criticism of Chinese policy during a speech to the European Parliament general assembly on October 24, the Foreign Affairs Committee of the National People's Congress reiterated the position that talks could take place only if the Dalai Lama renounced his "separatist stand," and openly acknowledged that Tibet was an inalienable part of China, Taiwan merely a province, and "the government of the People's Republic of China the sole legitimate government representing the whole of China."

At the same time as Chinese officials refuted the Dalai Lama's accusations of cultural and religious extinction, they continued to suppress free expression, limit the growth of religious practice, and ensure that worship was consistent with socialism and patriotism. In February 2001, at the beginning of the Tibetan New Year, government workers, cadres, and school children were banned from attending prayer festivals at monasteries or from contributing to temples and monasteries. During Monlam Chemo, once a festival of great religious significance, monks at Lhasa's major monasteries were not permitted to leave their respective complexes, and government authorities banned certain rites. In June, in Lhasa, officials distributed circulars entitled "Strengthening Abolition of the Illegal Activities of Trungha Yarsol (the Dalai Lama's Birthday) and Protection of Social Stability." Police in the region then detained hundreds of Tibetans who burned incense, said prayers, or threw tsempha (roasted barley) into the air in defiance of the order.

Larung Gar, a Tibetan monastic encampment near Serthar in Sichuan province, had come under virtual siege by Chinese authorities by mid-2001. Central authorities had ordered the expulsion of all but 400 nuns and 1,000 monks out of an estimated population of 8,800 over concerns about the institution's

alleged impact on social stability, and officials were determined to complete the downsizing quickly. As monks and nuns were forced out, many with no place to go, their meditation huts, most built at individual expense, were destroyed, as were shops, restaurants, and other structures. All teaching was suspended at Larung Gar, once a leading Buddhist studies center, and its leader, Khenpo Jigme, was moved to Chengdu, Sichuan's capital.

Authorities continued to deny access to the Panchen Lama, the second most important figure in Tibetan Buddhism. The latest request, in October by Australia's deputy foreign minister, was denied on the grounds that Gendun Choekyi Nyima's parents want his and their privacy protected. The boy, now twelve years old, disappeared from public view in 1995 after Beijing chose another child as the reincarnation. Chadrel Rinpoche, the senior lama who led the search, was still in prison. He was last seen in mid-May 1995 shortly before he was sentenced to a six-year prison term.

In a further effort to ensure that the next generation of lamas would be beholden to Chinese authorities rather than to the Dalai Lama, in July, an eight-year old recognized as an incarnate lama by the Seventeenth Karmapa was forced take off his monastic robes, forego religious training, and attend a normal primary school. He is closely guarded at all times. The Karmapa, recognized by both Chinese authorities and the Dalai Lama, escaped to India in 2000.

The Strike Hard campaign in Tibet had a decidedly political focus. At a May meeting in Lhasa, capital of the Tibet Autonomous Region (TAR), courts were ordered to forcefully carry out the campaign against "those whose crimes endanger state security," and "those who guide people illegally across borders," in other words, against those who help Tibetans reach Nepal or Dharamsala, India, the Dalai Lama's home in exile. During the first month of the campaign, 254 people were caught trying to leave or reenter the TAR, many allegedly carrying "reactionary propaganda materials." Many were severely beaten after capture.

"Splittist" activities accounted for numerous political arrests and trials in 2001. In January, a Lhasa court sentenced Cengdan Gyaco to an eight-year term for agitating separatism and spying for the Dalai Lama. That same month, an officer patrolling Sera monastery caught Jampel Gyatso listening to an audio tape of the Dalai Lama's teachings. As of late January 2002, he was detained in the Gutsa Detention Center in Lhasa. Two months later, a second Sera monk, Tendar, was detained for involvement in political activities. In February, police arrested Migmar and four friends caught watching a video of the Dalai Lama. The friends were released after payment of 5,000 yuan (approximately U.S.\$600) apiece. A Lhasa court sentenced Migmar to a six-year term in May. In March, in Qinghai province, after police raided Tibetan households to confiscate photographs of the Dalai Lama, three local men took it upon themselves to collect and hide the villagers' photos. Police who caught the men confiscated the pictures and levied fines of 5,000 yuan. In July, the Nagchu court tried six people, Sey Khedup, Tenzin Choewang, Tenzin Lhagon, Yeshi Tenzin, Traku Yeshi, and Gyurmey, for colluding with the Dalai clique and endangering state security. Four of the six were monks. Terms ranged from seven years to life imprisonment.

Xinjiang

Even before September 18, when the Chinese government publicly equated Uighur calls for autonomy or independence with global terrorism, Beijing had instituted strict measures to crush "separatism" and "religious extremism" in Xinjiang. In April, at the beginning of the nationwide Strike Hard campaign, Ablat Abdureshit, chairman of the region, was explicit as to targets in Xinjiang: "national splittists," "violent terrorists," and "religious extremists." At the same time, the leadership reiterated its determination to develop the region economically. Both campaigns were entrusted to patriotic Party cadres working at the grassroots, kept in check by a local law passed in May threatening punishment should they sympathize with Uighur aims or refuse to give up their religious beliefs. In April, China's defense minister emphasized the role of the People's Liberation Army in stabilizing the region so as to

ensure the success of China's Western Development project. In June, Vice-President Hu Jintao, reiterated the call to root out Islamic activists.

In June and again in January 2002 when their foreign ministers met, the Shanghai Cooperation Organization (formerly the Shanghai Five), composed of China, Russia and four republics in Central Asia, reiterated its pledge of cooperation to combat "terrorism, separatism and extremists" and to establish "a regular anti-terrorist structure. According to a Chinese official, the campaign would be aimed at alleged terrorists groups in Xinjiang, Chechnya, and Uzbekistan.

Although there were credible reports of violence by Uighur separatists in Xinjiang, strict Chinese controls on information coming from the region often made it impossible to know whether particular individuals had indeed committed criminal acts or whether they were being punished for exercising their rights to free political expression, association, or assembly. Typical charges included "splittism," subverting state power, setting up an organization to establish Islamic rule, stockpiling weapons, endangering social order, and printing anti-government literature. There were also new reports of torture, forced confessions, unfair trial procedures, and collective punishment. In November 2000, Abdulelil Abdumejit died while serving a sentence for the anti-Chinese riots in Yining in 1997. Supporters claimed he died from beatings and torture; the state claimed he died from his refusal to follow an appropriate medical regime.

The Strike Hard campaign exacerbated the rate of arrests and sentencing. Within three months of the campaign's start in April, Xinjiang police reported solving 8,000 cases, arresting 9,605 suspects, destroying six separatist and terrorist organizations, and in conjunction with the procuracy holding more than 100 sentencing rallies involving 300,000 spectators to parade "criminals" and announce sentences before a public expected to signify approval.

In April, police in Kashgar arrested twenty-five people for buying ten guns, allegedly to further an independence movement; in Urumqi, Abdulaimit Mehmet, convicted of murder and separatism, received a death sentence; six Uighurs were executed in Korla on charges of separatism and subverting state power; and Osman Yimit, a trader from Kucha, received a seven-year sentence on charges of endangering the social order and engaging in separatist activities for failing to register an aid fund for poor families.

In June, Wusiman Yimiti and Maimaiti Reheman were executed for "forming a criminal gang with the aim of splitting the country." Erkhin Talip was executed in September for crimes linked to separatism. In October in Yining, five Uyghurs, including Abdulmejid and Abdulahmad, received death sentences on charges of anti-state terrorism; two others were sentenced to life imprisonment. And in November at a combined Aksu and Uchturpan county mass rally, death sentences and long prison terms were handed out to twenty-eight Uighurs for separatist and terrorist activities. Abdehelil Zunun, who had translated the Universal Declaration of Human Rights into Uighur, drew a twenty-year sentence.

Efforts to bring religious practices under the aegis of the state included the April formation of a China Islamic Affairs Steering Committee under the administration of the Islamic Association of China. The members, sixteen senior China-based experts on Islam, interpreted religious doctrines in accordance with Chinese law and Islamic doctrine, drafted sermon pamphlets, and worked to bring Islam into conformity with Chinese political ideology. An imam "patriotic reeducation" campaign, begun in March, assigned some 8,000 religious leaders to twenty-day sessions stressing patriotism, loving socialism, upholding Party leadership, combating separatism, and the like. In a number of cases, mosques were leveled, clerics arrested, and "illegal" books and audio cassettes confiscated. Before and during the holy month of Ramadan, there was considerable pressure, including threats of expulsion, against students who fasted or observed other religious rules such as the use of head scarves or performance of daily prayers. In December, nine Muslims were arrested for preaching illegally more than twenty times in Bayingolin

Mongol Prefecture and for translating the Koran into local languages. In January 2002, it was reported that Ibrahim received a four-year prison term for running a school where English, Arabic, and other languages were taught and for talking about Uighur troubles. The school was forced to close around the time of his arrest in May 2000. He was also part of a group which advocated Islamic law.

In January 2001, Chinese officials took aim at Xinjiang's publications market, calling for stricter policing and punishment of those spreading religious fanaticism and ethnic "splittism." Access to Radio Free Asia's Uighur language programs is limited by severe jamming.

In January 2002, pressure to follow the official ideological line was explicitly extended to include artists, writers, performers, and historians, among others, when Abulahat Abdurixit, the region's chairman, made clear that "all who openly advocate separatism using the name of art" would be purged. The announcement followed recitation of a poem by a homeless man at the end of a concert at Xinjiang People's Hall on January 1.

That same month, Yili prefecture ordered a campaign against folk customs such as wedding, funeral, and house-moving rituals. Uighur cadres must have permission before attending such events and must report back to their superiors. A Party official said the aim of the order was to curb extravagance and eradicate superstition.

In violation of its once-a-month prison visit policy, Rebiya Kadeer, sentenced in March 2000 to an eight-year term for sending Xinjiang newspapers to her husband in the U.S., was limited to one family visit every three months. Glass separated her family members during the thirty- to fifty-minute visits, at least one guard recorded everything that was said, and topics for discussion were limited. Ms. Kadeer was required to wear a black tag signaling that her crime was serious and her behavior bad, in part because she was unable to complete her assignments in the prison cardigan factory. However, she was denied the glasses she needed to work efficiently. Ms. Kadeer's family was subject to surveillance and harassment. A fourth son, Ablikim Reyim, was released in February, some six months before his two-year reeducation through labor term expired.