

Testimony to the Congressional-Executive Commission on China

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Dear Chairman and distinguished members of the Congressional-Executive Commission on China:

Thank you for inviting the Committee to Protect Journalists to participate in the discussion of "The Impact of the 2008 Olympic Games on Human Rights and the Rule of Law in China." CPJ has been monitoring press freedom conditions in China and around the world for more than 25 years. The organization was founded in 1981 by a group of American journalists who believed that the strength and influence of the international media could be used to support journalists who are targeted because of their work. CPJ is independently funded by individuals, foundations and corporations, and accepts no government funds whatsoever.

Recognizing that with the advent of the 2008 Beijing Games we were presented with an opportunity to exert greater than usual influence around China's media policy, last year CPJ produced a report, "[Falling Short: As the 2008 Olympics Approach, China Falters on Press Freedom](#)," which we are in the process of revising for this year. Our intention was to speak to the more than 25,000 journalists expected to descend on China for the 2008 Summer Olympic Games. We wanted to give them practical advice on how to work as a journalist in China, as well as tell them of the conditions under which their Chinese colleagues are working.

That second point, conditions for Chinese journalists, is a critical one. We are concerned that when foreign news teams arriving in Beijing hire local Chinese assistants they will place demands on them that might put them in jeopardy. Reporters who ask their Chinese hires to arrange potentially dangerous meetings, say with activists, or to visit an AIDS village, or get advance information on potential demonstrations that the government will want to quash, might be putting their Chinese colleagues at risk. It is not inconceivable that they will be made to pay a price, if not during the Games, then after them, when the world's media attention has moved on.

Watching China make preparations for the Games, it is clear the government wants them to come off without a flaw. That preoccupation could lead to overly aggressive attempts to control the media, a pattern we believe we are already seeing. While those attempts will most likely be futile, past experience has shown that China tends to err on the side of heavy-handedness when it comes to media control and threats to China's image as a unified nation with little internal dissent. We are not as concerned about the threat that foreign journalists will face in China during the Games, but it seems that the Chinese journalists working with them as translators, fixers, and coordinators—many of whom will be enthusiastic young people with relatively little journalism experience—make up a high-risk group.

Just how high are the risks for Chinese journalists in China? It is a mixed picture. Here are the harshest facts first:

With less than one year to go before the 2008 Olympic Games, China is holding at least 25 reporters and editors behind bars because of their work. Most journalists are being held on vague security-related charges such as revealing state secrets or inciting subversion of state power. By hiding behind such broad

accusations of threats to civil stability, China has been the world's leading jailer of journalists since 1999. That number of 25 behind bars is down from 29 last year.

Typical is the case of Shi Tao, whose mother has called on CPJ to pressure the international community to insist Chinese authorities to release her son ahead of the 2008 Olympic Games in Beijing. "My son is not guilty. You should keep up pressure on the Chinese government to release him," Gao Qinsheng said when she visited CPJ's office in June of last year. Shi is serving a 10-year prison term for the crime of "leaking state secrets abroad." He was jailed in 2004 for sending an e-mail describing Communist Party propaganda department orders to his newspaper *Dangdai Shangbao* (Contemporary Trade News). The information included orders to news editors on how to report the anniversary of the 1989 crackdown on Tiananmen Square demonstrators.

But there has been a thaw of sorts in recent weeks. Li Changqing and Yue Tianxiang were both released within the past two months because their sentences were due to expire. The Singapore *Straits Times* journalist Ching Cheong was released unexpectedly on February 7 after campaigns for his health, while *Southern Metropolis News* journalist Yu Huafeng was released on February 11 after his sentence was commuted through a lengthy appeal process. It is worth noting that all but one of these men was a fairly senior print journalist. And we believe the December 2006 release of a former Xinhua reporter, Gao Qinrong after serving eight years of a 12-year sentence falls into the same category. Senior journalists working in what are government-controlled publications seem to receive softer government treatment, possibly because their arrests and sentences were so egregious in the first place—if we dare to think that reduced time behind bars for simply having worked as a journalist can be classified as "softer treatment."

Are these recent releases an indicator of a change of heart on the part of the Chinese government? It is difficult to say, but my feeling is that it is most likely not, though China has used prisoner releases to ease international criticism in the past. And remember, on about the same day Ching Cheong was released and allowed to return to his family in Hong Kong, Lü Gengsong was sentenced to four years in prison on subversion charges by the Intermediate People's Court in the eastern Chinese city of Hangzhou, after his one-day, closed-door trial on January 22. Lü was sentenced for "inciting the subversion of state power." Lü is a strong populist who openly criticized corrupt officials, and wrote several articles for overseas Web sites and reported on the trial of a human rights defender the day before he was arrested.

Mo Shaoping, a veteran Beijing-based lawyer who has represented many jailed journalists, told CPJ that he did not take the recent releases as encouraging signs. "There has been no reduction in cases where subversion charges are brought against people for articles they have written. If anything," Mr. Mo told us, "these cases have increased in the past one or two years."

CPJ's records show that three more jailed journalists are due to be released before or around the time the Games start on August 8.

- Hua Di is a Stanford University researcher and U.S. resident who was charged with revealing state secrets while visiting China in January 1998 after publishing articles about China's defense system in academic journals. We have been unable to confirm his whereabouts.
- Zhang Wei was arrested in July 2002 for illegally publishing underground newspapers that officials said "misled the public" in Chongqing, central China. He is due out in July.
- Fan Yingshang printed 60,000 copies of a magazine and was subsequently charged with profiteering in October 1995. Fan is due to be released sometime before October.

CPJ is calling on China to release these men immediately, and then begin a review of its media policies. It seems clear that China's leaders have grasped the importance of the open flow of information to a modern

economy. Jailing journalists goes back to an era when the government thought it could control every aspect of a Chinese citizen's life. It long ago relinquished that notion, but it persists in jailing journalists as if China were still at the height of the Cultural Revolution.

An important fact to remember is that more than half of the journalists behind bars in China are there for Internet-related activities. But despite having the world's greatest Internet censorship apparatus, the government seems unable to fully stem the flow of frank discussion and open criticism that ricochets across China from e-mail, blogs, foreign and domestic Web sites, message bulletin boards, instant messaging and telephone texting. The highly vaunted Great Firewall of China is under constant pressure, and is turning more into an increasingly leaky dike holding back a rising digital flood of information with constantly updated technology, some of it supplied by United States companies. The government is struggling to stay on top of the growth of the Internet.

And the Internet is not the only place where China's attempts to control the flow of information are not meeting with success.

The number of journalists jailed in China does not tell the whole story. The overwhelmingly vast majority of journalists in China are not in jail. Many reporters in the country's ever-more-commercialized media are pursuing news stories and readers with energy and enthusiasm, while their editors fully understand how far they can push the limits of a story. To rein in that energy, the government propaganda machine hands down a daily stream of directives covering issues that range from the most sensitive—how to handle the annual commemoration of the 1989 Tiananmen demonstrations, or a toxic chemical spill into a river, say—to the most mundane tabloid-level stories. Reporters and editors know they are being watched and a running tally of their missteps is kept. Too many errors could mean a demotion or reassignment to a less prestigious publication, far away from home. Successful journalists and editors pick their battles carefully, knowing their readers and viewers increasingly expect reliable and accurate reporting. Many others simply resign themselves to the restrictions, write the party line, and take home their paycheck.

It is interesting to note the directives from the Central Propaganda Department are no longer always delivered by e-mail anymore, according to journalists we have spoken with in Hong Kong earlier this month. Increasingly, directives are given by telephone, so that there is no electronic trail of the department's messages. We have been told that the method changed after our use of some of those messages appeared in "Falling Short," CPJ's report on the Olympics, which I mentioned at the beginning of these remarks.

The method of transmission of censorship directives is one change in China's well-oiled control system, and not necessarily one for the better. And it is not the sort of change we were assured we would see after Beijing was awarded the 2008 Olympic Games. The International Olympic Committee and the government assured skeptics that the influx of Olympic ideals would wean the government from its obsession with regulating the flow of information.

That scenario never came to pass and doesn't look likely to, though some restrictions on foreign journalists were lifted in January 2007. Under the new rules foreigners are allowed unrestricted travel and are free to ask questions of anyone willing to talk to them—rules that were largely ignored anyway. Government officials have talked about the possibility that those restrictions will be fully lifted sometime soon, never to return—though it should be noted that travel to Tibet and the Xinjiang Autonomous Region are still forbidden.

Foreign journalists in China do report fewer hassles and restrictions since the new regulations were handed down, although many local officials and powerful businessmen have yet to get the message at the

grassroots level. There continue to be disturbing reports of the harassment of Chinese citizens who have given interviews to foreign reporters. And most foreign journalists still operate under the assumption that their phones are tapped and e-mail monitored.

For Chinese journalists things have gotten worse. Many of them have told CPJ that while they wish they had the freedoms their foreign colleagues now have, they would be reluctant to exercise them anyway. They fear retribution once the spotlight of the Games has moved on and the country reverts to business as usual.

Still, the government is clearly fighting a rear-guard action in trying to control the flow of information. Increasingly media—particularly print media—push those limits. Internet-based citizen journalists abound and bona fide press-card holders regularly put their stories online if they can't convince their papers to run with them. The journalism instinct is alive and well in China. It is the government that is still stuck in its Mao-era approach, trying to cope with the demands of increasingly sophisticated journalists and their readers and viewers.

This is the atmosphere into which some 20,000 to 30,000 foreign journalists and technicians will find themselves in August 2008. Given that it does not look like China will soften its stance any more, and that it has even come down harder on its own journalists in recent months, what can be done?

- CPJ and other groups have not had any apparent success in dealing with the International Olympic Committee around these issues. We are calling on governments, particularly our own, and the Games' corporate sponsors to press the International Olympic Committee to insist that the Chinese government fully meet its promises of press freedom for the 2008 Games. And we want to ensure that freedom is extended to Chinese journalists, though I suspect our Chinese colleagues would be wary of immediately taking advantage of those freedoms.
- We ask everyone to continue to call on China to meet the pledge made to the IOC in 2001 when it was awarded the Games to remove media restrictions. In particular, eliminate restrictions on local journalists, who continue to face the same severe constraints they did before China was awarded the Games in 2001.
- We do not think it is unrealistic to call on China to release all the journalists currently imprisoned for their work. For them to be in jail when the Games begin on August 8, 2008, would make a travesty of China's pledge of greater press freedom and the IOC's acceptance of that pledge.
- In the broadest sense, China should stop censoring news and dismantle the archaic system of media control that has evolved over several decades. Halt Internet censorship and monitoring activities and let information flow freely on every digital platform.
- Narrow the use of state secret and national security laws, bringing them into compliance with the Johannesburg Principles on National Security, Freedom of Expression, and Access to Information. These principles, endorsed by the U.N. special rapporteur on freedom of opinion and expression, allow restrictions only in cases of legitimate national security.
- Ratify the International Covenant on Civil and Political Rights, which China signed in 1998. Article 19 of the Covenant states: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."
- As a member of the United Nations, honor Article 19 of the Universal Declaration of Human Rights, which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

And, perhaps most important, we are calling on the international media organizations that will be in China to do two things and do them with the same dedication and energy they will use to cover the Games:

- Use all means to insist that China honor its media pledges to the IOC and extend to Chinese journalists the same freedoms that visiting journalists enjoy.
- For the safety and well-being of our Chinese colleagues, take extra steps to ensure that all employees covering the games, either on the ground in China or on editorial desks at home offices, to be aware of the restrictions and threats that their Chinese colleagues face. Chinese journalists are not allowed to operate under the same rules that foreign journalists take for granted. To forget that reality can endanger their freedom.

I thank the Commission for the opportunity it has granted CPJ to outline these issues. Along with this testimony, we have submitted a copy of our report, "Falling Short," for your reference.