

CHINA: ENFORCED EXILE OF DISSIDENTS Government "Re-entry Blacklist" Revealed

Introduction

The existence of confidential Chinese government blacklists barring overseas-based pro-democracy and human rights activists from returning to China has long been suspected by the exiled Chinese dissident community and other concerned observers. Until now, however, no conclusive documentary evidence confirming the operation of such a policy has ever come to light. In this report, Human Rights Watch/Asia and Human Rights in China provide details of a document they obtained that was issued secretly by China's Ministry of Public Security in May 1994. The document is titled "A List of Forty-Nine Overseas Members of Reactionary Organizations Currently Subject to Major Control." All those named on the list are identified by the security authorities as being subject to government decrees currently banning them from re-entering China. The overwhelming majority of those on the re-entry blacklist have consistently advocated the use of peaceful means for achieving greater democracy and human rights in China. Almost 50 percent of those listed were placed on police "most wanted" notices after June 4, 1989, all in connection with alleged offenses arising from their exercise of internationally recognized rights to free speech and association during the protest movement of that year. None of those on the blacklist is known to have committed any act, which could be construed as criminal under international law.

Prominent among those listed are a number of former political prisoners who, in response to sustained diplomatic pressure from the United States government over the question of China's Most Favored Nation (MFN) status, were finally granted passports or exit permits and allowed to leave China for temporary study or medical purposes in the U.S. Prior to August 1991, when the majority of the banning orders were issued, China, for the most part, had prevented such people or their relatives from leaving the country. The banning orders, coming as public debate in the United States over China's MFN status was increasing, indicated a policy shift that enabled the Chinese government to achieve two objectives at once. The authorities allowed dissidents to leave, thereby appearing to appease human rights critics in the U.S., while at the same time, they secretly pursued a policy of sending former political prisoners and other dissidents into involuntary exile abroad.

Others named on the re-entry blacklist had their passports canceled by Beijing or confiscated by Chinese consular officials while still living overseas, thereby rendering them effectively stateless. None have ever been formally notified that they are no longer permitted to return to China; some only learned of the prohibition when they attempted to go back.

The illegality of the Chinese government's behavior in imposing these bans is amply demonstrated by a series of United Nations documents. According to Article 13 (paragraph 2) of the Universal Declaration of Human Rights, a document so fundamental to the operation of the U.N. that all member states are deemed to fully endorse it simply by virtue of their participation in the organization, "Everyone has the right to leave any country, including his own, and to return to his country." The principle is reinforced in Article 12 (paragraph 4) of the International Covenant on Civil and Political Rights (ICCPR): "No one shall be arbitrarily deprived of the right to enter his own country." As noted above, moreover, China's re-entry blacklist in some

cases rendered those concerned effectively stateless, in cases where the individual's passport was canceled or confiscated. According to Article 15 (paragraph 2) of the ICCPR, "No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." And Article 9 of the UN Convention on the Reduction of Statelessness (1961) stipulates: "A Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds."

The May 1994 Blacklist

Included on the re-entry blacklist are all of the principal student leaders of the Tiananmen Square pro-democracy movement who subsequently escaped to the West, together with numerous leading intellectuals, writers and former government officials who likewise played leading roles in the movement and later arrived in the West under similar circumstances. The full document provides details of each person's name and date of birth; passport type (if any), together with serial number and date of expirations and whether or not the passports have been cancelled or confiscated; whether or not the person has been placed on a police "wanted" list, and if so, the document's serial number; the date on which the individual was secretly banned from re-entering China, together with the serial number of the relevant PRC Border Control Notice; whether or not a photo of the banned person may be found on police files; and the specific action to be taken by the border authorities if the person is discovered trying to enter China.

The banned individuals are grouped into three different categories, each of which is to be handled by border control authorities in a different way.

For "Category 1 Persons," comprising mainly those subject to still-active police "most wanted" notices and who fled the country without passports after June 1989, the document specifies: "In accordance with relevant instructions from the Party Center: if subject attempts to enter China, to be immediately detained, investigated and dealt with by law." (In other words, such persons are to be arrested and put on trial.)

We should note that there is nothing illegal in countries alerting their immigration officials to "wanted" lists of citizens who have arrest warrants pending against them so they can be picked up at airports if they attempt to enter the country, or of foreign nationals legitimately barred from entering. The list of "Category 1" people is in clear violation of international law, however, since the charges pending against these individuals are for political offenses that are in conflict with the rights to freedom of statement and association.

For "Category 2 Persons," comprising mainly those who left China legally but later became active in pro-democracy groups overseas, together with several former political prisoners who were subsequently granted passports and allowed to leave: "In accordance with relevant instructions from the Party Center: if subject attempts to enter China, to be denied entry and returned [to country of departure] immediately."

For "Category 3 Persons," comprising similar types of individuals as those listed under the preceding heading but whose re-entry bans are in most cases more limited in duration: "In accordance with relevant instructions from the Party Center: if subject attempts to enter China, to be dealt with according to circumstances of the situation." (That is, border authorities are to seek immediate instructions from above on how to handle the case, while presumably keeping their charges either in isolation or under close surveillance.)

For at least thirty of the individuals included on the list, the re-entry ban is described as being "of unlimited duration"; three persons have no specified time-limit attached to the ban; most of the remainder are subject to bans of five years' duration; and three others are ambiguously described as being "currently not subject to control." Certain contradictions and

anomalies are clearly evident in the list: for example, that Fang Lizhi, the leading dissident intellectual, and also several other prominent activists, all of whom are described as being subject to "unlimited duration" re-entry bans, are nonetheless listed as being "Category 3 Persons"-those ostensibly to be dealt with more leniently than the rest. Similarly, Xu Jiatun, a senior Communist Party official and former head of the Xinhua News Agency in Hong Kong, who defected to the U.S. in May 1990, is among those listed as being "currently not subject to control." (Here, as elsewhere in the document, certain obvious "political" considerations appear to have intruded into the functioning of "criminal justice with Chinese characteristics.") A translation of the document is included below as Appendix I; in order to avoid unnecessary intrusion upon the privacy of those concerned, passport numbers and certain other personal details contained in the original are omitted here. In addition, brief details of the current status and whereabouts of those named on the list appear below as Appendix II.

According to sources familiar with previous re-entry ban lists, hundreds of individuals have been named as not permitted to return. Moreover, a number of individuals not cited in any known lists have been refused entry to China. In May 1992, for example, Gong Xiaoxia, a veteran pro-democracy activist and currently a Harvard University doctoral candidate, was prevented by border guards from entering China to visit her family in Guangzhou, her hometown. Likewise, in November 1994, Bei Dao, an internationally renowned poet who played a leading role in the 1978-81 Democracy Wall movement, was detained by police at Beijing airport upon his first attempt to return home in more than five years, interrogated about his contacts in the overseas pro-democracy and human rights movement and then put on a plane back to the U.S. when he refused to cooperate with the authorities and inform against his friends. In short, the Chinese government seems to be finding it increasingly expedient to export its political dissident problem. Perhaps most explosive of all, however, the list published below shows that the "most wanted" notices issued by Chinese security authorities in respect of the top student, intellectual and worker leaders of the 1989 pro-democracy movement still remain in force, more than five years after their initial promulgation. Chinese government policy in practice thus runs counter to the spirit of its repeated exhortations to all citizens living overseas, particularly students, to return to China, stating that those who had participated in demonstrations and other activities would not be prosecuted.

Implications of the Ban

The case of Liu Qing, a veteran Chinese dissident who spent close to eleven years in jail on political charges after 1979 and who currently heads the New York-based Human Rights in China, serves to illustrate the deplorable consequences typically created by this arbitrary exercise of China's immigration powers. Released from prison in December 1989, Liu was granted a Chinese passport in mid-1992 after the U.S. government had made it clear to Beijing that China's continued enjoyment of MFN status would depend, under existing U.S. law, upon its observance of the right to free emigration. Having been granted a one-year U.S. visa in order to allow him to take up a visiting fellowship at Columbia University, Liu departed China for New York with his wife on July 14, 1992. One year later, on July 19, 1993, China's Ministry of Public Security secretly issued Border Control Notice No. 971, banning Liu from re-entering China until July 19, 1998. Acclaimed at the time as representing an MFN-related "concession" by Beijing, Liu's departure from China now turns out to have been one of numerous examples of involuntary exile carried out by the Chinese authorities since June 1989.

The re-entry ban on Liu Qing effectively obliged U.S. immigration authorities either to extend his visa, expel him from the country, or else somehow treat him as a "non-person" (the

latter clearly were not viable options.) Moreover, since Liu's Chinese passport was due to expire in May 1997 but the re-entry ban was set to last until July 1998, the Chinese government knew that he would be effectively stranded in the U.S. after the former date, stripped of citizenship in all but name, and therefore unable to avail himself of the putative opportunity to return to his country once the ban expired. In the case of several other persons named on the blacklist who left China bearing valid Chinese passports, the re-entry ban is specified as being "of unlimited duration." No less than 80 percent of those named on the re-entry blacklist are currently resident in the U.S. All, however, were in practice dumped on the West's doorstep by Beijing, which then washed its hands of them and left the question of their immigration and residency status entirely for the authorities in the receiving countries to decide.

No Basis for Bans in PRC Law

The prohibitions in international law against such arbitrary denial of the right to return have already been noted. It should also be stressed that nowhere in China's domestic legislation can any justification be found for the government's maintenance of lists-secret or otherwise-barring Chinese citizens from re-entering the country. The 1980 PRC Nationality Law allows of no such action, and neither does the 1985 Law on the Administration of Border Exit and Entry by PRC Citizens. Moreover, Article 22 of the 1986 "Detailed Rules of Implementation" pertaining to the latter law specifies that a citizen's passport may only be canceled by the authorities under one of two circumstances: where the person concerned has used the passport "to enter or reside illegally in a foreign country and then been repatriated to China"; and where the passport has been used by the holder within China "for purposes of swindling or deception." Even the 1981 Internal Regulations on Implementation of the Nationality Law, issued secretly by the Ministry of Public Security in 1981 and containing numerous unpublicized qualifications and abridgements of PRC nationality rights, fails to specify any circumstances under which Chinese citizens may be denied the right of re-entry.

Clearly, it was inconceivable to the country's legislators that any such fundamental denial of citizenship rights, even if privately envisaged or practiced by the authorities, could ever respectably be inserted into Chinese law, whether of the publicly released or "internal" (*neibu*) variety. Hence the highly confidential nature of the blacklist appended below: according to informed sources in China, the list was issued in May 1994 to border control officials around the country for a period of several days only; during that time, they were reportedly expected to memorize the contents, and all copies were then retrieved by the central authorities. The most recent authoritative statement on the question of expulsions from China can be found in a book written by a professor at the China University of Public Security and published officially in 1994. According to the author, a government's entitlement to expel people from its borders is subject, under international law, to two basic restrictions: namely, "the principle of non-expulsion of one's own citizens" and "[the principle of] non-expulsion of political offenders."

While the former principle is (or rather should be) self-explanatory, the author's invocation of the latter-a reference to the prohibition on the *refoulement* of valid political-asylum seekers as laid down in the U.N.'s Convention on the Status of Refugees-contained an unintended irony. For in the case of certain of those named on the re-entry blacklist, such as Han Dongfang and L Jinghua (see Appendix II for details), who attempted to return to China in 1993 and were then forcibly expelled, the government in effect managed to violate both of the stated restrictions on its legitimate right of expulsion.

A Failure of "Commercial Diplomacy"

The timing of the government's issuance of the various re-entry ban orders, which comprise the list, is also of interest. Han Dongfang, for example, was banned by PRC Border Control Notice No.778 from re-entering the country on July 19, 1993, less than one month before his U.S. visa was due to expire and shortly before the publicly-announced approximate date of his intention to return to China following urgent medical treatment for tuberculosis (which he had contracted in a Chinese prison) in the United States. And Wang Ruowang and Guo Luoji, both veteran intellectual opponents of the regime's anti-democratic policies, were placed by the 1993 PRC Border Control Notices Nos. 246 and 879 under five-year re-entry bans only days or weeks after the government, under strong MFN-related pressure from Washington, had finally granted them passports and allowed them to leave for one-year visiting fellowships in the U.S. Perhaps most significant of all is the fact that no less than thirty of those named on the blacklist presented below were placed by Ministry of Public Security secret telegram No.1041 under "unlimited duration" re-entry bans on August 20, 1991, mid-way between two crucial dates in China's diplomatic calendar for that year: its successful acquisition, *pace* President George Bush, of another year's re-extension of MFN status, and the visit to Beijing in November 1991 of the then U.S. Secretary of State, James Baker-the highest-level such visit by a U.S. government official since the June 4 Beijing Massacre. It was that visit which opened up a period of vigorous diplomatic re-engagement of China with the West. Again, the Chinese government managed to turn its release of dissidents into enforced exile and get international credit in the process.

More than two years later, in May 1994, with President Clinton's previously-stated resolve to cancel China's MFN status unless the government improved its human rights record visibly disintegrating, Beijing felt little need to observe such subtleties of timing. The revised and updated version of the top re-entry ban list was issued that very month, even before Clinton's anticlimactic announcement formally severing the link between MFN and human rights and inaugurating an alternative strategy of "commercial diplomacy." By then, a renewed campaign of dissident arrests and detentions, including that of Wei Jingsheng, had already begun, culminating at year's end in the passing of sentences of up to twenty years' imprisonment on nine peaceful pro-democracy campaigners in the Chinese capital just shortly after Secretary of Commerce Ron Brown had welcomed yet another recycled pledge by Beijing to engage in "human rights dialogue" with the United States. If it is back to "business as usual" for trade relations between the West and China, the re-entry blacklist which follows shows once again that the Chinese security authorities continue to pursue their own business as usual, without fear of sanctions from the international community.

Human Rights Watch/Asia (formerly Asia Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Mendez is general counsel; and Susan Osnos is the communications director. Robert L. Bernstein is the chair of the executive committee and Adrian W. DeWind is vice chair. Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director; Mike Jendrzeczyk is the Washington director; Robin Munro is the Hong Kong director; Zunetta Liddell, Dinah PoKempner, Patricia Gossman and Jeannine Guthrie are research associates; Mark Girouard is a Luce fellow; Diana Tai-Feng Cheng and Jennifer Hyman are associates; Mickey Spiegel is a research consultant.

Human Rights in China

Human Rights in China (HRIC) is a non-profit organization independent of any political groups or governments. HRIC's work involves collecting information about and publicizing human rights violations in the People's Republic of China, informing Chinese people about their rights as defined in international human rights instruments and assisting those in China who have suffered persecution and imprisonment for the non-violent exercise of their fundamental rights and freedoms. The Executive Committee of HRIC consists of Liu Qing, chair; Li Xiaorong, vice-chair; Xiao Qiang, executive director; Wang Yu, research director; Sophia Woodman, executive editor of HRIC's journal, China Rights Forum; and Liu Baopu; Fu Xinyuan; Yu Ping; and Zhang Huajie.

Appendix I

List of Forty-Nine Overseas Members of Reactionary Organizations

Currently Subject To Major Control

LIST A: "Category 1 Persons"

No.	Name	Sex	Date of Birth	Travel Document Type and No.	Expiry Date	Whether on Wanted List	Date of Border Control, Doc. No. & Period of Validity	Photo on File	Method for Handling Case
1	Yan Jiaqi	M	xxx	xxx	xxx	MPS Wanted Notice No. (89) 060	On 8/20/91, Ministry of Public Security issued secret telegram placing subject on list of those to be denied re-entry to China; MPS Telegram No. (91) 1041, unlimited duration.	Yes	In accordance with relevant instructions from the Party Center: if subject attempts to enter China, to be immediately detained, investigated and dealt with by law. (Category 1 Persons)
2	Chen Yizi	M	xxx	xxx	xxx	"	"	"	"
3	Wan Runnan	M	xxx	xxx	xxx	"	"	"	"
4	Su Xiaokang	M	xxx	No document	[blank]	"	"	"	"
5	Wu'erkaixi	M	xxx	""	"	MPS Wanted Notice No. (89) 058	"	"	"
6	Chai Ling	F	xxx	"	"	"	"	"	"
7	Liang Qingtun	M	xxx	"	"	"	"	"	"

8	Feng Congde	M	xxx	"	"	"	"	"	"
9	Wang Chaohua	F	xxx	"	"	"	"	"	"
10	Zhang Zhiqing	M	xxx	"	"	"	"	"	"
11	Zhang Boli	M	xxx	"	"	"	"	"	"
12	Li Lu	M	xxx	"	"	"	"	"	"
13	Yue Wu	M	xxx	"	"	MPS Wanted Notice No. (89) 069	"	"	"
14	Zhang Gang	M	xxx	xxx	xxx	MPS Wanted Notice No. (89) 077	"	"	"
15	Yuan Zhiming	M	xxx	No document	[blank]	MPS Wanted Notice No. (89) 0?0	"	"	"
16	Wang Runsheng	M	xxx	"	"	"	"	"	"
17	Chen Xuanliang	M	xxx	"	"	"	"	"	"
18	Zheng Yi	M	xxx	"	"	MPS Wanted Notice No. (89) 100	"	"	"
19	L?Jinghua	F	xxx	xxx	xxx	MPS Wanted Notice No. (89) 078	On June 14, 1989, MPS placed subject on list of those to be denied re-entry to China; Border Control Notice No. (1993) 621, re-entry ban valid until June 14, 1998.	"	"

LIST B: "Category 2 Persons"

No.	Name	Sex	Date of Birth	Travel Document Type and	Expiry Date	Whether on Wanted	Date of Border Control, Doc. No. & Period of	Photo on File	Method for Handling Case
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				No.		List	Validity		
1	Wang Bingzhang	M	xxx	No document	[blank]	[blank]	On August 20, 1991, MPS issued secret telegram placing subject on list of those to be denied re-entry to China; MPS Telegram No. (91) 1041, unlimited duration.	No	In accordance with relevant instructions from the Party Center: if subject attempts to enter China, to be refused entry and ordered to return [to country of departure] immediately. (Category 2 Persons.)
2	Hu Ping	M	xxx	[blank]	xxx	"	"	"	"
3	Xu Bangtai	M	xxx	xxx	xxx	"	"	"	"
4	Han Lianchao	M	xxx	xxx	xxx	"	"	"	"
5	Cao Changqing	M	xxx	xxx	xxx	"	"	"	"
6	Liu Yongchuan	M	xxx	xxx	xxx	"	"	"	"
7	Liu Binyan	M	xxx	xxx	xxx	"	"	"	"
8	Han Dongfang	M	xxx	xxx	xxx	MPS Wanted Notice No. (89) 058	On July 19, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 778	"	"
9	Xiong Yan	M	xxx	No document	[blank]	MPS Wanted Notice No. (89) 058	"	"	"
10	Zhao Pinlu	M	xxx	"	"	MPS Wanted Notice No. (89) 078	"	Yes	"
11	Cheng Kai	M	xxx	"	"	[blank]	On August 21, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 842, re-entry ban valid until August 21, 1998 [?]	No	"

LIST C: "Category 3 Persons"

No.	Name	Sex	Date of Birth	Travel Document Type and No.	Expiry Date	Whether on Wanted List	Date of Border Control, Doc. No. & Period of Validity	Photo on File	Method for Handling Case
1	Fang Lizhi	M	xxx	xxx	xxx	MPS Wanted Notice No. (89) 054	On August 20, 1991, MPS issued secret telegram placing subject on list of those to be denied re-entry to China; MPS Telegram No. (91) 1041, unlimited duration	Yes	In accordance with relevant instructions from the Party Center: if subject attempts to enter China, to be dealt with according to circumstances of the situation. (Category 3 Persons.)
2	Li Shuxian	F	xxx	No document	[blank]	"	"	"	"
3	Yu Dahai	M	xxx	"	"	[blank]	"	No	"
4	Wu Fan	M	xxx	"	"	"	"	"	"
5	Ni Yuxian	M	xxx	""	"	"	"	"	"
6	Yao Yueqian	M	xxx	xxx	xxx	"	On September 2, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 926, re-entry ban valid until December 31, 1998	No	"
7	Tang Guangzhong	M	xxx	xxx	xxx	"	On October 11, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 1038, re-entry ban valid until December 31, 1998	No	"
8	Guo Luoji	M	xxx	xxx	xxx	"	On August 13, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 879,	"	"

							re-entry ban valid until December 31, 1998		
9	Wu Hongda	M	xxx	xxx	xxx	"	On October 19, 1991, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1991) 373, re-entry ban valid until December 31, 1996	"	"
10	Shen Tong	M	xxx	xxx	xxx	"	On November 12, 1992, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1992) 1202, re-entry ban valid until November 2, 1995	"	"
11	Wang Ruowang	M	xxx	xxx	xxx	"	On March 8, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 246, re-entry ban valid until September 6, 1998	"	"
12	Feng Suying	F	xxx	xxx	xxx	"	"	"	"
13	Liu Qing	M	xxx	xxx	xxx	"	On July 19, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 778, re-entry ban valid until July 19, 1998	"	"
14	Xue Wei	M	xxx	xxx	xxx	"	On April 13, 1993, MPS placed subject on list of those to be denied re-entry to China;	"	"

							PRC Border Control Notice No. (1993) 571[?], re-entry ban valid until September 23, 1998		
15	Chen Jun	M	xxx	xxx	xxx	"	On September 2, 1993, MPS placed subject on list of those to be denied re-entry to China; PRC Border Control Notice No. (1993) 826, re-entry ban valid until December 31, 1998	"	"
16	Yang Jianli	M	xxx	[blank]	[blank]	"	Currently not subject to control	[blank]	[blank]
17	Zhu Jiaming	M	xxx	"	"	"	"	"	"
18	Xu Jiatusun	M	xxx	"	"	"	"	"	"

APPENDIX II

List #1

1. Yan Jiaqi, 53. Former director of the Political Science Institute of the Chinese Academy of Social Sciences in Beijing. Escaped from China after the Beijing Massacre in June 1989. Currently a visiting scholar at Columbia University's East Asian Institute in New York City.
2. Chen Yizi, 55. Former director of the Chinese Research Institute for Reform of the Economic Structure in Beijing. Escaped from China after June 1989. Currently living in Princeton, New Jersey. Chairman of the Princeton-based Center for Modern China.
3. Wan Runnan, 49. Former CEO of the Stone Computer Corporation in Beijing. Escaped from China after June 1989. Currently doing business in Paris, France. Chair of the Federation for Democratic China.
4. Su Xiaokang, 46. Writer, author of controversial TV series "River Elegy," escaped China after June 1989. Currently living in Princeton, New Jersey. Editor-in-chief of the journal Democratic China, member of the organization China Initiative and board member of Human Rights in China.
5. Wu'er Kaixi, 27. One of the 21 student leaders on the Chinese government's Most Wanted List of June 1989. Escaped after the Beijing Massacre. Currently studying in San Francisco, California.
6. Chai Ling, 29. One of the 21 student leaders on the Most Wanted List. Escaped after the Beijing Massacre. Currently working as a business consultant in Boston, Massachusetts.
7. Liang Qingtun, 26. One of the 21 student leaders on the Most Wanted List. Escaped after the Beijing Massacre. Currently doing business in San Francisco and acting as chairman of the sub-committee of the Alliance for a Democratic China.
8. Feng Congde, 28. One of the 21 student leaders on the Chinese government's Most Wanted List of June 1989. Escaped after the Beijing Massacre. Currently living in Paris, France.
9. Wang Chaohua, 43. One of the 21 student leaders on the Most Wanted List. Escaped after the Beijing Massacre. Currently studying at the University of California-Los Angeles.
10. Zhang Zhiqing, 31. One of the 21 student leaders on the Most Wanted List. Whereabouts unknown since June 1989.
11. Zhang Boli, 37. One of the 21 student leaders on the Most Wanted List. Escaped after the Beijing Massacre. Currently living in Washington, D.C. and acting as editor-in-chief of the journal China Spring and vice chair of the

Alliance for a Democratic China.

12. Li Lu, 29. One of the 21 student leaders on the Most Wanted List. Escaped after the Beijing Massacre. Currently studying at Columbia University Law School in New York. Chair of the sub-committee of the Alliance for a Democratic China.

13. Yue Wu, 49. Former factory director in Shanxi, China. Involved with organizing workers during the 1989 movement. Escaped after the Beijing Massacre of June 1989. Currently working in construction in Paris, France and acting as an advisor to the Chinese Freedom and Democracy Party.

14. Zhang Gang, 46. Former deputy director of Public Relations of the Chinese Research Institute for Reform of the Economic Structure. Escaped after the Beijing Massacre. Currently owner of a commercial photography business in New York City.

15. Yuan Zhiming, 40. Writer. Escaped after the Beijing Massacre. Currently studying in a theological seminary in Mississippi.

16. Wang Runsheng, 40. Former researcher of the Institute of Politics of the Chinese Academy of Social Sciences. Escaped after the Beijing Massacre of June 1989. Currently managing a silk import business in Paris, France.

17. Chen Xuanliang, 48. Former teacher of philosophy in the Chinese College of Politics. Escaped after the Beijing Massacre. Currently managing a silk import business in Paris, France.

18. Zheng Yi, 46. Writer. In hiding for three years after the Beijing Massacre of June 1989, escaped from China in late 1992. Currently working as a freelance writer in Princeton, New Jersey. Member of the organization China Initiative.

19. L?Jinghua, 33. Former free-market merchant in Beijing. Became involved in the Beijing Workers' Autonomous Federation during the 1989 movement. Escaped after the Beijing Massacre. Currently working for the International Ladies Garment Workers Union in New York City. Attempted to return to Beijing in June 1993, was refused entry and sent back to the United States.

List #2

1. Wang Bingzhang, 48. Arrived in Canada in 1981 to study medicine. Founded the Chinese Alliance for Democracy in 1984. Currently living in New York and acting as an advisor to the Chinese Freedom and Democracy Party.

2. Hu Ping, 48. Activist in the Beijing Democracy Wall Movement in 1979. Arrived in the United States in 1986 as a visiting scholar at Harvard University. Former president of the Chinese Alliance for Democracy. Currently a freelance writer living in New York City.

3. Xu Bangtai, 46. Former graduate student at Fudan University in Shanghai. Arrived in United States in 1984 to study journalism. Currently living in San Francisco. Chair of the Alliance for a Democratic China.

4. Han Lianchao, 44. Former officer of the Chinese Foreign Ministry in Beijing. Former Vice President of the Independent Federation of Chinese Students and Scholars (IFCSS) in Washington, D.C. Currently an assistant to a member of the United States Congress in Washington, D.C.

5. Cao Changqing, 42. Former deputy editor-in-chief of Shenzhen Youth News. Lost his job in 1987 after he published an article calling on Deng Xiaoping to retire. Currently working as a freelance writer in New York City.

6. Liu Yongchuan, 36. Came to the United States in 1986 to study sociology at Stanford University. Former president of the Independent Federation of Chinese Students and Scholars in Washington, D.C. Currently doing business in San Francisco.

7. Liu Binyan, 70. Former investigative journalist for the People's Daily in Beijing and author of a number of books. Currently living in Princeton, New Jersey. Publisher of monthly newsletter China Forum. Honorary chair of China Initiative and board member of Human Rights in China.

8. Han Dongfang, 32. Former Beijing railway worker and founder of the Beijing Workers' Autonomous Federation. Imprisoned for one year following the Beijing Massacre. Traveled to the United States in 1992 for medical treatment. Returned to China in August of 1993 and was forcibly deported to Hong Kong days later. Currently editor of the China Labor Bulletin in Hong Kong.

9. Xiong Yan, 31. One of the 21 student leaders on the June 1989 Most Wanted List. Arrested in Beijing and served a two-year prison sentence before secretly leaving China in 1992. Currently serving in the United States Army. Chair of the Chinese Freedom and Democracy Party.

10. Zhao Pinlu, 39. Former worker in Beijing, involved in Beijing Workers' Autonomous Federation during 1989 movement. Escaped after the Beijing Massacre. Currently working in construction in New York City. Chair of the International Chinese Workers Union.

11. Cheng Kai, 49. Former editor-in-chief of Hainan Daily. Left China in 1989. Currently doing business in Hong Kong. Made several trips back to China during the past two years.

List #3

1. Fang Lizhi, 59. Former vice-president of the Chinese University of Science and Technology. Arrived in the United States in 1990 after taking refuge in the United States Embassy in Beijing for one year following the Beijing Massacre of June 1989. Currently professor of physics at the University of Arizona in Tucson. Board member of Human Rights in China.
2. Li Shuxian, 60. Former professor of physics at Beijing University. Arrived in the United States in 1990 after taking refuge in the United States Embassy in Beijing with her husband, Fang Lizhi, for one year following the Beijing Massacre. Currently living in Tucson, Arizona.
3. Yu Dahai, 34. Came to the United States in 1982 to study physics at Princeton University. Currently living in New Jersey and acting as editor-in-chief of the journal Beijing Spring.
4. Wu Fan, 57. Former teacher in Anhui University. Currently doing business in San Francisco. Chairman of the Board of the Alliance for a Democratic China.
5. Ni Yuxian, 50. Worker and Democracy Wall activist made famous by Liu Binyan's profile, "A Second Kind of Loyalty." Currently living in New York City. Secretary general of the Chinese Freedom and Democracy Party. Attempted to return to China in 1992, but refused entry at Shanghai's Hongqiao Airport.
6. Yao Yueqian, 57. Currently living in Tokyo.
7. Tang Guangzhong, 46. Currently teaching in Texas.
8. Guo Luoji, 63. Former professor of philosophy at Nanjing University. Punished for criticizing the conviction of Wei Jingsheng in 1979. Currently a visiting scholar at Columbia University's East Asian Institute. Board member of Human Rights in China.
9. Wu Hongda (also known as Harry Wu), 58. Came to the United States in 1985 as a visiting scholar at Stanford University. Currently executive director of the Laogai Foundation in California. Now a U.S. citizen. Refused a Chinese entry visa in Hong Kong in January 1993. Secretly entered and left China twice in 1994.
10. Shen Tong, 27. Former Beijing University student and student leader during the 1989 Democracy Movement. Came to the United States in June of 1989. Currently studying at Boston University. Chair of the China Democracy Fund. Returned to China in August 1992, arrested in September in Beijing, and deported to the United States in October.
11. Wang Ruowang, 77. Writer, author of Hunger Trilogy, human rights activist in Shanghai. Imprisoned for one year following the 1989 Beijing Massacre. Arrived in the United States in 1992. Currently a freelance writer in New York City. Convenor-general of the Coordinating Committee of the Chinese Democratic Movement.
12. Feng Suying (also known as Yang Zi), 57. Engineer and human rights activist. Currently living in New York City with her husband, Wang Ruowang.
13. Liu Qing, 47. Imprisoned for close to eleven years for activities during the Beijing Democracy Wall Movement of 1979. Arrived in the United States in July 1992. Currently the chairman of the New York-based organization Human Rights in China.
14. Xue Wei, 52. Came to the United States in 1980. Currently business manager for the journal Beijing Spring in New York City.
15. Chen Jun, 37. Former democracy activist in Beijing. Deported in April 1989. Currently working as a livery cab driver in New York City.
16. Yang Jianli, 32. Came to the United States as a student in 1982. Currently a student at Harvard University's Kennedy School of Government. Vice-chair of the Alliance for a Democratic China.
17. Zhao Haiqing, 39. Came to the United States in 1982 to study biology at the University of Pennsylvania. Former president of IFCSS. Currently doing business in Washington, D.C. Chair of the National Council of Chinese Affairs.
18. Zhu Jiaming, 45. Economist. Former deputy director of the International Policy Institute of the Zhongxing Investment Company. Currently a visiting scholar at the Massachusetts Institute of Technology.
19. Xu Jiatusun, 79. Former director of the Hong Kong bureau of the Xinhua News Agency, China's de facto embassy in the territory. Defected to the U.S. after Beijing Massacre. Currently living in Los Angeles.

In mid-1991, dissidents began to be asked by the police whether they would not prefer to leave China rather than face further detention or imprisonment. During his several detentions in 1991, journalist Zhang Weiguo was repeatedly asked this question. In his brief months of freedom between September 1993 and April 1994, Wei Jingsheng, China's most prominent dissident, was told that his passport could be issued quickly if he wanted to leave the country. In April-May 1994, China tried to send both of the "black hands" of the 1989 movement, Wang Juntao and Chen Ziming, out of the country. Both were serving thirteen-year prison terms. In late April, Wang was informed that his only chance of freedom was to leave the country, and he was immediately put on a plane to the

U.S. Chen was made the same offer, but he refused exile. He was released on May 14, but was immediately sent out of Beijing. He has been under virtual house arrest since his return to the capital.

A "stateless person" is defined in Article 1 of the Convention Relating to the Status of Stateless Persons (1954) as "a person who is not considered a national by any State under the operation of its law." If China bars entry to its nationals but does not strip them of their passports, other countries can still recognize their Chinese nationality. If the Chinese government cancels or confiscates passports, or allows passports to expire and denies any opportunity for renewal while the holders are overseas, these actions have the effect of rendering the passport holders stateless.

China has not yet signed or ratified either the ICCPR or the Convention on the Reduction of Statelessness. The relevance of the latter document to China, however, was reinforced by the Chinese authorities themselves, who cited it in defense of their expulsion from China in August 1993, and subsequent cancellation of the passport, of independent labor leader Han Dongfang, one of those named on the re-entry blacklist. The authorities' citation of the convention served also to confirm that their expulsion of Han had amounted, in the official view, to stripping him of his nationality. (See "Denying Han Re-entry Conformed to Legal Principles," *Wen Hui Bao*, August 19, 1993, p.19.)

According to Article 8 (paragraph 1) of the convention, "A Contracting State shall not deprive a person of his nationality if such deprivation would render him stateless." Paragraph 3 of the same article provides the following qualification to this rule: "Notwithstanding the provisions of paragraph 1 of this article, a Contracting State may retain the right to deprive a person of his nationality if, at the time of signature, ratification or accession it specifies its retention of such right on one or more of the following grounds, being grounds existent in its national law at that time: (a) That, inconsistently with his duty of loyalty to the Contracting State, the person: (i) Has, in disregard of an express prohibition by the Contracting State rendered or continued to render services to, or received or continued to receive emoluments from, another State, or (ii) Has conducted himself in a manner seriously prejudicial to the vital interests of the State; (b) That the person has taken an oath, or made a formal declaration, of allegiance to another State, or given definite evidence of his determination to repudiate his allegiance to the Contracting State." Significantly, the convention only permits deprivation of nationality on such grounds-which conflict with the basic intent of the convention-in cases where contracting states expressly record a reservation to this effect at the time of accession. Moreover, Article 8 (paragraph 4) places the following absolute restriction on even this limited right of states: "A Contracting State shall not exercise a power of deprivation permitted by paragraphs 2 or 3 of this article except in accordance with law, which shall provide for the person concerned the right to a fair hearing by a court or other independent body." As discussed below, there is no provision in PRC law permitting deprivation of Chinese nationality. In addition, since the government's re-entry blacklist is secret, those concerned have not even been informed of the banning orders-let alone provided with "a fair hearing by a court or other independent body." In any event, as noted above, Article 9 of the convention in all cases forbids deprivation of nationality on "religious or political grounds."

This phrase comes from the title of a book by the Lawyers' Committee for Human Rights, *Criminal Justice with Chinese Characteristics: China's Criminal Process and Violations of Human Rights* (New York, 1993.) The phrase adapts the official description for the system China adopted under Deng Xiaoping, "Socialism with Chinese Characteristics." Full details of sixty-two of the "most wanted" notices issued by the security authorities after June 4, 1989-including names of those targeted, police notice serial numbers, dates of promulgation, and whether or not the wanted notice was publicly or secretly issued-can be found in *Two Years After Tiananmen: Political Prisoners in China-Cumulative Data*, Asia Watch (now Human Rights Watch/Asia), July 1991, pp.155-160.

The re-entry blacklist may also have disturbing implications for the future of civil freedoms in Hong Kong. In the wake of Han Dongfang's expulsion from China to the territory in August 1993, widespread concern was expressed in the Hong Kong media that leading local pro-democracy activists and politicians might face similar expulsions or denials of re-entry after the transfer of sovereignty to China in 1997. By demonstrating that the Han affair was the outcome of central government policy rather than an isolated case of overreaction by local officials, the re-entry blacklist can only serve to heighten such anxieties.

The first three documents are widely available in Chinese legal compilations. The Internal Regulations on Implementation of the Nationality Law (*Guanyu Shishi Guoji Fa de Neibu Guiding*) appear in an internally published volume titled *Manual of Law Enforcement*, Vol.2 (Zhifa Shouce, Dierji), Qunzhong Chubanshe, 1982,

Beijing, pp.10-17. Guoji Xingfa Yu Sifa Xiezhu ("International Criminal Law and Judicial Cooperation"), by Zhao Yongshen, Law Publishing House, Beijing, July 1994, pp.232-233. Perhaps in view of the international furor that accompanied the government's expulsion of labor leader Han Dongfang in August 1993, the book's author made the following attempt to qualify the "non-expulsion of one's own citizens" principle: "Except in those cases clearly stipulated by law concerning persons who commit certain criminal acts posing a serious threat to state security, and in which failure to expel the individual concerned would inevitably create a major threat to the state in question, citizens of one's own country should not, in general, be subjected to expulsion." The author made no attempt to clarify which particular "serious threats to state security" might allegedly justify such expulsions; as noted above, however, there are no "cases clearly stipulated" in Chinese law-even in the draconian 1993 PRC Law on State Security-which could do so. The one hypothetical example raised in support of the claim was the following: "The exception to the rule [of non-expulsion of one's own citizens] is where a given country undergoes revolution, and a new political authority replaces the old one; in such cases, the new political authority may sometimes, in order to consolidate its ruling position, expel from the country the top leaders and other relevant personnel of the overthrown regime." Whatever the merits or otherwise of this argument, it is clearly irrelevant to the cases at issue here.

For background information on the nine recently-sentenced pro-democracy and labor organizers, including full text of the prosecution indictment against them and five other defendants, see Economic Reform, Political Repression: Arrests of Dissidents in China Since Mid-1992, Asia Watch, Vol.5 No.4, March 1993; Pressure Off, China Targets Activists, Human Rights Watch/Asia and Human Rights in China, Vol.6 No.7, July 1994; and Harsh Sentences For Chinese Dissidents, HRW/Asia, December 16, 1994.

This document was issued confidentially by the Ministry of Public Security to all border control units in China in May 1994. The appearance of the letters "xxx" in the table indicate that the relevant details have been deleted from the original document in this translation in order to safeguard the privacy of those concerned.