

Testimony before the Congressional-Executive Committee on China
Round-Table on Media Freedom in China
by
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Thank you for inviting the Committee to Protect Journalists (CPJ) to participate in this round-table discussion about media freedom in China. CPJ has been monitoring press freedom conditions in China, and around the world, for more than 20 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's Board of Directors, who are actively involved in our work, includes such leading American journalists as Tom Brokaw of NBC News, Clarence Page of *The Chicago Tribune*, and Terry Anderson—who was held hostage for nearly seven years in Lebanon while working as the chief Middle East correspondent for The Associated Press.

CPJ works primarily by publicizing attacks against the press and petitioning governments to stop press freedom abuses. Without a free press, other human rights are likely to remain out of reach. A strong press freedom environment is essential to building a vibrant civil society that, in turn, can help ensure healthy social, political, and economic development.

The Chinese government does not tolerate press freedom. All media are censored, and journalists who manage to express critical views risk harassment, dismissal from their jobs, and even imprisonment. This, despite the fact that Article 35 of the Chinese constitution enshrines the right to freedom of speech and of the press. China has also signed, though not ratified, the International Covenant on Civil and Political Rights, which guarantees freedom of expression.

The jailing of journalists is among the most effective tactics employed by repressive regimes to control the media. And China does this more than any other country in the world. According to CPJ's research, China currently holds 35 journalists in prison. A journalist, according to CPJ's definition, is anyone who publishes news or opinion.

These arrests work to silence critical voices, and also send a warning signal to all journalists who would dare to express a dissenting view or expose an uncomfortable truth.

Despite statements by senior Communist Party leaders, including Premier Zhu Rongji, who have called on the press to expose official corruption, Chinese journalists have told CPJ that such reporting is extremely dangerous. Journalists are not allowed to criticize senior leaders, and reporting about well-connected officials can cost you your job—and possibly your freedom. There are no protections for journalists who do independent, investigative reporting.

In November 2001, CPJ honored imprisoned journalist Jiang Weiping with an International Press Freedom Award. Jiang Weiping was arrested on December 5, 2000, after publishing a number of articles for the Hong Kong magazine *Frontline* ("Qianshao") that revealed corruption scandals in northeastern China. He was later sentenced to eight years in prison on charges including "endangering national security" and "revealing state secrets"—a charge frequently used to prosecute journalists and political dissidents.

The case of Jiang Weiping has recently become more complicated with the arrest in March of his wife, Li Yanling. CPJ fears that Li Yanling was detained because her husband's case has received significant press attention. Li herself had avoided contact with foreign journalists and international organizations, including

CPJ, precisely because she did not want to risk further harm to her family. The couple has a young daughter, who is currently staying with relatives.

Li Yanling's arrest and Jiang Weiping's prolonged detention underscore the fact that international media attention alone cannot prod the Chinese government toward reform. Such cases must also be championed by political actors, including the United States.

The U.S. has clear commercial and political interests in promoting greater transparency and the rule of law in China. The local media have increasingly played a critical role in exposing corruption and other abuses of power, and deserve the support of the international community for doing so. If members of the U.S. Congress speak out when Chinese journalists are jailed, it may help to secure their release.

It is important to note that the arrests of journalists not only violate international law, but also are typically carried out in violation of Chinese laws. Trials are often secret, and family members, colleagues, and the press are not allowed to attend. Detainees are often held for time periods exceeding legal limits specified in China's Criminal Procedure Law. Under this law, suspects may only be detained for two months while their case is being investigated. Jiang Weiping was held for nine months before facing trial.

Prison visits by family members, which are permitted under the Prison Law, are frequently denied to imprisoned journalists. In the 18 months since Jiang Weiping has been imprisoned, his wife and daughter have not been allowed to visit or speak with him. For the first month of his detention, his family was not even informed of his whereabouts. Jiang has also been denied medical treatment, also guaranteed under the Prison Law, despite the fact that he suffers from a severe stomach disorder.

The Criminal Procedure Law also stipulates that a court must pronounce judgment within six weeks after accepting a case. However, five journalists who were tried in 2001 are still awaiting sentencing. Huang Qi, an Internet publisher charged with subversion, was tried in August 2001, but ten months later no verdict has been announced. Yang Zili, Zhang Honghai, Xu Wei and Jin Haike, were charged with subversion after they founded the New Youth Study Group (Xin Qingnian Xuehui), which distributed online essays about political and social reform. Though the four were tried in September 2001, they are still awaiting the verdict.

Of the eight new arrests CPJ documented last year, all were related to online publishing. That means that the new possibilities for free expression that accompanied the advent of the Internet come with the old risks of persecution.

There are an estimated 57 million people now online in China. With increasing access to the Internet, it has become much easier to publish independent views, and to have such articles circulated widely. Internet chat rooms are lively forums for political debate. The sheer speed with which news can travel across the country and around the world has posed a huge challenge to the Chinese Communist Party, which remains determined to control information.

In some cases, the publication of news online has put pressure on traditional media and the government to acknowledge major stories. In July 2001, local officials in Nandan, Guangxi Province, tried to cover up an accident in which hundreds of miners were trapped in a flooded mine. Although hired thugs threatened and harassed journalists who came to investigate, reporters managed to post exposés on various online news sites. Nandan residents soon thronged to local Internet cafes to read online reports of the accident, and journalists from around the country came to cover the story. While government officials had initially said accounts of the disaster were "fabricated," the central government eventually responded to the news reports and sent an investigative team, which found that at least 81 miners had been killed. The mine owner and 90 others were arrested for the accident, and for conspiring with local officials to cover it up.

This spring, when massive labor protests erupted in several major cities in China, activists managed to defy a central news blackout on the demonstrations by transmitting news of their activities via the Internet.

However, precisely because the Internet has the potential to break the Communist Party's monopoly over domestic news, it is seen as a special threat. The Chinese government has introduced a number of regulations designed to restrict online content and to expand official monitoring of the Web. These regulations include requiring Web site operators and Internet service providers to keep detailed records of content and user identities, and to turn these records over to authorities on demand. U.S. companies have been eagerly eyeing the vast Chinese market, but it is not clear how they could comply with such rules violating basic rights to privacy and free expression.

Some local journalists have noted that while the Internet offers new venues for discussion, the technology also allows the government to easily spy on its citizens.

Traditional media in China are in many ways more diverse and active today than at any time in the history of the People's Republic. This is in part because publications now are more dependent on advertising revenue than on government subsidies, and so must be more responsive to the public.

Still, aggressive local reporting is not always welcome, and CPJ has noticed a growing incidence of violent attacks against journalists. In 2001, CPJ documented its first case of a reporter killed for his work in China. The journalist, Feng Zhaoxia, was an investigative reporter for a provincial newspaper in Xi'an. He was found in a ditch outside the city with his throat cut. CPJ believes that he was killed for reporting on local officials' alliances with criminal gangs.

In January 2002, security officials beat three journalists inside the local propaganda bureau offices in Ningyang County, Shandong Province, after they reported on anti-corruption protests by local villagers. And in March, Beijing-based journalist Yang Wei was assaulted by staff members of a property management company that he was investigating. His case actually prompted fellow journalists, government officials, and members of the public to call for greater protections for the local media.

During the last few years, Chinese journalists have repeatedly and openly called for a law to protect their "right to report." But although violent incidents are occasionally covered in the local media, few legal recourses exist for journalists who are victims of physical assault.

The most common threat to local journalists remains bureaucratic interference. All local media are under the control of the Chinese Communist Party. In a back-handed compliment to the growing independence and professionalism among elements of the country's press, the Chinese government has recently undertaken one of the most severe media crackdowns in recent years, shuttering publications, firing editors and reporters seen as too independent, and issuing new directives listing forbidden topics.

One of the victims of this crackdown is *Southern Weekend* (Nanfang Zhoumo), a popular, hard-hitting newspaper published in southern Guangdong Province. One of China's most progressive and adventurous newspapers, *Southern Weekend* has long pushed the boundaries of media control in China by publishing in-depth reports on social problems such as AIDS, crime, and the trafficking of women.

Last spring, the paper published an article about a criminal gang that killed 28 people in a spree of murder and theft. The author included interviews with gang members and their families, as well as a broad analysis of problems such as poverty and other forms of inequality that may have led to a life of crime. After the article came out, the Hunan provincial government notified central authorities that *Southern Weekend* had published a negative portrait of China's socialist struggle. Soon, the deputy editor-in-chief, front-page editor,

and a senior editor were demoted. The news section chief and reporter were fired and banned from ever working in journalism again.

Central government authorities had frequently criticized *Southern Weekend* in the past, and some observers speculated that the crackdown was orchestrated by provincial leaders in Guangdong eager to curry favor with the leadership in Beijing.

Southern Weekend continues to test the limits of official tolerance but is a considerably more tame publication these days. In March, the paper planned to run a front-page story on the misuse of funds by Project Hope, a charity sponsored by a subsidiary of the Communist Youth League. As the issue was at the printer, the editor succumbed to pressure from the local propaganda bureau and decided to replace the story with a less controversial one.

Pressure on local media has been particularly intense in the run-up to the 16th Party Congress scheduled for this fall, when delegates will choose successors to President Jiang Zemin and Premier Zhu Rongji.

The Chinese government also continues to closely monitor and regulate foreign correspondents in the country. In the past year, CPJ has documented several cases of foreign journalists being harassed, detained or physically assaulted for their reporting. Sensitive topics include coverage of the destruction of homes in preparation for the 2008 Olympic Games in Beijing, bombings, and protests by members of the outlawed Falun Gong spiritual group. In June 2002, Canadian journalist Jiang Xueqin was detained for two days and then deported after filming labor unrest for the U.S.-based Public Broadcasting Service.

Chinese citizens who speak with foreign correspondents can also face repercussions. AIDS patients, for instance, have been repeatedly warned not to talk to the foreign press. In June, a farmer in Hunan Province who was interviewed by *The New York Times* about her efforts to wage a campaign against rural lawlessness was detained and charged with malicious slander of officials. A local official told *The New York Times* that authorities were seeking the arrest of anyone who had spoken with foreign journalists.

It is also difficult for foreign journalists to obtain permission to travel to sensitive areas such as Tibet or Xinjiang, where pro-independence movements are active.

Since the September 11 attacks in New York and Washington, the Chinese government has publicly equated the independence movement in Xinjiang with terrorism-announcing a crackdown on "terrorist, separatist, and illegal religious activities" in the region. Xinjiang's independence movement is led by ethnic Uighurs, who are mostly Muslim. The policy appears to have serious consequences for the local media. In January 2002, the Xinjiang Party Secretary gave a speech warning that the media could be used for "penetration and sabotage" by separatist groups. CPJ is also researching reports that during recent months authorities in Xinjiang have closed numerous Uighur-language publications, publicly burned thousands of copies of Uighur-language books, magazines and journals that they claim support "separatist activities," and restricted Internet access in the region.

CPJ is also worried about the erosion of press freedom in Hong Kong during its fifth year under Chinese rule. Local journalists and press freedom groups have said that reporters and editors increasingly practice self-censorship and avoid topics that could anger Beijing. CPJ is also monitoring proposed security laws against subversion and sedition in Hong Kong, which could have severe consequences for free expression in the territory.

In conclusion, China is too large and unwieldy for perfect control to be possible. But the Communist Party remains unwilling to cede the battle. Hardliners believe that to relinquish control over information would be to relinquish control of power altogether.

Despite its heavy-handed tactics, the Chinese government has largely succeeded in evading international censure of its media policies. If reform is to come, it will be due largely to the persistence and professionalism of journalists such as Jiang Weiping, the editors at *Southern Weekend*, and my co-panelist He Qinglian. They need and fully deserve the world's support and attention.