

# CHINA

## NIPPED IN THE BUD

### The Suppression of the China Democracy Party

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*We must be on guard, from the beginning to the end, against infiltrating, subversive and splittist activities by international and domestic hostile forces. Any political behavior that is aimed at damaging the stability and unity of our country runs counter to the will and the fundamental interests of the Chinese people. No matter where these factors which damage social stability come from, we must firmly hold to the Four Basic Principles and have a clear-cut stand in increasingly opposing them and firmly nipping them in the bud.*

(Jiang Zemin, speech on the occasion of the twentieth anniversary of the Third Plenum of the Eleventh Party Congress, December 18, 1998)

## I. SUMMARY AND RECOMMENDATIONS

This report documents the Chinese government's reaction to the efforts of a small number of democracy activists in 1998 and 1999 to take the first steps toward establishing a legal opposition party. It illustrates how tightly the government continues to control and restrict freedom of expression and association, despite China's signing of the International Covenant on Civil and Political Rights and public assurances by its leaders of their concern for human rights. It shows that, while China has undergone phenomenal economic and social transformation over the last two decades, there has been no significant change in the government's policy toward any organization which overtly challenges the Communist Party's control: suppression.

The China Democracy Party (CDP), a loosely linked group of political activists, operating nationwide, emerged in mid-1998. It was significant because it was the first time since the establishment of the People's Republic of China in 1949 that an attempt was made to obtain the formal legal registration of an opposition political party. Over the next eighteen months, however, it was systematically crushed. Known members of the CDP were summarily arrested and detained, and though most were held for relatively brief periods, at least thirty-four of them were sentenced to prison terms of up to thirteen years on charges of attempted subversion. At least four others fled into exile abroad. Others, who remain in China but are not in prison, live under close police surveillance and have ceased to be openly active.

The CDP called for multiparty democracy in China and respect for human rights. Chinese leaders saw it as a group that aimed to undermine the basic principles and the monopoly of power of the Chinese Communist Party (CCP). CDP members were veteran dissidents, many of them former political prisoners. They were skilled in modern communication techniques and strategic in their timing of statements and actions. They were determined to test the Chinese government's stated commitment to improved respect for human rights and willing to face the consequences of doing so.

Three of the group's founders, Wang Youcai, Wang Donghai and Lin Hui, seized the opportunity presented by U.S. President Bill Clinton's state visit to China in June 1998 to announce the formation of the CDP's first local preparatory committee in Hangzhou, Zhejiang province. Then, taking advantage of the relatively relaxed political atmosphere at the time, CDP activists sought to register preparatory committees in other provinces. And as the government announced that China would sign the International Covenant on Civil and Political Rights (ICCPR), they cited that treaty's provisions on freedom of association and expression as evidence of their right to organize.

At first, local authorities to whom CDP members applied to register their preparatory committees appear to have been uncertain how to react. But when the CDP announced that it planned to create a national structure, the central government, led by National People's Congress chairman Li Peng and President Jiang Zemin, denounced the fledgling party, and CDP leaders were arrested and imprisoned. The first wave of arrests took place in November and December 1998, but neither it nor a subsequent series of arrests in May 1999 deterred the remaining CDP members from continuing their efforts to build the party, issue public statements, or hold discussion groups. It was only in late 1999 that the CDP was effectively silenced.

CDP members stressed during their efforts to obtain legal recognition that they were seeking to do so in accordance with existing laws. In the absence of regulations specifically governing the registration of political parties, they sought to register with the relevant provincial branches of the Civil Affairs Ministry in view of its responsibility for the registration of "social groups." They also invoked the Chinese constitution and official regulations on social groups issued in October 1989 and pointed to China's stated commitment to the rights enshrined in the International Covenant on Civil and Political Rights. Finally, when all else had failed, they tried to go directly to the State Council, China's equivalent of an executive cabinet, to register. The end result, however, was that the embryonic party was declared an "illegal organization."

The main regulation used to try and sentence CDP leaders was Article 105 of the 1997 Penal Code, which penalizes "those involved in organizing, scheming or acting to subvert the political power of the state and overthrow the socialist system." Since the offense of "counterrevolution" was dropped from the 1997 Penal Code,

Article 105 has become one of the charges used by the government to punish peaceful exercise of the rights to freedom of expression, association, and assembly.

Civil society has been growing increasingly rapidly in China since 1979: to date more than 200,000 social groups are officially registered with the Ministry of Civil Affairs. As of this writing, however, no organization has been allowed publicly to challenge the role of the Communist Party, and any open expression of opinions that deviate from the official party line remains hazardous.

In this report, Human Rights Watch documents the emergence and suppression of the CDP. The report is based on CDP documents, original court material, and interviews with members living in exile in the United States or resident in Hong Kong.

### **Recommendations**

Human Rights Watch urges the government of the People's Republic of China to:

- Release all those detained and sentenced for their peaceful activities in connection with the CDP.
- Revoke all laws and regulations that illegitimately curb the right to freedom of association, expression, and assembly.
- Take steps to bring domestic laws into full accordance with the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).
- Ratify, as soon as possible and without reservations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights.

At the same time, Human Rights Watch calls upon the international community to:

- Use international fora and the occasion of state visits involving Chinese leaders, to press for the release of CDP members and all others detained solely for the expression of their political and religious beliefs.
- Urge China's early ratification, without reservation, of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights.
- Use any bilateral human rights dialogue meetings with China to raise the case of the CDP's suppression and publicly press for the release of CDP activists and for full recognition of the rights to freedom of association, expression, and assembly.
- Call on the World Bank, in its policy dialogue with China, to promote an open approach on the part of the Chinese authorities to the creation of social groups and civil society generally.
- Signal to China that its prospective entry into the World Trade Organization (WTO) must be accompanied by significant measures to respect international human rights norms, and that the crackdown on the CDP, anti-corruption groups, the Falun Gong, and others, undermines international confidence in Jiang Zemin's willingness to implement both political and economic reforms.

## II. BACKGROUND

China's economic reforms, initiated by Deng Xiaoping in 1978, brought about tremendous changes. The changes were not just economic; they included greater personal freedom for much of the population and unprecedented growth in publications and social organizations. Today, some 200,000 social organizations are officially registered with the Ministry of Civil Affairs. The number of newspapers and magazines has increased dramatically over the last two decades. But the Chinese government's policy of zero tolerance for political opposition remains firmly in place, in part because of its fear of the consequences of liberalization. "When you open the windows," the president of the state-run China Human Rights Association told foreign correspondents in Beijing in 1999, "flies and mosquitoes come in."<sup>1</sup>

Chinese government and Communist Party policy towards political opponents has not fundamentally changed since 1978 when Deng Xiaoping closed down Democracy Wall in Beijing. Democracy Wall was a nondescript stone structure in central Beijing on which people started putting up posters criticizing the Cultural Revolution. They then shifted the focus of their criticism to the government and Deng himself. In response, Deng laid down strict guidelines as to how far freedom of speech and assembly would be allowed to go. The official slogan, reflecting Deng's thinking, was "One Center, Two Fundamental Points." The "center" of Chinese policy was now economic construction, not class struggle. The two points were reform and the "Four Basic Principles" -- commitment to socialism; the thinking of Marx, Lenin, and Mao Zedong; the leadership of the Communist Party; and the "dictatorship of the proletariat." The bottom line was and remains that no one would be allowed to challenge the CCP's monopoly on political power.

Officially, the CCP permits the existence of eight other parties.<sup>2</sup> They are of little relevance, however, and only exist because they have sworn allegiance to the leadership of the CCP. They play an advisory rather than an oppositional role. Under the term "multiparty cooperation" (*duo dang hezuo*) they were incorporated into China's political structure to give an appearance of democracy.

The CCP is a Leninist party by nature and sees itself as the only legitimate holder of power. Its leaders argue that a multiparty system will trigger "chaos." They witnessed the factional struggles of the Cultural Revolution and how those struggles resulted in direct attacks on the state leaders as well as virtually complete destruction of the government apparatus. CCP leaders now assert that China will never adopt a western-style multiparty system (*duo dang zhi*).<sup>3</sup>

Over the years, many individuals and groups have nevertheless tried to form political organizations independent of the CCP. Unlike the CDP, however, they did not try to achieve legal recognition or develop a nationwide base. In attempting both of these, the CDP organizers drew on a network of activists, including some who had been challenging China's leadership since the Democracy Wall period. Xu Wenli, one of the most prominent, had been sentenced to fifteen years in prison in 1981 for his defense of democracy, and other leading CDP members had been active in the 1989 democracy movement.

The crackdown against the CDP resulted in violations of freedom of expression and association and the right not be arbitrarily detained. These freedoms are enshrined in Articles 19, 20, and 9 respectively of the Universal Declaration of Human Rights, and in Articles 19, 22, and 9 of the International Covenant on Civil and Political

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<sup>1</sup> Zhu Muzhi during a meeting organized by the Foreign Correspondents Club of China in April 1999, referring to people with views differing from the official CCP line.

<sup>2</sup> The Revolutionary Committee of the Chinese Kuomintang (*Zhongguo guomindang geming weiyuanhui*), the China Democratic League (*Zhongguo minzhu tongmeng*), the China Democratic National Construction Association (*Zhongguo minzhu jianguo hui*), the China Association for Promoting Democracy (*Zhongguo minzhu cujin hui*), the Chinese Peasants' and Workers' Democratic Party (*Zhongguo nong gong minzhu dang*), the Party for Public Interests (*Zhongguo zhi gong dang*), the September 3 Society (*Jiu san xueshe*) and the Taiwan Democratic Self-Government League (*Taiwan minzhu zizhi tongmeng*).

<sup>3</sup> Li Peng quoted by Xinhua News Agency, December 1, 1998.

Rights (ICCPR). Article 35 of the Chinese constitution also guarantees the right to freedom of expression and association, and Article 37 protects Chinese citizens against arbitrary detention.<sup>4</sup>

As a member of the United Nations, China is obliged to uphold the principles of the Universal Declaration. At the time the arrests of CDP members began, China had not yet signed the ICCPR. The Chinese government signed the treaty in October 1998, ostensibly indicating its commitment to respect its provisions, but the arrests and trials of CDP activists continued.

### III. GENESIS OF THE CHINA DEMOCRACY PARTY

The CDP first emerged during a period of political thaw in China that some publications referred to as a “Beijing Spring.” Over a period of roughly a year, from September 1997 to mid-November 1998, Chinese authorities relaxed official control over intellectual debate and expression of political views. The thaw may have been linked to the relatively trouble-free passing of three key events: the death of Deng Xiaoping in February 1997, the return of Hong Kong to China on July 1, 1997, and the Fifteenth Party Congress in September 1998. None of the events had triggered social unrest or political power struggles, despite predictions to the contrary.

The easing of controls may also have been part of an attempt to create international goodwill in advance of planned visits by U.S. President Bill Clinton in June 1998 and U.N. High Commissioner for Human Rights Mary Robinson in September 1998. On October 27, 1997, China signed the International Covenant for Economic, Social and Cultural Rights (ICESCR) and hinted that the signing of the International Covenant for Civil and Political Rights (ICCPR) would follow. Leading dissident Wei Jingsheng, sentenced to fourteen years in prison in 1996, was released on medical parole on November 16, 1997 and sent into exile. In this more relaxed climate, dissidents began to organize once again.

In March 1998, Foreign Minister Qian Qichen formally announced China’s decision to sign the ICCPR.<sup>5</sup> Almost immediately, veteran dissident Xu Wenli applied in Beijing to register a human rights organization, China Human Rights Watch (*Zhongguo renquan guancha*).<sup>6</sup> At the end of March, Mao Guoliang and Wang Donghai, two

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<sup>4</sup> Article 9 of the Universal Declaration of Human Rights states, “No one shall be subjected to arbitrary arrest, detention or exile.” Article 19 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.” Article 20 (1) states, “Everyone has the right to freedom of peaceful assembly and association.” Article 9 of the International Covenant on Civil and Political Rights states, “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.” Article 19 of the ICCPR states “(1) Everyone shall have the right to hold opinions without interference. (2) 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. (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.” Article 22 says “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” Article 35 of the Constitution of the People's Republic of China Adopted at the First Session of the Seventh National People's Congress on March 29, 1993, states, “Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.” Article 37 states, “Freedom of the person of citizens of the People's Republic of China is inviolable. No citizens may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ. Unlawful detention or deprivation or restriction of citizens' freedom of the person by other means is prohibited, and unlawful search of the person of citizens is prohibited.”

<sup>5</sup> Qian Qichen retirement statement at the National People’s Congress, March 13, 1998.

<sup>6</sup> The organization had no connection with the U.S.-based Human Rights Watch and later changed the English translation of its name to “China Rights Observer” to avoid confusion. The Chinese title remained the same. The organization only survived the changed translation by about a month, however, so the new name never caught on.

dissidents based in the eastern province of Anhui, sent an application to the Ministry of Justice for permission to register a newsletter called *China Human Rights News (Zhongguo renquan)*. In the city of Wuhan, capital of Hubei province, meanwhile, Qin Yongmin, a worker and former political prisoner, set up a human rights fax-letter called *Human Rights Watch (Renquan guancha)*. It issued eighty-six reports before authorities stopped it in May 1998 as part of the yearly tightening of control before the June 4 anniversary of the 1989 massacre in Beijing.<sup>7</sup>

Throughout this period, dissidents sent petitions to the central government in Beijing, and open letters to U.S. President Clinton and U.N. High Commissioner Mary Robinson, asking for international attention to China's human rights situation. At the same time, Beijing's intellectuals discussed political change more and more openly. The government also allowed the publication of books such as *Zhengzhi zhongguo (Political China)*, an appeal for political reform by thirty-four authors. These included veteran party cadres such as Li Rui, a former secretary of Mao Zedong; Li Shenzhi, a former secretary of Zhou Enlai; and Zhu Houze, a former director of the Chinese Communist Party's propaganda department.

### **The Founding Of The CDP**

Concrete ideas for creating an opposition party originated in late 1997.<sup>8</sup> Wang Youcai, a former student activist who had been jailed for two years for involvement in the 1989 pro-democracy movement, discussed the formation of an opposition party with a group of other dissidents.<sup>9</sup> The idea had come to him while he was still in prison, but it was not until well after his release that he acted upon it. Initially, he proposed to create a party called the "China Justice Party" (*Zhongguo zhengyi dang*), but then changed the name to "China Democracy Party" (*Zhongguo mains dang*) because, he believed, people would be more familiar with the term "democracy" than "justice."<sup>10</sup>

Chinese dissidents abroad took a close interest in the establishment of the CDP. Some had already had the same idea. For example, before the CDP's creation, Wang Bingzhang, a dissident living in the U.S. who had been active during the Democracy Wall period, slipped into China on January 26, 1998. He planned to form an opposition party and distribute a manual for democracy activists, but he was detained on February 6, 1998 in Bengbu, Anhui province, and sent back to the U.S. three days later. Several of the dissidents he met during his visit were briefly detained, including Wang Donghai, Yang Qinheng, Zhang Rujun and Zhang Yuxiang. All later became active in the CDP, perhaps reinforcing the authorities' conviction that "foreign hostile forces" were involved in the organization.

The CDP was to be based on the principles of "openness" (*gongkai*), "peace" (*heping*), "reason" (*lixing*), and "legality" (*an falu*). Its aim was to establish direct elections and the formation of a multiparty system. In early 1998, its founders decided that their general strategy would be to form local preparatory committees to test the response to this by local government authorities. The preparatory committees would be in close contact with each other. In any province where there were enough members to form a group, an application would be made to the local civil affairs bureau to register it as a preparatory committee of the CDP. Since no formal procedures existed to provide for new political parties to apply for legal status, CDP members chose the civil affairs option on the grounds that this appeared most closely to approximate a system for lawful registration. Once preparatory committees had been established in a number of provinces, a national preparatory committee would be formed. Meanwhile, individual pro-democracy activists who did not belong to local preparatory committees would be able to join the national committee. That committee role would pave the way for the formation of a national opposition

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<sup>7</sup> At least twenty dissidents planning commemorative activities were rounded up on the eve of June 4, 1998 and briefly detained.

<sup>8</sup> Li Wanfang, "Bei 'jianshi jujia' de Wang Youcai," (Wang Youcai Under "Residential Surveillance") *Beijing zhi chun (Beijing Spring)*, October 1998, p. 44-46.

<sup>9</sup> Wang Youcai was No. 15 on a blacklist of twenty-one 1989 pro-democracy student leaders of the movement. He was initially sentenced to four years in prison in January 1990 but was released on parole in November 1991.

<sup>10</sup> Li Wanfang, 'Bei "jianshi juliu" de Wang Youcai' (Wang Youcai under Residential Surveillance), *Beijing zhi chun (Beijing Spring)*, October 1998, p. 44.

party which would engage directly in politics, including by putting up candidates for the National People's Congress.<sup>11</sup>

Early meetings of the CDP were kept secret. On the eve of the Clinton visit, however, members of the Hangzhou Preparatory Committee, led by Wang Youcai, decided to go public, believing that the Chinese government would not act against them while the visit was taking place.<sup>12</sup> On June 25, 1998, therefore, they signed the "Open Declaration of the Establishment of the CDP Zhejiang Preparatory Committee" and circulated it over the Internet.<sup>13</sup> This was the group's founding document. They also published a draft party constitution. On the same day, they requested the Zhejiang Province Civil Affairs Bureau (*Zhejiang sheng minzhengting*) to approve the party's application for formal legal status for the preparatory committee. It was the first time that dissidents had tried to register a committee that intended to work towards the formation of an opposition party in the People's Republic of China.

The "Open Declaration" declared that:

all political power can come only from the public and can only be [used] in the service of the public; a government can only come into being according to the wishes of the public and [can only] act according to the wishes of the public; a government is the servant of the public and not the one which controls it.<sup>14</sup>

It went on to criticize the ruling party for not allowing the existence of opposing groups:

The CDP forcefully condemns the behavior of ruling groups which suppress political opposition groups by force; forcefully condemns the application of methods such as torture and reform-through-labor against those who carry differing political views; and forcefully demands the authorities release all persons detained for differing political views.<sup>15</sup>

The declaration also openly asserted that political power obtained through the use of "violence and violent intimidation" was "illegal without exception."<sup>16</sup>

As other preparatory committees were formed, the same basic text was used, though with local modifications as members saw fit.<sup>17</sup>

Lacking a secure communication system and without the funds to invite potential members to assemble at one place, the founding members called upon dissidents nationwide to take action themselves:

The CDP calls upon persons of the democracy movement in the various regions nationwide to enter the CDP, to prepare and establish local committees of the CDP in the various provinces and

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<sup>11</sup> Wang Youcai, "Ruhe zujian quanguoxing gongkai fanduitang" (How to Organize and Open Opposition Party), in *Beijing zhi chun* (*Beijing Spring*), October 1998, p. 42-43.

<sup>12</sup> Human Rights Watch interview with Yao Zhenxian, April 5, 2000.

<sup>13</sup> Lorien Holland, "Chinese Dissidents Apply To Form Opposition Political Party," Agence France Presse, June 25, 1998.

<sup>14</sup> *Zhongguo minzhudang zhejiang choubei weiyuanhui chengli gongkai xuanyan* (Open Declaration of the Establishment of the CDP Zhejiang Preparatory Committee), published on June 25, 1998, translated by Jan van der Made. For translation of the full text, see Appendix I.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> For example, the Shanghai Preparatory Committee, which was established in September 1998, added the following text: "The CDP's Shanghai Preparatory Committee will, after its establishment, continue to recognize the position of the Chinese Communist Party as the party in power. Meanwhile, it will also continue to respect the position of Jiang Zemin as state president. The CDP is willing to exist together with the Chinese Communist Party and the other parties on a long-term basis, to supervise and respect each other in order to improve the political system, to strengthen the legal system, to protect human rights, and to struggle for the promotion of a democratic and constitutional government."

cities, to elect and appoint delegates, to take part in the National Delegates Congress and to organize a nationwide committee.<sup>18</sup>

After the CDP was formally launched in Hangzhou, Wu Yilong, one of the founding members and author of its “Guidelines for Activities,” made a sixteen-day nationwide tour and was instrumental in the formation of other local preparatory committees. He did not contact potential members by telephone for fear that their phones were bugged, and he did not sleep in hotels to avoid registering his name, as hotel registers are routinely checked by officials.<sup>19</sup> By December 1998, his efforts had contributed to the formation of some twenty-four provincial preparatory committees. The party also had some 200 individual members whose telephone numbers and addresses were posted on Internet websites.

### Efforts to Register the Party

The authorities took their first action against the CDP on July 10, 1998, shortly after President Clinton left China. They detained Wang Youcai, who had invited dissidents to attend a “tea party” in Hangzhou to discuss strategy, and fourteen others. On August 7, Wang was officially arrested and charged with “inciting to overthrow state political power.”<sup>20</sup> In an unusual move, however, the government released him on August 31, apparently into a form of house arrest known as residential surveillance. The Chinese authorities rarely release indicted suspects from detention; his “release” was seen as a breakthrough brought about by international pressure and open letters and petitions from dissidents within China. CDP members then decided that the time was ripe for another preparatory committee to go public.

Accordingly, on September 10, 1998, Xie Wanjun and Liu Lianjun, two CDP members in Shandong province, went to the Office for Social Groups under the Shandong provincial Civil Affairs Bureau and sought to register the CDP Shandong Province Preparatory Committee. Xie and Liu saw this action as a means of showing authorities that the committee had been established, and to make clear that they intended to proceed openly and legally.<sup>21</sup>

Two deputy directors and a clerk received them and read from what the CDP activists said looked like a prepared statement. The statement said:

[T]he central government is considering the establishment of the China Democracy Party, but there are four conditions:

1. There must be a registered capital of RMB50,000 [approximately U.S.\$6,098].
2. An office space carrying the name of China Democracy Party must be applied for in written form.
3. Resumes of the chairperson, vice chairperson, and secretary must be submitted.
4. A list of fifty members of the China Democracy Party must be submitted.<sup>22</sup>

The officials added that the registration of the party must be “according to the Regulations Concerning the Registration and Administration of Social Groups.” Therefore, approval should be sought first from the *danwei* or work unit, the basic building block of the Chinese administrative structure. But with this case, the officials said, as the “China Democratic Party” was a fully independent group, it presented a “new situation,” and it would have to

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<sup>18</sup> *Zhongguo minzhudang zhejiang choubei weiyuanhui chengli gongkai xuanyan* (Open Declaration of the Establishment of the Zhejiang Preparatory Committee), June 25, 1998.

<sup>19</sup> Human Rights Watch Interview with Yao Zhenxian, April 5, 2000.

<sup>20</sup> Li Wanfang, “Bei jianshi juzhu de Wang Youcai” (Wang Youcai Under Residential Surveillance) in *Beijing zhi chun* (*Beijing Spring*), October 1998, p. 45.

<sup>21</sup> “Minyun de lilian zai yu zuzhi - fang zhongguo minzhu dang quanguo chouweihui chuangujianzhe zhi yi - Xie Wanjun” (The Force of the Democratic Movement is Being Organized - Interview with one of the Founders of the CDP National Preparatory Committee - Xie Wanjun) in *Beijing zhi chun* (*Beijing Spring*), September 1999, p. 72-79.

<sup>22</sup> *Ibid.* Xie said that he suspected the request for the fifty-member name list was a trick, and he was afraid people on it could be arrested.



be solved according to “new considerations.” They made no effort to clarify what these might be, but added that the registration procedures should all proceed “according to the law.”<sup>23</sup>

CDP members in Shandong took it as a good sign that local authorities had received, but not immediately rejected, their application. Encouraged, CDP members in Hubei province tried to register. Chen Zhonghe, Lu Xinhua, and Ren Qiuguang, representing the seven-member preparatory committee, were received by officials of the Hubei Provincial Civil Affairs Bureau and were given the same explanation that their Shandong colleagues had received the day before.<sup>24</sup> The next day, however, a Beijing official from the Ministry of Civil Affairs said during a press conference for international media that provincial bureaus of civil affairs had no authority to permit the establishment of political parties.<sup>25</sup>

After that, local authorities became more careful and refused even to consider registering groups that they perceived as politically problematic. For example, when two CDP members, An Fuxing and Leng Wanbao, tried to register a group unrelated to the CDP with the Jilin provincial Civil Affairs Bureau in mid-September, they were turned away. The group, called the Economic and Social Rights Promotion Association (*Jingji shehui quanli cujinhui*), was set up to monitor China’s compliance with the International Covenant for Economic, Social and Cultural Rights.<sup>26</sup> An official told the two CDP members that the National People’s Congress was revising the “Regulations Concerning the Registration and Administration of Social Groups” to bring them into conformity with the ICESCR, so their application to register the new group could not proceed.<sup>27</sup>

CDP members then decided on another tactic. On September 13, activists from Jilin and two other northeastern provinces, Heilongjiang and Liaoning, announced that they had established a Northeast Preparatory Committee of the CDP and that, as it involved more than one province, they would seek official registration directly from the Ministry of Civil Affairs in Beijing. They sent the application by mail. With Wang Wenjiang, a lawyer based in Anshan, Liaoning province, acting as the committee’s representative, they invoked both the PRC constitution and

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<sup>23</sup> “Zhongguo dangju shou zhongguo minzhudang zhuce shenqing” (Chinese Authorities Receive CDP Registration Application), *Beijing zhi chun* (*Beijing Spring*), October 1998, p. 50

<sup>24</sup> *Ibid.*, p.50.

<sup>25</sup> *Central News Agency* (Taiwan), September 11, 1998.

<sup>26</sup> “China Dissidents Attempt To Set Up Rights Watchdog,” *Agence France Presse*, September 7, 1998.

<sup>27</sup> “Jilin Minyun rent dengji chengli Renquan zuzhi wei huo zhun” (Jilin Democratic Movement Representatives do Not Get Approval for Establishment of Human Rights Organization) in *Xiao cankao* (*VIP Reference*), September 8, 1998, <http://homepages.go.com/~bignews3/980908.txt>. *Xiao cankao* is a Washington D.C.-based Chinese-language publication which is aimed at the dissident community. Article 10 of these new “Regulations Concerning the Registration and Administration of Social Groups,” officially published on November 3, 1998, said that a social organization required the following:

1. It should have more than fifty individual members or more than thirty unit members. If it is composed of individual members and unit members, the total number of its members should not be less than fifty.
2. It should have a standardized name and corresponding organizations
3. It should have a permanent address
4. It should be staffed with full-time personnel to carry out relevant activities
5. It should have legal assets and resource of funds. A national social organization should have more than RMB100,000 (U.S.\$12,195) for activity funds. A local social organization or a social organization that operates in two or more administrative areas should have more than RMB30,000 (U.S.\$3,659) for activity funds.
6. It should have an ability to independently bear civil responsibility.

Article 11 states that the following material is required for registration:

1. A preparation application
  2. An approval document issued by the authorities concerned.
  3. An asset examination report and a certificate of the use right of a location
  4. Certificates showing the basic situation and identification of the initiators and designated responsible persons
- draft rules of the social organization.

the new Regulations Concerning the Registration and Management of Social Groups in support of their application.<sup>28</sup>

### The Screws are Tightened

After these first attempts, the authorities became less tolerant. On September 16, five well-known dissidents in Beijing -- Ren Wanding, Ma Shaohua, Zhao Xin, Yang Qing, and Wang Linhai -- all veterans of the pro-democracy movement, established the CDP Beijing Preparatory Committee.<sup>29</sup> They planned to try to register the party officially with the Civil Affairs Bureau on September 18, but on the evening of September 16 two of them, Ma Shaohua and Wang Linhai, were called to a local police station and interrogated for up to three hours. Meanwhile, the home of Zhao Xin, who was out of town, was ransacked. The next day, police told Ren Wanding to give up his plans to register the party. "We're still under the Communist Party's leadership," they said. "Setting up political parties is not permitted."<sup>30</sup>

On September 18, the Shanghai branch submitted its petition for registration. Signed by Han Lifa, Zhou Jianhe, Xu Hong, Yao Zhenxian and Li Guotao,<sup>31</sup> the petition was delivered to the Beijing municipal Civil Affairs Bureau by Han Lifa. As the relevant officials were in a meeting, he left it with a note attached. At the same time, the Shanghai group sent the petition through the post. It was sent back.<sup>32</sup>

The day after Han delivered the petition, police came to Zhou Jianhe's house. He told Human Rights Watch:

Around 8:00, or 9:00 in the evening, police came looking for the five signatories, that is how important they considered the matter. So many people came to [the] house that they couldn't all fit in. Two were from the Civil Affairs Bureau. They introduced themselves. They were very polite and explained their jobs. They said that the registration submitted had been received, that as those responsible for registration they had to inform [the signatories] that the application was not accepted, not approved, and that it was thereby returned. The officials of the Civil Affairs Bureau then left, but the police stayed behind and told the activists, "You can't go on like this -- we'll take you in. This is a directive from above. This is political activity, political thought."<sup>33</sup>

Police also told Han Lifa, who was questioned separately, that he and his colleagues would be held "fully responsible if anything else happened," and that they would not agree to register the CDP even if its members "made a hundred applications."<sup>34</sup>

At the end of September, police in Changchun, capital of Jilin province, issued a warning to the CDP Northeast Preparatory Committee, saying the committee was "an illegal organization (*feifa zuzhi*)." Tang Yuanjuan, a

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<sup>28</sup> "Three More Provinces Join Call For China Opposition Party," Agence France Presse, September 14, 1998. Wang Wenjiang gave up his membership of the Communist Party on September 14.

<sup>29</sup> Ren Wanding was a veteran of the 1979 Democracy Wall period. He was sentenced to a four years in prison then and got another seven years for his involvement in the 1989 pro-democracy movement. Ma Shaohua had been a student leader during the 1989 pro-democracy movement who was detained for sixteen months after the June 4, 1989 crackdown. Yang Qing was among fifty-six people who signed a 1995 letter calling on the government to allow greater freedoms; he had served a seven-year prison term after the Democracy Wall movement in 1978-79. Zhao Xin was a former Beijing University of Science and Engineering student who was expelled from school and imprisoned for fifteen months as a result of his participation in the 1989 movement.

<sup>30</sup> "Chinese Police Tell Dissidents They Can't Form Party," Associated Press, September 18, 1998.

<sup>31</sup> All had been active in past dissident movements or had ties to other activists. Han Lifa, a motorcycle mechanic, had served three years in prison for pro-democracy activities and was only released in April 1998. Zhou Jianhe was a fifty-year-old shipyard worker who had been involved in the 1979 Democracy Wall movement. Xu Hong, a worker in a software company, was married to Lin Hai, the man sentenced in March 1998 to two years in prison for supplying 30,000 e-mail addresses to an overseas Internet publication. Yao Zhenxian had been detained together with his brother Yao Zhenxiang between 1996 and 1998 for their involvement in dissident activities. Li Guotao had been president of the unofficial Shanghai Association for Human Rights in 1994.

<sup>32</sup> Human Rights Watch interview, Zhou Jianhe, April 7, 2000.

<sup>33</sup> Ibid.

<sup>34</sup> "Shanghai Warns Landmark Opposition Party Illegal," Agence France Presse, September 20, 1998.

prominent dissident and CDP member who had just been released from imprisonment, was again detained on September 18, although it was not clear whether this was because of his CDP affiliation or because of his activities to promote labor rights. His detention, however, underscored the fact that many CDP members were engaged in a variety of dissident actions, some of them outside the scope of the CDP itself.

The five preparatory committees that had tried to register -- Zhejiang, Shandong, Hubei, Northeast and Shanghai -- issued an open statement on September 23 to protest against the term “illegal organization” used by the Changchun police and against the detention of Tang Yuanjuan.<sup>35</sup>

On September 24, 1998, Liu Lianjun, one of the founders of the CDP Shandong province preparatory committee, was detained, thirteen days after he and his colleagues had attempted to register.<sup>36</sup> He described a discussion on the definition of “political party” he had with the police:

“[T]he police said, “A political party is not a social group.”

“No?” I asked. “The definition of a social group includes political parties.”

They said, “That is the broad meaning. The narrow meaning is that a political party is not a social group.”

I said, “In a narrow meaning, a political party is also a social group.”

They said, “Then our understanding is not the same.” [...]

I said, “If it is not possible to establish a political party according to the current Law of [Social] Groups, I can only conclude that the Law on [Social] Groups has problems.”<sup>37</sup>

On October 5, 1998, China signed the International Covenant for Civil and Political Rights. Marking the occasion, Qin Huasun, China’s permanent representative to the United Nations, said that “to realize human rights is the ideal of all humanity. It is also a goal that the Chinese government has long been striving for.”<sup>38</sup> Ten days later, the CDP’s Sichuan Preparatory Committee, led by Liu Xianbin, She Wanbao, and Huang Xiaomin, attempted to register at the Sichuan Provincial Civil Affairs Bureau’s Office for Registration of Social Groups. The application was refused on the grounds that a political party was not within the scope of social groups. “The Sichuan provincial Civil Affairs Bureau only accepts registration by social groups involved in arts and sports,” they were told.<sup>39</sup>

The last two CDP preparatory committees to attempt to register with the authorities were in Guizhou and Henan provinces. On October 21, 1998, Zeng Ning and Wei Dengzhong submitted an application to the Guizhou Civil Affairs Bureau’s Office for Registration of Social Groups, declaring that the committee “recognizes the position of Jiang Zemin as head of state” and was willing to cooperate with any political parties and social groups in China.<sup>40</sup> On October 24, Cui Weimin, Wang Bing, An Ning, Li Zongshang, and Liu Shangguang mailed the registration of the CDP Henan provincial preparatory committee to the authorities. There was no immediate reaction.<sup>41</sup> In retrospect, it was the calm before the storm.

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<sup>35</sup> “Chinese Dissidents Vow To Defy Party Ban, Appeal To Jospin,” Associated Press, September 23, 1998.

<sup>36</sup> “Chinese Dissidents Released, But Harassment Continues,” Associated Press, October 8 1998.

<sup>37</sup> “Liu Lianjun zishu: guanyu jiu yue ershisi ri bei juya jingguo,” (Liu Lianjun Narrates: Proceedings of a Detention on September 24) in *Xiao cankao*, October 10, 1998, <http://homepages.go.com/~bignews3/981010.txt>.

<sup>38</sup> *Renmin ribao* (People’s Daily), October 6, 1998.

<sup>39</sup> “China Dissidents Make Ninth Attempt To Register Opposition Party,” Agence France Presse, October 15, 1998.

<sup>40</sup> “Guizhou gaoyuan minyun renshi dingfeng zuoye, xuangao chengli zhongguo minzhu dang guizhou sheng choubeihui” (Democratic Movement Leaders Of The Guizhou High Plains Go Against The Wind And Proclaim The CDP Guizhou Province Preparatory Committee) in *Xiao cankao*, October 22, 1998, <http://homepages.go.com/~bignews3/981022.txt>.

<sup>41</sup> “Defying Crackdown, Dissident Chinese Renew Efforts To Form Party,” Associated Press, October 24, 1998.

#### IV. THE CRACKDOWN

The crackdown against the CDP started in earnest in late 1998. On September 25, 1998, China's State Council had approved the "Regulations for Registration and Management of Social Groups" (*Shehui tuanti dengji guanli tiaoli*)<sup>42</sup> and Premier Zhu Rongji signed them into law on October 25.<sup>43</sup> The new regulations were more detailed and more restrictive than those they replaced and were clearly a response to the increasing number of social organizations emerging in the country. In the words of one analyst, the system of registration they mandated:

effectively nullifies freedom of association, since any unregistered group is "illegal." It also bars former political prisoners for life from forming non-profit groups or acting as their officers, as well as setting very high financial and other requirements for the establishment of a group, which will effectively block the poorest and most vulnerable from exercising this right.<sup>44</sup>

The new regulations also demanded total conformity with state policy:

Social groups/units must abide by the Constitution, the laws and regulations and state policies; may not violate the basic principles established in the Constitution; may not harm national unity, state security and the solidarity of the nationalities; may not harm the interests of the state, society, other groups or individuals; and may not go against society's morality and customs.<sup>45</sup>

The signing of the International Covenant on Civil and Political Rights, however, led CDP members to speed up the process of consolidating the embryonic party and bringing the various provincial preparatory committees together as one organization. But China's commitment on paper to the ICCPR offered little protection in fact.

On November 2, Wang Youcai was moved back into detention from house arrest. The police claimed that he had left his house too many times without informing them. Officers of the Cuiyuan district station in Hangzhou telephoned Wang's wife saying that they had received instructions from their superiors to apprehend her husband, but they refused to disclose where he was being held.<sup>46</sup>

Other CDP members proceeded with their plans despite Wang's detention. On November 6, Xu Wenli established the "First CDP National Congress Preparatory Work Group." The group consisted of Xu Wenli, Gao Hongming, and Zha Jianguo, all Beijing-based veterans of the 1979 Democracy Wall movement. Then, on November 9, Xu, Gao, Zha and a Tianjin-based former Democracy Wall activist, Lu Honglai, established the "CDP Beijing-Tianjin Regional Party Branch," with Xu as chairman.<sup>47</sup> The branch adopted a revised party charter, and on November 11, the group issued a first statement declaring that it would take two years to establish the CDP and that they hoped to organize a first national congress in the beginning of 2000. The group saw its role as that of a temporary vanguard that would undertake consultations leading to the establishment of a more permanent core CDP leadership. It called on dissidents in prison and in exile abroad to join in such preparatory efforts.<sup>48</sup>

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<sup>42</sup> Zhonghua renmin gongheguo guowuyuan ling di erbai wushi hao (Order of the State Council of the People's Republic of China No. 250).

<sup>43</sup> The *Fazhi ribao* (*Legal Daily*) published the rules when they were finally mentioned in the press on November 3, 1998.

<sup>44</sup> "China: Freedom of Association Regulated Away," Human Rights in China, 1999, in Three Freedoms Project, <http://www.threefreedoms.org/finalreport2/1-cfoa.htm>.

<sup>45</sup> Ibid.

<sup>46</sup> "Hangzhou Police Detain Dissident, Two Others Go Missing," Agence France Presse, November 4, 1998.

<sup>47</sup> Xu apparently took the lead in the Beijing region after an attempt to found the CDP Beijing Preparatory Committee by Ren Wanding failed when Ren was warned by the police not to proceed.

<sup>48</sup> "Di yi hao wengao" (Proclamation No. 1) in *Xiao cankao*, November 11, 1998, <http://homepages.go.com/~bignews3/981111.txt>. Proclamation No. 1 also planned to invite the "six gentlemen Sun Weibang, Chen Ziming, Liu Xiaobo, Zhang Jingsheng, Hu Shigen and Chen Lantao" to join the preparatory work "at a time of their

Xu's decision to create a "party branch" rather than a "preparatory committee," however, caused controversy within the dissident movement as this implied that the party was already operational, not still in the process of formation. Activists in Hangzhou, Shanghai, Shandong and elsewhere considered the move premature but other "branches" were soon formed, resulting in a hybrid structure where "preparatory committees" and "party branches" co-existed.

Meanwhile, on November 10, the CDP National Preparatory Committee issued an open letter directly appealing to the State Council to enable it to exercise the "heaven-bestowed right to organize a party," in accordance with the guarantees of freedom of association, expression, and assembly contained in Article 35 of the Chinese Constitution and the recently signed International Covenant on Civil and Political Rights. The letter argued, as the CDP's Hangzhou Preparatory Committee had done, that to be successful, economic reforms should be accompanied by political liberalization, and it repeated the CDP's "Four Principles" of "reason, peace, openness and legality."<sup>49</sup> The letter made no reference to the Civil Affairs Bureaus or to the new Regulations for Registration and Management of Social Groups. It was signed by fifty-three people from nineteen provinces and four municipalities: Beijing, Shanghai, Tianjin, and Chongqing.<sup>50</sup> It elicited no reaction or response from the authorities.

Following the formation of party branches by activists in Beijing and Tianjin, the CDP Hubei preparatory committee took the same step. On November 26, spokesman Qin Yongmin announced that the Hubei branch respected the provisional CDP charter and planned to submit it "to the First CDP National Congress for deliberation, revision and approval."<sup>51</sup> The Hubei members then published the full texts of the CDP party charter, the party oath, and a list of their leading members on the Internet. All of these actions were indications that the CDP saw itself as a nationwide organization and was moving toward the formation of a national structure.

Meanwhile, the police were starting to tighten control. On November 21 in Hangzhou, they briefly detained Yao Zhenxian, Li Guotao, Wu Yilong, and Zhu Zhengming before a planned meeting at a hotel. Other party members, Zhu Yufu and Mao Guoliang, were told not to leave their homes. In protest, the CDP's National Preparatory Committee published an "Urgent Proclamation Regarding the Authorities' Limiting the Civil Rights and Repressing the Zhejiang CDP Members." In it, they complained about the detention and interrogation by police of committee members and police confiscation of CDP documents and a fax machine. On November 21, Mao Qingxiang's wife received a notification from the police that her husband would be kept and interrogated for twenty-four hours for activities on behalf of "a social group which was not yet approved."<sup>52</sup>

Then, in an interview with the German daily *Handelsblatt* published on December 1, 1998, Li Peng, chairman of the National People's Congress, made clear the government's attitude to any group which dared challenge the Communist Party:

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convenience" ... at the time of proclamation No. 1, all six were in prison or under strict surveillance. Apart from them, the proclamation invited some seventy dissidents and other outspoken people residing abroad, such as Wang Dan, Wei Jingsheng, Liu Qing, Hu Ping, Chai Ling and Wu'er Kaixi to return to China and join the preparatory work. Some 20 others, such as Bao Tong, Wu Zuguang, Bao Zunxin, Chen Yizi and Fang Lizhi would be asked to become "advisors."

<sup>49</sup> Some CDP documents refer to "non-violence" (*fei baoli*) instead of "peace" (*heping*).

<sup>50</sup> *Zhongguo minzhu dang choubi weiyuanhui zhuo Gonggao* (Statement of Registration of the CDP National Preparatory Committee), November 10, 1998. The document gives Hangzhou-based Wu Yilong as the main contact person. The document points to certain discrepancies among the dissidents in a footnote which says that "the 'First CDP National Congress Preparatory Work Group' which is established under the CDP National Preparatory Committee 'is to be decided by vote of majority' 'by people who signed the 'Statement of Registration of the CDP National Preparatory Committee.'" Xu Wenli and Liu Shizun are among the signatories of that document, but not Gao Hongming, Zha Jianguo, Liu Shizun and Zhang Hui.

<sup>51</sup> *Beijing zhi chun* (*Beijing Spring*), February 1999, p. 11.

<sup>52</sup> "Police Detain Six CDP Members," Agence France Presse, November 21, 1998.

If the purpose [of the group] runs contrary to the Constitution or the basic policies of China, or against the socialist market economy, national unity and independence, or against social stability, and if it is designed to negate the leadership of the Communist Party, then it will not be allowed to exist.

He added:

China's National People's Congress will not use the Westminster formula, whereby members of parliament are noisy and even rude to each other during debates.<sup>53</sup>

## The Trials

After this unmistakable signal from the top, the official clampdown on the CDP gathered momentum, and over the following months there were three distinct waves of arrests, interrogations, and trials of CDP activists.

### The First Wave

The first wave of arrests resulted in the detention of at least seven prominent CDP members, including Xu Wenli, Wang Youcai, and Qin Yongmin,<sup>54</sup> all of whom were then tried and sentenced to lengthy prison terms.

#### *Xu Wenli*

Court proceedings against Xu Wenli started on December 9, 1998. He was accused of plotting to overthrow the government and undermine state security, in violation of Article 105(1), Article 106, and Article 66 of the PRC Penal Code.<sup>55</sup> The indictment also noted that Xu had advocated "ending one-party dictatorship, establishing a third republic, [and] guaranteeing human rights and freedom." In addition, he was alleged to have given interviews to foreign journalists, accepted funds from abroad and "linked up with foreign hostile element" Yan Jiaqi, the exiled advisor to former CCP general secretary Zhao Ziyang. Xu Wenli was accused of collaborating with Yan Jiaqi in drafting the constitution of the CDP, which he then was said to have circulated.

In response to the charges, Xu Wenli's lawyer, Mo Shaoping, who was defending him free of charge, argued that there was no evidence that he was directly involved in drafting the CDP charter and that other allegations against him had no basis.<sup>56</sup> For his part, Xu told the court:

This trial is a grave political repression of the China Democracy Party by a small minority of Chinese Communist Party leaders. I therefore refuse to answer any questions from the prosecution.<sup>57</sup>

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<sup>53</sup> Li Peng quoted by Xinhua News Agency, December 1, 1998, from an interview in *Handelsblatt*, November 23, 1998.

<sup>54</sup> The others were Li Guotao, Yao Zhenxian, Li Li, and Xie Wanjuan. Yao and Xie were later released and are now living in exile in the USA.

<sup>55</sup> Beijing shi renmin jiancha yuan fenyuan qisu shu (98) di 609 hao (Beijing City People's Procuratorate Branch Indictment (98) No. 609), Beijing, December 9, 1998. Article 105 (1) reads "whoever organizes, plots, or acts to subvert the political power of the state and overthrow the socialist system, the ringleaders or those whose crimes are grave are to be sentenced to life imprisonment, or not less than 10 years of fixed-term imprisonment; active participants are to be sentenced from not less than three years to not more than 10 years of fixed-term imprisonment; other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights." Article 106 reads "whoever colludes with institutions, organizations, or individuals outside the country and commits crimes stipulated in Articles 103, 104, and 105 of this chapter are to be heavily punished according to the stipulations in the articles." This refers to sentences up to life imprisonment for "splittism and destroying national unity" (Art. 103), sentences up to life imprisonment for "armed rebellion" (Art. 104). Article 66 reads: "Criminal elements endangering state security who, at any time after their punishment has been completely executed or they have received a pardon, commit another crime endangering state security are all to be treated as recidivists." Recidivists, according to Article 65 of the PRC Penal Code, "shall be given a heavier punishment." However, commission of a crime through negligence is an exception.

<sup>56</sup> *Bianhu Ci* (Defense) by Beijing Mo Shaoping Law Firm, Beijing, December 21, 1998.

<sup>57</sup> "Xu Wenli an fating shenpan jilu" (The Case of Xu Wenli, Records of a Trial in Court) in: *Beijing zhi chun* (Beijing Spring), February 1999. The notes were taken by Xu Wenli's wife, He Xintong.

He went on to stress that the formation of the CDP report was not aimed at “beating down or overthrowing” the Communist Party but merely “ending one-party rule by peaceful means.”<sup>58</sup> The prosecution, however, contended that Xu’s calls for an independent labor union, his willingness to be interviewed by foreign journalists, and his acceptance of U.S.\$500 from abroad were evidence of his subversive activities.

On December 21, 1998 the court sentenced Xu to thirteen years in prison and three years’ deprivation of political rights. He is due for release on November 29, 2011. He did not appeal. After the trial, according to his wife, he was transferred from the Banbu Detention Center in Beijing to the Tuanhe Reform Through Labor Farm on the city’s outskirts,<sup>59</sup> but he is now held in Yanqing Prison.

#### *Wang Youcai*

Wang Youcai was indicted in Hangzhou one week after his formal arrest on November 30, 1998 and a month after his detention on November 2. His “crimes,” according to the prosecution, included drafting the CDP declaration; being the prime mover of the CDP; intending to hold a CDP meeting in the form of a tea party; and sending eighteen CDP documents abroad by electronic mail. While under house arrest, according to the prosecution, he had held a meeting with Wang Ce, a dissident based in Spain who was later accused of “illegally crossing the border” into China and giving him over U.S.\$780 in cash which he used to buy a computer.<sup>60</sup> Like Xu Wenli, Wang was treated as a “recidivist” on the grounds that he “once again hooked up with foreign hostile persons” after his release from imprisonment in connection with the June 4, 1989 crackdown.<sup>61</sup> On December 21, Wang was convicted of violating Article 106 of the Criminal Code and sentenced to eleven years in prison.

#### *Qin Yongmin*

Qin Yongmin was sentenced after a two-and-a-half-hour trial on December 17, 1998 in the Wuhan People’s Intermediate Court. He was convicted of, among other things, “preparing to organize the CDP, editing *China Human Rights Watch*, reporting on human rights to the United Nations, and linking up with foreign hostile organizations.” His elder brother, Qin Xiaoguang, arrived a few minutes late and was denied entry to the court. But when the verdict was announced on December 22, he was able to shout to his brother, “Qin Yongmin, what is the crime? What is the sentence?” In response, Qin called back, “Subverting state power. Twelve years. I am not going to appeal. I have contempt for this court.”<sup>62</sup> Qin Yongmin was transferred to the Shayang Reform through Labor Farm in Zhongxiang District, Hubei province, in early January 1999.<sup>63</sup>

The trials provoked an immediate response. More than 200 dissidents addressed a petition to the government demanding the prisoners’ release and launched a hunger strike in protest. The strike was scheduled to start on December 24, 1998 and continue until April 10, 1999; in practice, it continued through January 1999. The U.S. State Department criticized the trials, publicly characterizing them as “a step backwards in what had been an improved human rights performance over the last year or two.”<sup>64</sup> Derek Fatchett, a senior British Foreign Ministry official, said he was shocked at the severity of the sentences, and German Foreign Minister Joschka Fischer said the sentences threatened Sino-German talks on human rights.<sup>65</sup>

But even before the verdicts were handed down, President Jiang Zemin echoed Li Peng’s hardline position in a speech that he made in Japan on December 18, 1998, the twentieth anniversary of China’s economic reform policy:

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<sup>58</sup> Ibid.

<sup>59</sup> “Dissidents ‘Moved To Harsh Prisons’,” *South China Morning Post*, January 15, 1999.

<sup>60</sup> *Beijing zhi chun (Beijing Spring)* February 1999, p. 8, 9. According to court material regarding Wang Ce’s case, Wang Ce is accused of having given U.S.\$1,000 to Wang Youcai.

<sup>61</sup> *Zhejiang sheng Hangzhou shi zhongji renmin fayuan xingshi panjueshu (1998) hang fa xing chu zi di 183 hao* (Zhejiang Province Hangzhou Intermediate People’s Court Criminal Case Sentence (1998 no. 183)).

<sup>62</sup> “Dissidents Released After Qin Yongmin’s Sentencing: Brother,” Agence France Presse, 22 December 1998.

<sup>63</sup> “Dissidents ‘Moved To Harsh Prisons’,” *South China Morning Post*, January 15, 1999.

<sup>64</sup> U.S. Department of State, daily press briefing, December 22, 1998.

<sup>65</sup> “International chorus of protest at jailing of Chinese dissidents,” Agence France Presse, December 22, 1998.

We must be on guard, from the beginning to the end, against infiltrating, subversive and splittist activities by international and domestic hostile forces. Any political behavior that is aimed at damaging the stability and unity of our country runs counter to the will and the fundamental interests of the Chinese people. No matter where these factors which damage social stability come from, we must firmly hold to the Four Basic Principles and have a clear-cut stand in increasingly opposing them and firmly nipping them in the bud.<sup>66</sup>

Five days later, after the harsh sentences had been announced, Jiang Zemin returned to the same theme, this time before a Chinese audience. “Stability should prevail over everything,” he said, using a slogan that Deng Xiaoping had used in a speech just after the Tiananmen crackdown, and adding:

Nineteen ninety-nine is going to be a very important year in the history of development of our party and our country. We will celebrate the fiftieth anniversary of the establishment of the country, Macao will return to the Motherland. The importance of continuing to protect social stability is enormous.<sup>67</sup>

He added once more that any developments which might undermine social stability should be “nipped in the bud.”

Despite the arrests of at least twenty CDP members in November and December 1998, Yao Zhenxian, the first CDP member to reach the United States, testified before the U.S. Congress on January 8, 1999, that “the essential core [of the CDP] remains functioning ... many Party members not known to the authorities or the public are still very active.” They, he said, would “continue to expand” the CDP’s activities and “overcome present adversities.”<sup>68</sup>

### **New Activities Under The Eye Of The Police**

After the first trials had taken some of the top leaders out of action, a second layer of CDP leaders came to the fore, and once again, the focus of activity was in Hangzhou. These leaders continued to hold meetings and issue open letters to the Chinese government in the face of steady harassment. For example, Wu Yilong, a main CDP organizer who had traveled around the country to gather support in 1998, was expelled from Hangzhou University on January 16. His *hukou*, the residence permit which allowed him to live in Zhejiang, was automatically cancelled, and he was expelled from the province. Later, in April, he was detained by Guangzhou police when he traveled to Guangdong province to look for work. They sent him back to Hangzhou, where local police detained him on arrival and accused him of being a vagrant (*mangliu*). He was told that he would be released after the tenth anniversary of the Tiananmen crackdown on June 4, 1999, but he remained in detention until he was brought to trial in October 1999.<sup>69</sup>

Another Hangzhou activist, Zhu Zhengming, was interrogated by police on January 16, 1999 after he protested against Wu Yilong’s expulsion from the university. The deputy chief of the police station to which he was taken told him, “Your sort of people, we should put you in a hemp bag and beat you to a pulp.” “Beating people is

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<sup>66</sup> “Zai jinian dang de shiyi jie sanzong quanwei zhao kai ershi zhounian dahui shang de jianghua” (Speech At The Grand Meeting To Commemorate The Twentieth Anniversary Of The Third Plenum Of The Eleventh Central Committee Of The Party), *Renmin ribao (People’s Daily) Overseas Edition*, December 19, 1998.

<sup>67</sup> “Jiang Zemin yu quanguo zhengfa gongzuo huiyi daibiao zuotan shi zhichu dang zheng lingdao yao chengdanqi wei hu wending de zhengzhi zeren, zhengfa jiguan yao quebao gaige kaifang jianshe shunli jinxing.” (Jiang Zemin, During A Session At The National Meeting For Political And Legal Work, Points Out That The Leaders Of The Party And The Government Must Be Held Responsible For The Protection Of Stability; The Government And Legal Departments Must Guarantee The Smooth Implementation Of Reform And Open Door), *Renmin ribao (People’s Daily)* December 23, 1998, speech to delegates of the Chinese People’s Political Consultative Conference.

<sup>68</sup> Congressional Testimony by Yao Zhenxian, Federal Document Clearing House, January 1, 1999.

<sup>69</sup> *Radio Free Asia*, May 8, 1999.



illegal,” said Zhu. The policeman then replied, “Of course we won’t beat you [ourselves], others will beat you, and we won’t know it.”<sup>70</sup>

Zhu contrasted his treatment on this occasion with an earlier incident on July 8, 1998:

If that harassment [the first time] was comparatively civilized -- materials they checked were placed back in their original place -- then this one [in January 1999] was definitely barbaric. Everything was turned upside down; the house was in a mess. The police chief said, “After this, we’ll come to make a mess every two weeks.”<sup>71</sup>

CDP members were also active in other provinces. On February 10, 1999, for example, the Liaoning CDP activists in Liaoning called on other dissidents to “comfort and economically support” the families of victims of the suppression of the Tiananmen protests in June 1989.<sup>72</sup> Gao Hongming, who had taken over the leadership of the Beijing-Tianjin branch after the detention of Xu Wenli, called upon the National People’s Congress to scrap the “Four Basic Principles” in order to guarantee civil rights. He also proposed the depoliticization of the army, direct elections for delegates to the National People’s Congress (NPC), and the amending of Article 35 of the Constitution to include “the right to organize parties.” In Jilin province, An Fuxing called for the NPC to “review the judgment about June 4” and implement a general amnesty for all political prisoners.<sup>73</sup>

In early February, CDP members in five provinces -- Shaanxi (Xi’an city branch), Hebei, Henan, Liaoning, and Hunan (Huangxiong city) -- announced that they had formed “party branches,” but they did not seek to register them with the Civil Affairs authorities. On March 5, Shi Liuchuan and Wang Zemin established the CDP Inner Mongolia Preparatory Committee in the city of Chifeng. This brought the total of CDP organizations nationwide to twenty-nine, including nine party branches, nineteen preparatory committees, and one national committee.<sup>74</sup>

Gao Hongming announced the establishment of the national committee on February 6 and plans were made to hold a national congress in Wuhan from March 1 to 3.<sup>75</sup> The meeting was to coincide with a seminar on human rights, organized by *China Human Rights Watch* magazine, to which the director of the official China Human Rights Association had been invited. But the police intervened, summoning Fu Shen and Zha Jianguo, CDP leaders from Shaanxi and Beijing respectively, for interrogation, and briefly detaining Wang Zechen from Liaoning and Lu Xinhua from Wuhan. All were told to cease their party activities.<sup>76</sup> Police in Wuhan summoned Fu Shen twice more and warned him, “If we meet you again, it will be in jail.”<sup>77</sup> Chen Zhonghe and Xiao Shichang, leaders of the Hubei Branch, were detained on February 13. The planned national congress never took place.

In Hangzhou, meanwhile, dissidents tried to gather in informal meetings but without much success. Shortly after Chinese New Year, on February 16, police broke up a party organized by the CDP Preparatory Committee in

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<sup>70</sup> “Zhu Zhengming - jueshi ganyan” (Zhu Zhengming - Reflections On A Hungerstrike, March 18, 1999), *Xiao cankao*, April 10, 1999, <http://homepages.go.com/~bignews3/990410.txt>.

<sup>71</sup> Ibid.

<sup>72</sup> “Minzhudang liaoning zhibu haozhao chunjie qijian daui “liu si” sinanzhe jiashu jinxing weiwen” (CDP Liaoning Branch Calls On Comforting, During The Spring Festival, The Families Of Those Who Were Killed And Wounded on “June 4”) in *Xiao cankao*, February 10, 1999, <http://homepages.go.com/~bignews3/990210.txt>.

<sup>73</sup> Radio Free Asia, February 24, 1999. Full text of the proposal was published in “Zhongguo minzhudang quanguo choubeihui guanyu xiugai xianfa de shixiang jianyi,” (Ten Suggestions on the Revision of the Constitution by the CDP National Preparatory Committee), *Xiao cankao*, March 5, 1999, <http://homepages.go.com/~bignews3/990305.txt>.

<sup>74</sup> *Ming Pao*, March 8, 1999. The two men were the same who in 1998 had founded the 1,000 member strong Pine Tree Literature Association (*Songshan wenxue hui*), an informal discussion group.

<sup>75</sup> “China Detains Activist As Opposition Party Prepares To Hold Forum,” Agence France Presse, February 7, 1999.

<sup>76</sup> “Zhongguo gong’an bumen jinggao zhongguo minzhu dang chengyuan tingzhi huodong,” (Chinese Public Security Departments Warn CDP Members To Stop Activities), Radio Free Asia, February 9, 1999.

<sup>77</sup> “Xi’an zhongguo minzhudang chengyuan fu shen bei xianhou chuanxun liang ci,” (“Xi’an CDP Member Summoned For Interrogation Twice In A Row”), Radio Free Asia, February 10, 1999.

Zhejiang province. Uniformed and plainclothes police surrounded the venue, questioned the partygoers, checked their identities, and recorded their names. They also detained a CDP member from Shandong, Wang Jinbo, who had come to Zhejiang to look for work.<sup>78</sup> On February 28, however, a CDP meeting was allowed to go ahead, perhaps because U.S. Secretary of State Madeleine Albright was then visiting Beijing. On March 14, 1999, police detained fourteen CDP members in Zhejiang after they announced their intention to hold a seminar on “how to promote the democratic process in China.” Wang Rongqing, Zhu Yufu, and Zhu Zhengming were taken in and questioned, but then released.<sup>79</sup>

Undeterred, the CDP Zhejiang preparatory committee announced on March 19 that it would hold biweekly meetings to discuss further development of the CDP and the promotion of democracy.<sup>80</sup> Police broke up the first meeting when the activists tried to hold it in a Hangzhou teahouse two days later. They detained Lai Jinbiao, Wang Rongqing, Mao Qingxiang, and Li Xi'an and questioned them for five hours and ordered others present to leave the teahouse.<sup>81</sup>

The government issued a further warning at the end of March, as the tenth anniversary of the 1989 pro-democracy movement approached. Minister of Public Security Jia Chunwang declared that “the situation of social safety this year is grave” and spoke of the need to guard against “foreign hostile forces” that aimed to destroy the Communist Party.<sup>82</sup> Li Zhiyou, of the Guangxi preparatory committee, was formally arrested and charged with instigating the overthrow of the government. He had gone back to Guilin and was detained after putting up CDP posters. He was eventually sentenced to three years in prison.

Yue Tianxiang, Guo Xinmin, and Wang Fengshan, labor activists from Gansu with close connections to the CDP, faced the same charges. Guo and Wang each received a two-year prison sentences but Yue was sentenced to ten years in prison for having had contact with an overseas organization.<sup>83</sup> Another activist, Wang Ce, was charged on February 4 with illegal border crossing, illegal funding of individuals in order to subvert the state, and endangering state security.<sup>84</sup> According to the court documentation, he was also convicted of giving U.S.\$1,000 to Wang Youcai in a teahouse in the Yuquan Park in Hangzhou. He was sentenced to four years in prison, two years' deprivation of political rights, and a fine of RMB5,000 (U.S.\$610).<sup>85</sup> By May 1999, at least six core CDP members had been tried and convicted.

### ***The Second Wave***

A new surge of nationalism was sparked by the May 7, 1999 NATO bombing of the Chinese embassy in Belgrade. This, together with the unexpected rise of the Falun Gong spiritual movement, and official fears of demonstrations and dissent in connection with the tenth anniversary of the 1989 Beijing crackdown, led to a new wave of repression against anyone perceived to be deviating from state policy. Across the country during this period, more than 190 people were detained, including some CDP members.

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<sup>78</sup> Press release issued by the CDP Zhejiang Preparatory Committee on February 20, 1999.

<sup>79</sup> “Police Break Up China Democracy Party Meeting, Detain Members,” Associated Press, March 14, 1999.

<sup>80</sup> “Zhongguo minzhudang zhejiang choubenhui biaooshi jiang dingqu juxing huiyi” (The CDP Hangzhou Preparatory Committee Expresses It Will Hold Fixed Meetings), Radio Free Asia, March 19, 1999.

<sup>81</sup> “Zhongguo yiyi renshi xinwen” (China Dissident News), Radio Free Asia, March 21, 1999.

<sup>82</sup> “Police Urged to Implement Laws Strictly,” *China Daily* March 29, 1999.

<sup>83</sup> “China Jails Gansu Labour Activists For Up To 10 Yrs,” Associated Press, July 6, 1999.

<sup>84</sup> Wang Ce was charged under Articles 322, 107, 69 and 56 of the criminal law. Article 69 deals with recidivism, 56 with endangering state security. (Zhejiang Province Hangzhou Intermediate People's Court Criminal Case Sentence (1999 1))

<sup>85</sup> *Zhejiang sheng Hangzhou shi zhongji renmin fayuan xingshi panjueshu (1999) hang chu zi di yi hao* (Zhejiang Province Hangzhou Intermediate People's Court Criminal Case Sentence (1999 1)). Wang's punishment for illegal border crossing was one year and a fine of RMB5,000 (U.S.\$610), punishment for his “aiding people who carry out activities harming national security” was four years in prison and two years deprivation of political rights. The sentences were to run concurrently. Article 322 of the Penal Code deals with “violating the regulations concerning the management of national boundaries,” which carry a maximum penalty of 1 year. Article 107, which deals with “funding of domestic organizations or ... individuals by ... overseas organizations” in violation of Articles 102 - 105 which concerning national security, entails prison terms up to five years, but up to life when their “situation is grave.” Article 69 deals with multiple crimes and Article 56 imposes the sanction of “deprivation of political rights” to those who commit crimes endangering state security.

On May 17, the *People's Daily* took aim at dissidents living in exile abroad:

You have your mouth full of the struggle for democracy. What kind of democracy are you struggling for? Is it a democracy where Chinese people stand up and are the masters in their own house? Or do you show the Chinese people and the people of the world a wink of hegemonism, and is it a democracy by hegemonism which goes to any length to achieve its wicked purpose? For more than fifty days, the ugly performance by you and your masters has already given the answer.<sup>86</sup>

On May 19, Han Shubin, chief of the Supreme People's Procuratorate, stressed that "any activities harming state security" would be suppressed. One day later, on May 20, the CDP Beijing branch called for a peaceful commemoration of the tenth anniversary of June 4. It asked people to wear light-colored clothing on June 4. People could go to Tiananmen Square but not interrupt the construction work, which the government had begun in late 1998, conveniently restricting access through the period of the anniversary. "One can stand or sit still for a while," CDP instructions went, "but definitely not paste posters or shout slogans."<sup>87</sup> Protests remained low key but there was a new wave of detentions, indictments, and formal arrests.

#### *Zha Jianguo and Gao Hongming*

The case of Beijing CDP representative Zha Jianguo was heard on July 5, 1999. He stood trial at the same time as Gao Hongming. Both men were accused of subverting state political power. The indictment alleged that Zha Jianguo and Gao Hongming had planned:

to establish, with Xu Wenli (already sentenced) the "CDP Beijing-Tianjin Region Branch" in November 1998 at No. 423, Entrance 4, Street 2, Baiguang Road in Xuanwu District, the house of Xu, where Xu was to be the chairman and Zha Jianguo and Gao Hongming the vice-chairmen. They approved the "CDP Constitution" (provisional) which they had formulated together with overseas hostile element Yan Jiaqi. The said constitution stipulates that "the prime objective of the CDP is to put an end to the dictatorship of one-party rule and establish a Third Republic."<sup>88</sup>

The men were accused of publishing articles in the overseas dissident magazine, *Beijing Spring*. The authorities also alleged that in February 1999, Zha and Gao established the CDP United General Headquarters in order to organize the various provincial groups and drafted a "CDP United General Headquarters Constitution" (*Zhongguo minzhudang lianhe zongbu dangzhang*). The men were also accused of designing a party flag, a symbol, and a song.<sup>89</sup>

On August 2, Zha was sentenced to nine years in prison and two years' deprivation of political rights. Gao Hongming was sentenced to eight years in prison and two years' deprivation of political rights. One CDP member, He Depu, tried to attend the trial. Two days before it began, on July 30, he went to ask for an "visitor's permit." He was received by a woman in the reception office near the gate of the Beijing No. 1 Intermediate People's Court, who told him that passes in advance were not given. On August 2, the day of the trial, he went early, and at 7:30 a.m. was the first to apply for a permit. But police had cordoned off the north and west entrances of the building and did not allow people go inside. When the office opened at 8:30 a.m., He was received by a male official to whom he showed his ID and asked to attend the trial of Zha Jianguo and Gao Hongming. The official told him that permits were only given when the applications were made "in an organized

<sup>86</sup> *Renmin ribao* (*People's Daily*), May 17, 1999. The "fifty days" refer to the NATO bombing campaign against Yugoslavia.

<sup>87</sup> "Zhongguo minzhudang beijing dangbu 'gao beijing shimin shu'" (CDP Beijing Branch "Appeal to the Citizens of Beijing") in *Xiao cankao*, May 20, 1999, <http://homepages.go.com/~bignews3/990520.txt>.

<sup>88</sup> *Beijing shi renmin jianchayuan di yi fenyuan - qisu shu* (Beijing City People's Procuratorate Number One Branch - Indictment (1999) no. 89.), Beijing, July 5, 1999.

<sup>89</sup> *Ibid.*

way and approved by leaders.” It was not possible, he was told, to get a permit on his own. He was then detained by plainclothes police and kept in a police station for eight hours.<sup>90</sup>

On September 17, 1999 the Beijing High People’s Court rejected the appeal of Zha Jianguo and Gao Hongming.<sup>91</sup>

### *She Wanbao*

She, who worked as deputy head of a municipal bank branch and was director of a trust association, was taken from his home on July 7, 1999, by public security officials.<sup>92</sup> The officials also searched his home. He was formally arrested on July 10 on charges of subverting state power. On August 4, he was sentenced to twelve years in prison.<sup>93</sup> She Wanbao was a core member of the CDP who helped coordinate party activities nationwide after Wang Youcai, Qin Yongmin, and Xu Wenli were sentenced and imprisoned. He had been active during the 1989 democracy movement and had written essays about it which were published in Hong Kong. After the 1989 crackdown, he was arrested and sentenced to three years in prison. After his release in 1992, he became a private entrepreneur.

### *Liu Xianbin*

Liu Xianbin was detained on July 7, 1999 and formally arrested one week later. He was sentenced to thirteen years in prison by the Suining City Intermediate People’s Court in Sichuan province on August 6.<sup>94</sup> The trial lasted four hours, and Liu’s wife, Chen Mingxian, attended. Liu, formerly a student in the personnel management department of People’s University, had served a two-and-a-half-year sentence in the early 1990s for publishing *Democracy Forum*, a magazine promoting political reform. He became involved in the CDP in 1998 and coordinated a liaison group which was dedicated to campaigning for the release of Xu Wenli.<sup>95</sup> As a co-founder of the CDP-Sichuan chapter, he was detained three times during 1998 and 1999. He did not have access to a lawyer either before or during his trial and did not defend himself. He was convicted of subverting state power under Article 105 of the penal code.<sup>96</sup> In an open letter to President Jiang Zemin, Liu’s wife wrote:

... the Suining city state security [personnel] announced the detention was “ordered from above” ... they took a congratulatory phone call by an overseas organization as proof of [Liu’s] crime of linking up with overseas organizations, to organize and plot the establishment of the CDP; they [also] took some words in a certain issue of *China Human Rights Watch* as evidence as well as the notes of a journalist.<sup>97</sup>

Even as repression peaked, dissidents in three provinces, Jiangxi, Guangxi and Yunnan announced the establishment of new CDP committees and issued a “founding declaration” on July 5.<sup>98</sup> This time, however, the committees did not post telephone numbers of members on the Internet, nor did they mention going to the Civil Affairs Bureau to register.

### ***The Third Wave***

On the eve of the fiftieth anniversary of the People’s Republic of China on October 1, 1999, a new wave of arrests and trials began. As the anniversary drew near, the CDP had released several documents, including an “Open

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<sup>90</sup> “Zhongguo minzhudangren He Depu yaoqiu pangting Zha Jianguo Gao Hongming shenpan bei ju ji” (“Record Of CDP Member He Depu Asking To Attend The Trial Of Zha Jianguo And Gao Hongming And Being Refused”) in *Xiao cankao*, August 25, 1999, <http://homepages.go.com/~bignews3/990826.txt>.

<sup>91</sup> “Chinese Court Rejects Appeals Of Two Dissidents,” Associated Press, September 17, 1999.

<sup>92</sup> “Four Opposition Party Members Detained In Southwest China,” Agence France Presse, July 8, 1999.

<sup>93</sup> “Democracy Fighter Jailed For 12 Years” *South China Morning Post*, August 6, 1999.

<sup>94</sup> “Chinese Dissident Sentenced To 13 Years In Prison For Subversion,” Associated Press, July 15, 1999.

<sup>95</sup> “Chinese Prosecutors Investigating Prominent Dissident,” Associated Press, December 9, 1998.

<sup>96</sup> “Chinese Dissident Sentenced To 13 Years In Prison For Subversion,” Associated Press, August 6, 1999.

<sup>97</sup> Open letter by Chen Mingxian, August 16, 1999. *Human Rights Watch* refers to the magazine issued by Qin Yongmin

<sup>98</sup> “Zhongguo minzhudang mieshi fengkuang zhenya, jixu xiang zhonggong yi dang ducai zhanzheng faqi tiaozhan” (The CDP Disregards Wild Suppression, Goes On to Challenge the One Party Dictatorship of the CCP) in *Xiao cankao*, July 5, 1999, <http://homepages.go.com/~bignews3/990705.txt>.

Declaration by CDP Branches of Twenty-Five Provinces and Cities.”<sup>99</sup> In it, the party once again recognized Jiang Zemin as head of state and the CCP as the ruling party, but it also called for direct democratic elections and a system of division of powers.<sup>100</sup> The CDP Sichuan Preparatory Committee called for a general amnesty of all political prisoners, pointing out that many countries give a general amnesty in connection with important festivals. The CCP, it said, should do the same and use the amnesty to lay the groundwork for political reform and improving human rights.<sup>101</sup>

But instead of releasing political prisoners, Chinese authorities detained more people for their political activities. Liu Shizun, who had worked together with Xu Wenli, Zha Jianguo, and Gao Hongming in the party’s Beijing-Tianjin branch, was formally arrested on September 17, 1999. His house in Dalian was searched, and address books were confiscated. On the morning of October 1, a CDP member from Zhejiang, Nie Minzhi, was taken into custody.

Shortly after October 1, the wives of four top CDP activists, Mao Qingxiang, Zhu Yufu, Xu Guang, and Wu Yilong, received an “urgent announcement” from the Hangzhou City Procuratorate that they should get their husbands a lawyer, since the proceedings against them were about to begin. All four men had been in detention for months. Wu Yilong had been detained on April 26 in Guangzhou. Zhu Yufu and Mao Qingxiang, together with another CDP member named Wang Rongqing and two friends from Shanghai had been in custody since June 19, 1999, although Mao’s wife was only informed of the detention on September 20, some three months later. On September 24, the four wives had written an open letter to the Chinese government, faxed to foreign journalists, demanding the release of their husbands and clarification as to where, what for and for how long they were detained.<sup>102</sup> They received no response until the procuratorate informed them that the trials were imminent.

The trials started at 7:00 a.m. on October 25 in the Hangzhou Intermediate People’s Court and lasted until 3:00 p.m. The court building was sealed off by police, and only two family members of each of the defendants were allowed in. The four defendants were told that their attempts to establish the CDP constituted a plot to subvert state political power. The prosecution also noted that they had established a magazine, *Opposition Party (Zai yedang)*, posted “subversive” material regarding the CDP on some Chinese-language bulletin boards on the Internet, and “plotted to link up with overseas organizations.”<sup>103</sup> The four spoke in their own defense, but judges cut them short because they made “anti-government” statements.<sup>104</sup> Two weeks after the trial, the four were sentenced. Wu Yilong was given eleven years in prison, Mao Qinxian eight years, Zhu Yufu, seven years, and Xu Guang, five years.

Further trials took place in 2000. Tong Shidong, from Hunan province, was sentenced to ten years in prison on January 3, after having been in detention for almost half a year. On the same day, Liao Shihua a CDP member who had helped Tong Shidong edit a non-official publication at Hunan University in Changsha, received a six-year prison sentence. Liu Shizun, a CDP member from Liaoning province, who took over the leadership of the CDP Beijing-Tianjin branch after Gao Hongming and Zha Jianguo were taken into custody, was sentenced to six years in prison on February 16. Zhu Zhengming, one of the main organizers of the CDP Zhejiang preparatory committee, was tried on March 17 and given a ten-year prison sentence on April 29, 2000. On July 7, Xiao Shichang and Chen Zhonghe, core members of the CDP Wuhan chapter, were sentenced respectively to five and a

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<sup>99</sup> The number and name of the various branches differs. The only organization, which consistently calls itself a “branch” (*dangbu*), was the “Beijing-Tianjin Branch.” In provinces such as Liaoning and Hebei, party chapters were sometimes described as “branches” sometimes as “preparatory committees.”

<sup>100</sup> *Yanzheng shengming (Solemn Declaration)*, signed by the China National Preparatory Committee, dated October 1, 1999, on file at Human Rights Watch.

<sup>101</sup> “Zhejiang zhongguo minzhudang fuzeren Nie Minzhi ‘guoqing’ bei bu” (Zhejiang CDP Leader Nie Minzhi Detained During ‘National Day’) in *Xiao cankao*, October 1, 1999, <http://homepages.go.com/~bignews3/991001.txt>.

<sup>102</sup> A copy of the letter is on file at Human Rights Watch.

<sup>103</sup> “Hangzhou fayuan shenpan minzhudangren Wu Yilong, Zhu Yufu, Mao Qingxiang he Xu Guang” (Hangzhou Court Sentences CDP Members Wu Yilong, Zhu Yufu, Mao Qingxiang And Xu Guang), *Xiao cankao*, October 25, 1999, <http://homepages.go.com/~bignews3/991025.txt>.

<sup>104</sup> Ibid.

half and seven year prison terms. All were charged with subversion. Other members of the Wuhan chapter were also tried but received lighter sentences.

For all practical purposes, CDP activities had been silenced by January 2000. In December 1999, foreign news organizations had received a lengthy declaration in which the CDP's program for the new millennium was set out.<sup>105</sup> But from January onwards, to the extent that there were pamphlets or protests, they were mainly issued by CDP members living abroad. The resistance was effectively broken. One of the few remaining active members, He Depu, was stripped of his position at the Academy of Social Sciences on March 28, 2000 and as of this writing remains under close surveillance.<sup>106</sup>

## V. THE CHINESE GOVERNMENT'S RESPONSE TO THE CDP

Why was the government response to the China Democracy Party so harsh? Its members had never used or advocated violence. Their weapons were faxes, e-mails, and public declarations. They were determined to raise issues of democratic reform and exercise rights guaranteed in two international human rights treaties that China had just signed. What Chinese authorities were calling efforts to subvert state power, most people would have called advocacy of peaceful political change.

By Chinese standards, moreover, this was a tiny group of people, probably never numbering more than 200 activists at its height. Most had a history of openly challenging official policy, with some 70 percent having been active during the 1989 pro-democracy movement. A smaller group, including many of the leaders, had been active during the 1979 Democracy Wall movement. They were represented in all but three of China's twenty-seven provinces, with a particularly strong presence in Hangzhou (at least seventy members) and Shanghai (at least twenty members). But in part because of the risks involved in overt confrontation with the authorities, the CDP was never likely to attract a mass following.

What, then, did the government fear? It was clearly concerned about possible unrest as a series of sensitive anniversaries approached, in particular the tenth anniversary of June 4, 1989, and the fiftieth anniversary of the PRC on October 1, 1999. Added to this was a chain of unexpected events which caused authorities in Beijing to be more nervous than usual. On April 25, 1999 the Falun Gong spiritual meditation group staged a massive protest around Zhongnanhai, the residential compound of the Chinese leadership. On May 7, 1999 the NATO bombing of the Chinese embassy in Belgrade generated a new wave of nationalism and anti-West emotion. It was not coincidental that the authorities, who often saw demands for multiparty democracy as evidence of negative influences from the West, made a point in the trials of CDP members of stressing their contacts with foreigners or "hostile outside forces."

However, it was not just bad timing which made the Chinese government respond so harshly. It clearly saw the demands of the CDP activists as undermining the very core of the Communist Party's guiding principles.

### Violating Freedom of Association

The government crackdown against the CDP is an example of how the Chinese Communist Party uses the law, implemented by judicial and public security organs, to prevent the exercise of freedom of association. After the Cultural Revolution, for example, some people, dissatisfied with the new policies which effectively undermined Mao Zedong's ideas of socialism, tried to set up parties supporting the "Gang of Four," a leftist political group headed by Mao's wife, Jiang Qing. Others, aiming for new freedoms, tried to set up parties which resembled

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<sup>105</sup> "Chinese Dissidents Break Silence With Call For Democratic Change," Associated Press, December 24, 1999. The full text of the declaration was posted on the Internet. See "Zhongguo minzhudang yingjie xin shiji xuanyan" (Proclamation of the CDP Welcoming the New Century) in *Xiao cankao*, December 2, 1999, <http://www.bignews.org/991202.txt>.

<sup>106</sup> Letter written by He Depu protesting his resignation, dated March 28, 2000. The CASS said that "Considering the assessment that He Depu's work over the years 1998 and 1999 was not up to standard, it is decided that he is fired in accordance with the regulations of the personnel bureau and the regulations of our work unit and after study by the office of the director of the academy. The letter is on file at Human Rights Watch.

western-style opposition parties and aimed either to challenge the CCP or to establish a western-style multiparty democracy. None ever had more than a few dozen members, and none survived.

- In 1987, a **Chinese People's Democratic Party** (Zhongguo Renmin Minzhu Dang, CPDP) was established in Fujian province. The founders, Li Jingdong, Chen Shanhui and Pan Guihui, from Ningde in Fujian province, formulated a party charter and established the "CPDP's Fujian and Zhejiang's Temporary Provincial Committee" and the "East Fujian Special Committee." The party had its own flag and at least thirty-five active members, all of whom had to take an oath. The group set up factories to fund itself. In 1989, the CPDP, in hundreds of posters, criticized the PLA's 1989 crackdown against peaceful protesters in Beijing. Seven of its organizers were then accused of "setting up a counterrevolutionary group" and imprisoned; no information is available on their sentences.<sup>107</sup> While the specific charges against them are not known, they seem likely to have been convicted of "organizing counterrevolutionary groups," under an article of the penal code then commonly used to punish political dissent. It carried a penalty of ten years in prison to life imprisonment.
- In mid-1991, three students, Wei Guanjun, Chen Xiangrong, and Xiong Jiang, established a **Chinese People's Party** (Zhongguo Renmin Dang, CPP). The organizers had designed a "council" for the party and appointed Wei as "chairman"; other posts included a "chief of finance," a "chief of security" and a "chief of propaganda." The party issued essays, such as "An Angry Cry" (*Fennu de hushen*) and "Appeal to the Entire Nation" (*Gao quanti guomin shu*), in which they called for social transformation. Wei Guanjun was sentenced to twelve years in prison and three years' deprivation of political rights, Chen Xiangrong to six years in prison and one year's deprivation of political rights. Both were charged with the crime of "organizing a counterrevolutionary group." Xiong Jiang was sentenced to three years in prison and one year deprivation of political rights for the "crime of actively joining a counterrevolutionary group."<sup>108</sup> Human Rights Watch has no further details of the case.
- In 1993, the **Democratic Youth Party** (*Minzhu qingnian dang*), with 179 members, was active in Kai Xian in the Three Gorges Reservoir Area in Wanxian Prefecture, Chongqing. It is not clear what the objectives of the party were or what was the fate of the organizers, although there were reports that they were arrested in connection with protests against the population resettlement policies connected with the construction of Three Gorges Dam.<sup>109</sup>
- On July 14, 1994, sixteen dissidents belonging to the **Liberal Democratic Party of China** (*Zhongguo ziyou minzhu dang*, LDPC), some of whom also belonged to the **China Progressive Alliance** (*Zhonghua jinbu tongmeng*, CPA), and a group promoting labor rights, the Free Labor Union of China, were sentenced to heavy jail terms. This was the largest group trial since the prosecution of dissidents three and a half years earlier in the wake of the 1989 Tiananmen crackdown. The heaviest sentences were meted out to LDPC founders Kang Yuchun and Hu Shigen: they were sentenced to seventeen- and twenty-year prison terms respectively on charges of "organizing a counterrevolutionary group." Kang was also accused of being one of the founders, on June 27, 1991, of the China Progressive Alliance and of being instrumental in drafting its political program (thereby illustrating the interlocking nature of many of these dissident organizations). The crackdown against these groups formed part of a larger, nationwide suppression of dissident organizations which had started in 1992. The groups were established by people who had apparently been encouraged by Deng Xiaoping's famous tour to southern China in January 1992, during which he reinvigorated the economic reforms which had ground to a halt after the 1989 crackdown. Dissidents mistakenly thought the time was now ripe to advocate for political reforms as well.<sup>110</sup>

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<sup>107</sup> *Fujian sheng zhi* (Fujian Provincial Records) 1999, pp. 22, 23.

<sup>108</sup> *Zhonghua renmin gongheguo xianxing falu panli fenxi quanshu* (Encyclopedia of Current Chinese Legal Analysis), 1995, pp. 1166-1168. The current situation of Wei Guanjun, Chen Xiangrong and Xiong Jiang is not known. Wei is supposed to be released in the year 2003; the others were due to be released in 2000.

<sup>109</sup> Human Rights Watch/Asia: China: *Three Gorges Dam, Forced Resettlement, Suppression of Dissent and Labor Rights Concerns*. February 1995.

<sup>110</sup> See Human Rights Watch *Detained in China and Tibet...*

- In 1999, Chinese local press reported that *China XX Great Army South West Yangzi River Column* (*Zhongguo xx da jun xi nan changjiang zongdui*) had been established in Chongqing. The group, composed of peasants, had established an organizational structure and appointed ministers of departments, a politburo, an organization department, and a propaganda department. According to unofficial reports, this organization was created by people critical of official corruption. The official Chinese account, however, states that the members “were responsible for reactionary slogans and poetry that appeared in public places in twenty villages and townships” in the Chongqing region. On August 8, Yang Jiahua and eight other founders were detained and charged with “subversion of state power.”<sup>111</sup> Their sentences are not known.

What distinguished the above groups from the CDP was that each had a relatively narrow geographic focus and little contact with organizations outside China, as opposed to the nationwide network of CDP and its sophisticated means of communication. None of the above, unlike the CDP, ever tried to secure formal legal status. Even so, their members also paid a heavy price for political action.

It is also worth comparing the Chinese government response to the CDP with its response to two other groups that emerged about the same time: the China Development Union (CDU) and the Falun Gong. The first called itself a non-governmental organization; the second was a mass movement with tens of thousands of members. Neither was overtly political in orientation. Leaders of both were arrested, but there were interesting differences in the government’s attitude toward the groups as a whole.

Formally, the CDU “aimed to promote the green peace movement in China.” Members stressed repeatedly they were not a political party. Indeed, they were not seeking recognition as a party and did not field candidates, seek political office or a share in power.

But, in fact, the CDU had a party-like organization. During its “First National Congress,” which was held in Beijing on October 4 and 5, 1998, “Forty-five delegates representing 3,058 CDU members passed [the] “Constitution of [the] China Development Union” [...] and elected the first leading organs.”<sup>112</sup> An elaborate bureaucratic structure was created, with a leadership consisting of thirty people.<sup>113</sup> The organization was formally prohibited in October 1998 when employees of the Ministry of Civil Affairs went to its office and stated that the organization was illegal. However, members went on with activities, giving interviews to foreign journalists and issuing statements. On November 1, its main leaders, Peng Ming, Wang Yun, and Wen Dehao, were stopped at the Shenzhen-Lowu border and held for four hours. The CDU offices in Beijing were searched and equipment confiscated; the CDU office in Chifeng, Inner-Mongolia was reportedly searched as well, with ten members subjected to questioning on November 16.<sup>114</sup>

Most CDU leaders then faced more police harassment and detention. Peng Ming, the founder and chairman, was sentenced to eighteen months in administrative detention on January 25, 1999, but not for subverting state power or any other political crime. He was charged instead with “soliciting prostitutes,” a crime that carries an administrative penalty of up to three years in prison. He was released on August 9, 2000. Qi Yanchen, editor of the CDU’s magazine, *Consult* (*Canzhao*), faced a secret trial in March 2000 for publishing parts of a book, *The Collapse of China* (*Zhongguo de Bengkui*), which discussed political reform, on the Internet. Qi Yanchen is still awaiting a verdict as this report goes to print, but like Peng Ming, the charges brought against him did not relate

<sup>111</sup> *Yangcheng wanbao* (*Yangcheng Evening News*), August 26, 1999. A Hong Kong based human rights organization reported that the “XX” stood for “Anti-Corruption.” Interestingly, the Article describes the group as a “reactionary farce” (*fandong nauju*) but shuns the word “antirevolutionary.” *Fandong* used to be a term reserved for the Nationalist Kuomintang.

<sup>112</sup> Pamphlet spread by the China Development Union in October 1998, on file at Human Rights Watch. In total, twenty-one members of an “executive committee” were elected; five “secretaries” of an “executive bureau” and seven “committee members” of a “supervisory committee.” In total seven sub-offices and “departments” were created within the CDU among which were a “propaganda department” and an “organization department” and *Consult* magazine, the official publication of the CDU.

<sup>113</sup> *Ibid.*

<sup>114</sup> “Chinese Police Question Dissident Intellectual, Detain Six Others,” Associated Press, November 23, 1998.



directly to the CDU's activities.<sup>115</sup> In general, CDU members received much less severe penalties than those of the CDP, possibly because the CDU never explicitly saw itself as a political challenge to the Communist Party.<sup>116</sup>

The Falun Gong is a spiritual movement that has been active since 1994. It is based on Buddhist and Daoist teachings combined with breathing exercises called *qigong*, but was criticized in the official press for convincing followers that Falun Gong practices could cure certain ailments. It gained worldwide attention with its response to that criticism -- a silent demonstration of more than 10,000 people in the center of Beijing on April 25, 1999, the largest protest since the 1989 Tiananmen Square demonstrations. There had reportedly been more than twenty earlier protests in various places in China, also against official criticism, but these went largely unnoticed. The government was clearly unnerved by the size and strength of the Falun Gong organization, not only because it had a mass following but because it reached up into the highest ranks of the government. As a result, perhaps, the punishment meted out was even more severe than for the CDP members. The heaviest sentence for a Falun Gong leader was eighteen years in prison, compared to thirteen for a CDP leader.

## VI. CONCLUSION

The outlook for people who challenge the CCP is grim. President Jiang Zemin has continued to champion China's economic reform. He has supported efforts to reduce corruption and to improve the criminal justice system. But he has done nothing to change the basic line of Deng Xiaoping's "four basic principles." On the contrary, he has worked to strengthen the leadership of the CCP by running political campaigns. The start of the "Three Stresses" (*san jiang*) campaign coincided with the arrests of CDP members at the end of 1998.<sup>117</sup> The campaign, mainly aimed at party officials, was merged with another one, the "Three Representatives" (*sange daibiao*)<sup>118</sup> campaign, which started in February 2000. Both aimed to incorporate Jiang's ideas of a clean government and "spiritual civilization" into the broader set of Marxist-Leninist principles which guide the Communist Party.

Those who go beyond the Four Principles, the Three Stresses or the Three Representatives, it is clear, will be dealt with harshly. Jiang is reported to have indirectly referred to the crackdown on the CDP as an example of his success: in a visit by Kim Jong-il, North-Korea's leader, who visited Beijing on the eve of the historic Korean summit in June 2000, Jiang is reported to have said that the secret of maintaining control was to "snuff out any challenge [to the administration] when it is still at the embryonic stage."<sup>119</sup>

The emergence and suppression of the CDP reflects the cycles of tolerance and intolerance that have characterized all Chinese government policies since the end of the Cultural Revolution. It also shows that China has a long way to go before its actions in signing the two major human rights treaties can be said to reflect progress on human rights. The Chinese government will be taking steps to protect human rights when it releases all members of the CDP and other advocates of peaceful reform, and when it stops treating efforts at peaceful political change as efforts to subvert state power.

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<sup>115</sup> "China Puts Democracy Advocate On Trial, No Verdict," Associated Press, May 30, 2000.

<sup>116</sup> When the CDU was active, unconfirmed reports spoke of links between the organization and the Chinese government but Human Rights Watch has found no proof supporting the validity of this charge.

<sup>117</sup> Jiang Zemin launched the "Three Stresses" campaign and the official press mentioned it first on December 5, 1998. The program "targets leading officials above the county level through criticism, self-criticism and education, with stresses on studying theory, increasing political consciousness, and cultivating healthy trends." During a television conference on December 5, 1998, Jiang's hand-picked successor, vice president Hu Jintao, said that it was meant to "improve the cohesion and effectiveness of the Party's organizations and strengthen their relationship to the people" (see Xinhua News Agency, December 5, 1998).

<sup>118</sup> The "Three Representatives" started with Jiang making an inspection tour to Jiangsu, Zhejiang and Shanghai. On the eve of the 11th anniversary of the Tiananmen crackdown, Jiang stressed that "what is needed [with relation to] China's problems is that what should prevail over everything is stability" and stressing that "what the people hate most is behavior which threatens social stability." He warned once again against "foreign hostile forces carrying out plots to "westernize" and "divide" our country" (see for instance *Fazhi ribao* June 1, 2000).

<sup>119</sup> Willy Wo-Lap Lam, "Jiang's Role In Korean Summit Lauded", *South China Morning Post*, June 20, 2000.

## APPENDIX I

### **TEXT OF THE “OPEN DECLARATION ON THE ESTABLISHMENT OF THE ZHEJIANG PREPARATORY COMMITTEE OF THE CHINA DEMOCRACY PARTY” (Zhongguo minzhudang zhejiang choubei weiyuan hui chengli gongkai xuanyan)**

Translated by Jan van der Made

June 25, 1998

--Considering that no one has the right to use force to preserve his own rule over others and that this kind of phenomenon still exists in our society;

--Considering that modern civilization and reason have already spread all over the world, and that a haze of feudal autocracy, stupidity and decay still covers our society;

--Considering that all kinds of weaknesses still exist in human nature and that checking political dictatorship and political corruption is [part of] an ongoing struggle for justice;

--Considering that the broad public needs to have its own political organization and its own political mouthpiece;

--Considering that a civilian's [right to] freedom of association is a sacred and inviolable right that comes with birth;

We, a group of idealists from all walks of society who are willing to so devote our lives, have been discussing the establishment of the China Democracy Party (CDP) in order to enhance freedom, democracy, justice and peace.

The CDP firmly believes that all political power can come only from the public and can only be [used] in the service of the public; that a government can only come into being according to the wishes of the public and [can only] act according to the wishes of the public; and that a government is the servant of the public and not the one which controls it.

The CDP firmly believes that a government must be established through the conscious approval of the public [and must be] established through free, impartial, and direct democratic elections; and [that a government must] condemn any form of election manipulation and election fraud, firmly oppose a monopoly of news and publications, and oppose any groups with vested interests carrying out a policy of obscurantism by force or through economic threats.

The CDP forcefully condemns the behavior of ruling groups which suppress political opposition organizations by force; forcefully condemns the application of methods such as torture and reform-through-labor against those who carry differing political views; and forcefully demands the authorities release all persons detained for differing political views.

The CDP maintains that any political power that was obtained through the use of violence and violent intimidation is illegal without exception. The CDP will strive to root out all phenomena of social parasitism wherein economic benefits and personal enjoyment are gained through political power.

The CDP firmly believes that the various articles on human rights in the "Universal Declaration of Human Rights" are the equally sacred and inviolable rights of mankind that come with birth. The CDP will struggle with human rights violators from beginning to end.

The CDP opposes any form of political and economic monopoly and proposes to promote honest and valuable political action and economic development through impartial political and economic competition.

The CDP proposes an orderly social transformation, opposes chaos and hitting, smashing and looting, and opposes the use of violence [to combat] violence.

The CDP carries out its political goals in a non-violent, peaceful and reasonable fashion, promoting civilized dialogue to solve any disputes and differences. It opposes terrorist activities.

The purpose of the CDP is to realize direct democratic elections and to establish a constitutional democratic political system, and to establish a mechanism of separation of political powers; to allow the political powers to restrain each other and to guarantee that they go forward in a virtual circle; to prevent any individual or any group from establishing a power base of violence; to realize the nationalization of the army; to thoroughly root out soil which produces political dictatorship and political corruption; and to allow the Chinese nation to thoroughly shake off the tyranny of power.

The CDP carries out a system of direct democratic elections within the party. The responsible persons and committee members at all levels are elected from below; a system of terms in office is carried out; and the national committee of the party is an organ in the service of all party members.

The CDP absorbs all people who approve of and support the party guidelines and purposes, and who are willing to make contributions. [The CDP] unites and links together all persons who approve of the political aims of the party.

The CDP calls upon persons of the democracy movement in the various regions nationwide to enter the CDP, to prepare and establish local committees of the CDP in the various provinces and cities, to elect and appoint delegates, to take part in the National Delegates Congress and to organize a nationwide committee.

CDP  
Zhejiang Preparatory Committee  
In Hangzhou

Contact  
Wang Youcai  
Wang Donghai  
Lin Hui

## **APPENDIX II**

### **Partial List of China Democracy Party Prisoners**















Human Rights Watch  
*Asia Division*

Human Rights Watch is dedicated to protection the human rights of people around the world.

We stand with victims and activists to bring offenders to justice, to prevent discrimination, to uphold political freedom and to protect people from inhumane conduct in wartime.

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We challenge governments and those holding power to end abusive practices and respect international human rights law.

We enlist the public and international community to support the cause of human rights for all.

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