

## **Human Rights Watch/Asia**

**485 FIFTH AVENUE  
NEW YORK, NY, 10017**

**212 972-8400 (TELEPHONE)**

**212 687-9786 (FAX)**

## **Human Rights in China**

**485 FIFTH AVENUE  
NEW YORK, NY 10017**

**212 661-2909 (TELEPHONE)**

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### **PRESSURE OFF, CHINA TARGETS ACTIVISTS**

<b>Trial of the "Beijing Fifteen" .....</b>	<b>1</b>
<b>Intensified Suppression of Dissident Activity .....</b>	<b>4</b>
<b>Other Violations of Due Process .....</b>	<b>5</b>
<b>New Security Regulations .....</b>	<b>5</b>
<b>Conclusion and Recommendations .....</b>	<b>6</b>
<b>APPENDIX I: List of Detainees .....</b>	<b>8</b>
<b>APPENDIX II: Indictment of the Beijing Fifteen .....</b>	<b>17</b>
<b>APPENDIX III: Chinese Character Name List .....</b>	<b>24</b>
<b>APPENDIX IV: Detailed Implementation Regulations for the State Security Law .....</b>	<b>25</b>

In the two months since President Clinton ended the linkage between Most Favored Nation (MFN) trading status for China and human rights, the Chinese government has begun long-delayed trials of human rights and labor activists. In a new and disturbing pattern of arbitrary detention, it has begun to hold leading dissidents in prolonged incommunicado detention without informing their families of their whereabouts or in some cases, even acknowledging the fact of their arrest; for all practical purposes, the latter have "disappeared." Of the dissidents whose detention the authorities have confirmed, at least one is being held in a newly-built State Security Bureau detention center in the south of Beijing, an indication that the authorities are increasing their use of the State Security apparatus, as opposed to the police, to crack down on dissent. The government has also just promulgated a new set of rules to be enforced by State Security aimed at further restricting the ability of activists to meet, speak and organize and specifically outlawing cooperation with non-governmental organizations (NGOs) outside China considered "hostile." In the absence of international pressure, China has steadily tightened the noose on all forms of dissident activity.

#### **Trial of the "Beijing Fifteen"**

On July 14, after more than two years in incommunicado detention, fifteen political dissidents and labor organizers were put on trial in Beijing. All were accused of belonging to one of three banned organizations: the "Liberal Democratic Party," the "China Progressive Alliance" and the "Free Labor Union of China." They were charged with various types of "counterrevolutionary" offenses – including plans to drop leaflets on Tiananmen Square using a remote-control toy airplane. Their trial, the largest group trial since the prosecutions of Tiananmen Square-related

defendants, had been delayed at least twice, once in September 1993 and once in April 1994.

The trial had first been scheduled just before the International Olympic Committee's vote on Beijing's bid for the 2000 Games in September 1993. Under intense scrutiny, the Chinese authorities postponed the trial by returning the cases to the procuracy for further investigation.<sup>1</sup> In late April 1994, the families were again informed that a trial was imminent, and the date was again postponed in what media reports suggested was an attempt by the authorities to influence President Clinton's decision on MFN status for China.<sup>2</sup> The fact that, as far as is known, no new indictment was issued in the case since the original one was issued in September 1993 supports the contention that these delays were made for purely political reasons.

One result of the delays was that the fifteen were held in pretrial detention far longer than Chinese law allows (the maximum period permitted is five and a half months) and in clear violation of international standards which guarantee the right of those charged with a criminal offense to be entitled to "trial within a reasonable time or to release."<sup>3</sup> Their families saw them for the first time in two years in the Beijing Intermediate People's Court, where the trial was held. The Chinese government's refusal to grant their families access prior to the trial was a violation of Principle 19 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.<sup>4</sup>

The activities of the defendants were aimed at establishing a peaceful, necessarily clandestine political and labor movement. Most are thought to have pleaded not guilty to the charges against them, while some also challenged the legality of the proceedings. The outcome of the trial, which lasted close to three days, had not been announced at the time this report was written, but convictions were a virtual certainty.

Those facing the most serious charges – of organizing and leading a counterrevolutionary group and of counterrevolutionary propaganda and incitement – include former Democracy Wall activist Liu Jingsheng; Hu Shigen, a lecturer at Beijing Languages Institute; Kang Yuchun, a medical researcher in psychiatry; Lu Zhigang, an undergraduate law student at Beijing University; and Wang Guoqi, a printing plant worker. If convicted, these men face a statutory minimum of five years in prison. The other defendants include factory workers, students, government employees and a law lecturer. More information about the defendants is contained in Appendix I.<sup>5</sup>

The right of the defendants to legal counsel, as stipulated in the Body of Principles referred to above, have been extensively violated. Under Chinese law, a detainee is denied all access to a lawyer until after the prosecution indictment has been issued and the case is ready to go to trial. But even by September 1993, by which time the trial had

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<sup>1</sup> The procuracy, also known as the procuratorate, is the state organ responsible for preparing indictments and prosecutions; ensuring proper law-enforcement by the police (PSB) and judiciary; and, in certain cases, conducting investigations and interrogations in place of the PSB.

<sup>2</sup> Postponements of trial, when the court returns a case to the procuracy for further investigation, occur very rarely but are allowable under China's Criminal Procedure Law; however, the delay should not exceed one month and a half in normal circumstances, and must be no more than three and a half months even in exceptional cases. In the case at issue, all such time limits were exceeded.

<sup>3</sup> Article 9, International Covenant on Civil and Political Rights. China is not a party to the covenant, but the ICCPR represents an internationally-accepted standard against which behavior of governments may be judged.

<sup>4</sup> General Assembly Resolution 43/173 of December 9, 1988. Principle 19 states, "A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world, subject to reasonable conditions and restrictions as specified by law or lawful regulations."

<sup>5</sup> Information on the activities of those on trial is taken primarily from the joint indictment against them, while information on another eighteen detainees listed in the appendix comes from media reports, their families and other sources in China.

already been initially scheduled, none of the "Beijing Fifteen" had been able to engage lawyers. According to a source in Beijing, an official order was issued to various university law departments in the capital banning faculty and students from taking these cases. When the trial opened on July 14, 1994, some of the men had lawyers, while others chose to defend themselves.

There were sixteen men named in the original indictment, most of them detained in May and June 1992. But conditions in Chinese detention centers are notoriously bad, and two of the original sixteen detainees reportedly became so ill that they were released under a special provision called "on bail awaiting trial." Gao Yuxiang, 37, a self-employed worker, was suffering from a mental illness, according to Reuters, while Li Quanli, 43, a Beijing worker, was suffering from unknown ailments. While international pressure on China was at its height, releasing ill prisoners "on bail awaiting trial" became a face-saving way for the Chinese government to free dissidents, and it was extremely rare that anyone so freed would in fact be summoned for trial. In this case, however, Li was called back to stand trial -- another possible consequence of the lifting of international pressure.

The charges against the sixteen defendants listed in the indictment include "organizing and leading a counterrevolutionary group," "participation in" such a group and "counterrevolutionary propaganda and incitement." According to the section of the indictment that deals with the Liberal Democratic Party of China, "In their so-called 'political program', they slandered 'the authoritarian communism practiced by the communist party' as 'nothing but a mixture of Chinese feudal autocracy, Stalinist terrorism and Hitlerite national socialism.'"

Along with leaflets calling for free trade unions, for a reassessment of the 1989 democracy movement and at least three issues of the journal, *Freedom Forum*, the defendants are alleged to have prepared a statement on China's human rights situation. This is quoted in the indictment as saying that since 1949 the Chinese Communist Party (CCP) had "exercised bureaucratic monopoly and rule by army and police, imposed an all-round dictatorship over the Chinese people, politically, economically and socially and deprived the Chinese people of their basic human rights." According to the figures in the indictment, the defendants distributed a total of 2,350 of the various publications mentioned, mostly by mail. Among the items of evidence listed is a remote-control model airplane which was to be used to drop "counterrevolutionary handbills" over Tiananmen Square on the third anniversary of the June 4 crackdown in 1992.

It is worth noting that the Chinese government deliberately misled the United Nations in response to inquiries about one of the defendants. Kang Yuchun, who as noted above is a medical researcher at Beijing's Anding Hospital (the main psychiatric hospital in the capital), was secretly arrested on May 6, 1992, and then disappeared. His parents, a peasant couple living on the outskirts of Beijing, had no idea where he had been taken and were unable to find him. In June 1993, Asia Watch (now Human Rights Watch/Asia) reported his case to the United Nations Working Group on Disappearances which then formally requested a clarification from the Chinese government. The government told the Working Group in October 1993 that he was already sentenced -- clearly a falsehood since Kang Yuchun only went on trial in July 1994.

Human Rights Watch/Asia (HRW/A) and Human Rights In China (HRIC) believe that all fifteen defendants are detained for peacefully exercising their rights to freedom of expression and association guaranteed by international human rights law and the Chinese Constitution, and that all should be released immediately and unconditionally.

### **Intensified Suppression of Dissident Activity**

As the trial of those detained in mid-1992 finally began, the Chinese authorities appeared also to have successfully suppressed the most recent wave of unofficial human rights and labor rights initiatives. Since March 1994, at least seventeen organizers or leading affiliates of dissident groups such as the League for the Protection of the Rights of Working People of the PRC (referred to below as "Working People's League") and the Shanghai Association for Human Rights have been rounded up by police and either held without trial or simply made to "disappear" -- their

detentions unacknowledged or denied. Those detained are the core of China's nascent rights movement and include China's most prominent dissident, Wei Jingsheng. They face either possible criminal charges and prison sentences or else administrative detention ("labor re-education") terms of up to three years, and they, too, should be immediately released.

In the latest known arrest, Sha Yuguang, a signatory of the November 1993 "Peace Charter," which was modelled on Czechoslovakia's Charter 77 and called for human rights improvements and reconciliation between the government and dissidents, was taken from his home "for questioning" on the morning of July 9 in the presence of many witnesses.<sup>6</sup> When he did not return home, his wife went to inquire about him at the local police station and was told that he had been taken away by officers of the Beijing Public Security Bureau. Like the vast majority of these detainees, his family was not told why Sha was being arrested, under what laws or regulations his detention had been ordered, or where he would be held.

This is the latest manifestation of a new and disturbing development. The authorities appear to be dispensing with any attempt to adhere to the procedures laid out in Chinese laws and regulations governing arrest and detention. In all but one of the seventeen recent cases listed below (i.e. those additional to the "Beijing Fifteen" cases), families have not been told where the individuals are being held, or in some cases, even whether they are being held. Under such circumstances, families of the detained find it even more difficult than usual to come to their aid or intervene with the government on their behalf, since they are turned away from one agency after another.

Close to two months after the disappearance of labor and human rights activist Liu Nianchun (a principal organizer of the "Working People's League"), and despite repeated inquiries from his wife, Chu Hailan, officials of the Public and State Security Bureaus were still denying that they were holding him. "If something bad has happened to him, how are we supposed to know about it?" one official said to Chu. In fact, Liu's arrest was witnessed by the family at the apartment where he was staying and their neighbors. In another case, the warrant for the detention of legal expert Yuan Hongbing was issued by Guiyang Public Security Bureau in Guizhou Province, although he is thought to be still held in Beijing. Officials in Beijing can thus dismiss petitions from his wife, Wang Jinna, telling her to go to Guizhou if she wishes to inquire about him.

In the months leading up to President Clinton's MFN decision, the Chinese authorities did not cease their harassment and detention of dissidents, but the periods of detention tended to be relatively short. The government appeared to be particularly concerned to forestall all possibility of protests on the fifth anniversary of the June 4 crackdown, and thus it was believed that dissidents might be held until some days or weeks after that date had passed. But the people listed in Appendix I have not yet been freed and there have been repeated indications that the authorities intend ultimately to prosecute them. For example, Xiao Biguang, a Protestant labor activist detained on April 12, was formally arrested in July - a development which generally indicates that the authorities intend to go ahead with prosecution. Xiao is being held in the new Beijing State Security Bureau detention center, which indicates that he may be charged under the State Security Law. However, when Xiao's wife, Gou Qinghui, asked what the charge against her husband was upon being presented with an arrest warrant with the charge left blank, she was told, "After we have investigated, we will know what crime he has committed."

The attempt of the individuals detained to establish independent labor and human rights monitoring and protection mechanisms is clearly the principal reason for their detentions. The fact that they have attempted to work, as much as possible, within the law and to employ the existing legal system to protect individual rights and gain redress for rights violations has only further alarmed the authorities - directly influencing the latter's enactment of the new "state security" regulations described below.

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<sup>6</sup> For full text of both the "Peace Charter" and the "Charter of the League for the Protection of the Rights of the Working People of the PRC," see Human Rights Watch/Asia, "China: New Arrests Linked to Worker Rights," March 1994, Vol.6, No.2.

## **Other Violations of Due Process**

The trial of the "Beijing Fifteen" and the arrests of the other seventeen dissidents were all marked by substantial violations of China's Criminal Procedure Law (CPL). Another recent dissident trial involving major violations of the CPL was that of Gao Yu, a freelance journalist detained in October 1993 on charges relating to "leaking of state secrets." Gao is one of those being held in the newly-built State Security Bureau detention center in the southern part of Beijing. Gao was tried in a secret proceeding on April 20, 1994, but the court then sent the case back to the procuracy, deeming the evidence to be "insufficient" and calling for further investigation. There is, however, no such provision in the CPL: if there was insufficient evidence against her at the time of the trial, Gao should have been acquitted.

In another major dissident case, a group of activists from Lanzhou University in Gansu province were arrested in mid-1992 as part of the same police sweep that netted the "Beijing Fifteen." Accused of "organizing and leading a counterrevolutionary group," known as the Social Democratic Party of China, the detainees were eventually tried in July 1993.<sup>7</sup> The defendants' families have still not been informed of any outcome of the trial, a year later. According to the CPL, verdicts must be announced within thirty days after a trial has concluded.

## **New Security Regulations**

On June 4, 1994, the fifth anniversary of the Beijing massacre, Premier Li Peng signed into law new rules called the "Detailed Implementation Regulations for the State Security Law." The State Security Law, promulgated in 1993, gave sweeping powers to the State Security Bureau (often referred to as the "Chinese KGB"). The Detailed Implementation Regulations effectively criminalize virtually all of the strategies that rights activists in China have evolved to work openly within the narrow confines of Chinese law. They specifically outlaw the cooperation of activists there with NGOs outside the country and make receiving assistance from any group defined as a "hostile organization" an offense. They define writings or speech harmful to "state security" as "sabotage." The principal objective of the Regulations appears to be to frighten dissidents into halting their activities.

They are perhaps the clearest legal signal to date that far from expanding freedoms as economic reform proceeds, China's rulers are actually regressing on the human rights front. The Regulations show that the State Security Law may be used to prosecute all activities actionable under the "counterrevolution" clauses of the Criminal Code, while avoiding the alarm caused in the international community by the overtly political language of the latter. According to a commentary on the Regulations in the *Legal Daily*, "We should be vigilant against these hostile organizations and hostile elements at home and abroad who try a thousand and one ways to find gaps in the present laws, in an attempt to use so-called legal forms to cover their illegal activities."

The Regulations give the Public Security Bureau and the State Security Bureau responsibility for defining "spy organizations," "enemy organizations" and "spy equipment." No independent review of such determinations is envisaged. Rather than delimiting and defining the already sweeping powers of the State Security Bureau under the vague State Security Law, the Regulations further expand their scope. The Regulations make actionable the exercise of most of the fundamental rights and freedoms laid out in China's Constitution, leaving the definition of 'harm to state security' completely vague and open to political interpretation.

Specific articles in the Regulations are aimed at suppressing freedoms of expression, association, religion and repressing calls for independence from minority groups, such as Tibetans, and at outlawing assistance to Chinese

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<sup>7</sup> For further details of the Lanzhou detainees and also the full text of the court indictment against them, see Human Rights Watch/Asia, *China: No Progress on Human Rights*, Human Rights Watch, Vol.6 No.3, May 4, 1994, pp.21-22 and pp.28-32.

dissident activities, including human rights organizations, either from abroad or from domestic business or other interests. Included among the "other activities sabotaging state security" in the law are "employing the establishment of social groups or business enterprises to harm state security." This is clearly aimed at people who have tried to set up independent organizations, and at the few businesses which have helped support dissident activities or employ individual dissenters. In Chapter Three, "Rights and Obligations of Citizens and Groups in Protecting State Security," not a single right or limitation on the powers of the government organs enforcing the law is mentioned, while the State Security Bureau is given many extraordinary powers over citizens' property and personal freedom and over the actions of other state organs.

## **Conclusion and Recommendations**

The timing of the trial of the "Beijing Fifteen" and the promulgation of the new Regulations is no coincidence. The Chinese government has waited until now to act because to do so earlier would have risked further inflaming diplomatic relations with the United States at a time when President Clinton's decision on continuing China's MFN status was still pending. Clinton's May decision to delink human rights and MFN has left the Chinese authorities with the impression that their repression of dissent will have no negative consequences. Under such circumstances, the Chinese government has felt free to detain the principal movers of the dissident movement, especially those working on the sensitive issue of labor rights.

HRW/Asia and HRIC believe that the Chinese government should release all the detainees listed below immediately. Prior to their release, they should be treated in accordance with two sets of United Nations principles, The Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Both documents include provisions for regular visits by family members.

The Chinese government should repeal the Detailed Implementation Regulations for the State Security Law and take other measures to remove restrictions on the internationally-recognized rights of freedom of association and freedom of expression.

It should also take steps to ensure that when, as happened in the case of all the detainees mentioned in this process, arrest and detention take place in ways which violate not only international standards but also China's own Criminal Procedure Law, the violators should be punished and the victims afforded appropriate compensation.

Increased transparency is a critical safeguard against abuses of the judicial process; the Chinese government should thus ease restrictions on the domestic and international press and allow greater access to trials and legal documents.

The government should also demonstrate its intent to improve human rights conditions by allowing international humanitarian organizations access to its prisons, labor camps and detention facilities and by inviting two agencies of the United Nations Commission on Human Rights - the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances - to visit China.

If such changes towards an improvement in China's human rights practices are to occur, pressure from the international community is vital. Again and again, the Chinese authorities have shown by their actions that they are concerned about the opinion of the international community and do respond to criticism of their human rights record.

Accordingly, the leading industrialized countries making up the Group of Seven (G-7) should press Beijing to invite the U.N. Working Groups on Arbitrary Detention and Disappearances to China. They should also agree on a strategy to ensure that recommendations of the Working Groups be implemented, if visits in fact take place.

**Leaders of official trade delegations to China should raise cases of political detainees like Wei Jingsheng and other human rights advocates and labor activists with their Chinese counterparts. The forthcoming visit of U.S. Commerce Secretary Ron Brown to Beijing in August could set a precedent in this regard.**

**Embassies in Beijing should repeatedly request access for observers to political trials.**

**The Asia-Pacific Economic Cooperation (APEC) summit meeting will take place in Indonesia in mid-November, and this will be a crucial opportunity to highlight human rights concerns in China. The G-7 countries should agree that if Wei Jingsheng and other prominent pro-democracy advocates remain imprisoned at the time of the APEC forum, bilateral meetings between heads of state and President Jiang Zemin will not be possible.**

**To follow up Chinese Premier Li Peng's controversial visit to Europe last month, the governments of Germany, Austria and Romania which hosted Li should publicly call on the Chinese government to account for the disappeared and to end the arbitrary arrests. During his European tour, Li defended the violent crackdown of June 1989 as "necessary for the stability of China..." The European Union, acting through the German presidency, should issue a statement explicitly rejecting the notion that China's violations of international human rights norms can be justified on the grounds of stability and maintaining its economic reform program.**

## APPENDIX I

### HUMAN RIGHTS ACTIVISTS AND LABOR LEADERS Trials, Arrests, and Disappearances March-July 1994<sup>8</sup>

#### On Trial

■ **CHEN Qinglin**, twenty-five, a government cadre from Chifeng County, Inner Mongolia, of Mongolian nationality, was formally arrested on September 27, 1992,<sup>9</sup> and charged with "actively taking part in a counterrevolutionary group." According to the indictment, he traveled to Xinjiang to recruit members for the Liberal Democratic Party of China. A 1987 graduate of the Beijing Meteorological Institute, Chen worked at the Hangu Saltworks weather forecasting station in Changlu, near Tianjin, before being arrested. During the 1989 pro-democracy movement, he served in a minor liaison capacity for the now-banned Beijing Students Autonomous Federation.

■ **CHEN Wei**, twenty-five, a former student of applied science at the Beijing University of Science and Engineering, was arrested for the fourth time in late May 1992. He was charged with "counterrevolutionary propaganda and incitement" for helping draft two commemorative handbills, "The Spirit of the June 4 Martyrs Lives Forever" and "An Open Letter to All Citizens from the China Unity Democratic Party," and for arranging to hide the handbills and arrange for their distribution in Chengdu. Chen's first arrest came in June 1989, when he was imprisoned for more than eighteen months for leading the student movement at his college. Despite being expelled from school and sent back to his hometown in Sichuan Province, Chen returned to Beijing, where he was detained for the second time in early June 1991, apparently as a preventive measure in advance of the June 4 anniversary. His third arrest was in connection with the funeral of student activist **Wen Jie** who was imprisoned for eighteen months after June 1989 and who died of cancer on December 20, 1991.

■ **HU Shiguo** (also known as **HU Shenglin**), a thirty-eight-year-old lecturer at the Chinese-Western Comparative Literature Department of the Beijing Languages Institute, was arrested on May 27, 1992, together with **GAO Yuxiang**, a thirty-seven-year-old street-stall owner at the Hongqiao Agricultural Products Market in Beijing's Xuanwu District. Police reportedly found a large quantity of pro-democracy literature in the two men's possession. Singled out as a "leader" for founding the Liberal Democratic Party of China in January 1991, Hu, originally from Nanchang, Jiangxi Province, was charged with "organizing and leading a counterrevolutionary group" and "counterrevolutionary propaganda and incitement." He allegedly recruited members, called secret meetings, and drafted the group's political program and organizational charter. In addition, Hu allegedly drafted a "counterrevolutionary propaganda sheet, 'Statement on the Human Rights Issue in China'" and was involved in the founding of the Preparatory Committee for the Free Labor Union of China for which he drafted a charter and a "Guideline for Action and Work in the Near

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<sup>8</sup> The "Arrests and Disappearances" section of this list includes only human rights and labor activists who are still in detention at the time of this writing. For additional information on the cases cited in this report and for details of the many other individuals arrested in recent months, see Human Rights Watch/Asia, *Detained in China and Tibet: A Directory of Political and Religious Prisoners* (New York: Human Rights Watch, 1994); Human Rights Watch/Asia, "China: New Arrests Linked to Worker Rights," March 1994, Vol 6, No.2; Human Rights Watch/Asia, "China: No Progress on Human Rights," May 1994, Vol 6 No.3.

<sup>9</sup> All the defendants with the exception of Wang Tiancheng, Li Quanli, and Rui Chaohuai were formally arrested on September 27, 1992.



Future."<sup>10</sup> In addition, he allegedly wrote the handbill, "Concerning the Free Labor Union," 2,000 copies of which were mailed to Beijing's factories and mines. During April and May 1992, he was one of several "plotting" to distribute counterrevolutionary propaganda sheets in Beijing, Shanghai, Wuhan, Chengdu, and Shenyang to commemorate the third anniversary of June 4. Hu also joined a third allegedly counterrevolutionary organization, the China Progressive Alliance.

Gao, originally from Hebei Province, was charged with "actively participating in a counterrevolutionary group" and "engaging in counterrevolutionary propaganda and incitement." Prior to the trial, Gao was reportedly "excused" from standing trial due to mental illness; but he may still face trial later, upon his recovery.

■ **KANG Yuchun**, twenty-nine, a medical researcher at Beijing's Anding Hospital (the main psychiatric hospital in the capital), who received his master's degree in 1991 from the Beijing College of Chinese Medicine, was charged with "organizing and leading a counterrevolutionary group" and carrying out "counterrevolutionary propaganda and incitement." He was accused of being one of the founders, on June 27, 1991, of the China Progressive Alliance (CPA) and of being instrumental in drafting of its political program. In addition, he allegedly helped write the organization's "Temporary Provisions for Recruiting CPA Members," its "Tentative Work System," and its "Temporary Provisions for CPA Fund Management," and he was one of three responsible for *Freedom Forum*, the Alliance's periodical. Kang also joined another dissident group, the Liberal Democratic Party of China.

■ **LI Quanli**, a forty-three-year-old worker at the Electrical Appliances Plant of the Beijing Motor Works, charged with "actively participating in a counterrevolutionary group" was released on "bail awaiting trial" (*qubao houshen*) on November 24, 1992, either because of ill health or following the death of his wife. He was one of four accused of plotting the founding of the Preparatory Committee of the Free Labor Union of China. According to witnesses at the July 1994 proceedings, Li stood trial with the others.

■ **LIU Jingsheng**, forty, a veteran pro-democracy activist and a worker at the Tongyi Chemicals Accelerator Fluid Plant, Tongxian County, Beijing, was charged as a "chief conspirator," for "organizing and leading a counter-revolutionary group" and carrying out "counterrevolutionary propaganda and incitement." So-called reactionary leaflets were allegedly found at his home at the time of his arrest. One of four accused of plotting the founding of the Preparatory Committee of the Free Labor Union of China, Liu allegedly helped print and distribute 200 copies of the Free Labor Union of China's political charter. He drafted the "counterrevolutionary" handbill "Propaganda Material on the Preparatory Committee for the Free Labor Union of China," then helped distribute 2,000 copies to factories and mines in Beijing. During April and May 1992, Liu was one of several who drafted two handbills, "The Spirit of the June 4 Martyrs" and "An Open Letter," and planned their distribution in Beijing, Shanghai, Wuhan, Chengdu, and Shenyang to commemorate the third anniversary of June 4. He also joined a second "counterrevolutionary" organization, the China Progressive Alliance, and in Beijing, distributed the "Statement on the Human Rights Issue in China," a Liberal Democratic Party publication. During the 1978-81 Democracy Wall movement, Liu, originally from Hebei Province, was co-editor with Wei Jingsheng of *Explorations (Tansuo)*, an unofficial journal. Arrested along with Wei in March 1979, Liu was called upon to give evidence at Wei's trial that October. Charged only with theft, he was exempted from criminal punishment. After his release, Liu resumed his job as a bus driver and nothing further was heard of him outside China until his arrest in mid-1992.

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<sup>10</sup> Gao was also involved in "plotting the founding" of the Free Trade Union and "deciding to distribute" "An Open Letter" and "The Spirit of the June 4 Martyrs," handbills commemorating the third anniversary of June 4. He later agreed to having them stored at his home.

■ **LU Zhigang**, a twenty-five-year-old undergraduate law student at Beijing University, originally from Shanghai, faced charges of "organizing and leading a counterrevolutionary group" and carrying out "counterrevolutionary propaganda and incitement." He was allegedly one of the founders of the China Progressive Alliance in June 1991, and helped formulate the organization's political program. In addition, Lu helped print 200 copies of the Free Labor Union of China's political charter; and he helped type, print, and mail more than 200 copies of two handbills, "Concerning the Free Labor Union" and "Propaganda Material on the Preparatory Committee for the Free Labor Union of China." Traveling to Shenzhen, he made contact with foreigners from whom he obtained money and a model airplane to be used to distribute the handbills over Tiananmen Square; and he was one of three who were responsible for *Freedom Forum*, a periodical of the China Progressive Alliance.

■ Five others, about whom little is known, have been charged with "counterrevolutionary propaganda and incitement." They are: **RUI Chaohual**, a twenty-four-year-old worker at the Beijing Construction Materials and Machinery Plant, originally from Tianjin; **ZHANG Chunzhu**, forty-two, originally from Shandong Province, unemployed; **ZHANG Guojun**, a thirty-two-year-old cooked duck shop owner, originally from Liaoning Province; **XU Dongling**, a thirty-eight-year-old native of Hebei Province, and a worker at the Dongbeiwang Paper Mill; and **XING Hongwei**, a twenty-six-year-old Shaanxi Province native, formerly a cadre at the Lide Flour Mill, attached to the Qianjiang Coal Mine in Chengdu, Sichuan Province. Zhang Chunzhu, who, according to the joint indictment, received a five-year prison term for larceny in June 1971, allegedly distributed in Baoding, Hebei Province, the "Statement on the Human Rights Issue in China," prepared by the Liberal Democratic Party. In Beijing, he mailed and distributed 200 copies of the Free Labor Union of China's political charter and he helped type, print, and mail 2,000 copies of other Free Labor Union handbills. Rui, who was formally arrested on November 30, 1992, helped hide copies of two handbills, "An Open Letter" and "The Spirit of the June 4 Martyrs." Xu and Zhang Guojun helped write the envelopes, and Xing helped mail them. The printing was done at Zhang Guojun's shop.

■ **WANG Guoqi**, thirty-one, formerly a worker at the printing plant of the Beijing Languages Institute, was seized on June 22, 1992, at his ex-wife's home in Beijing by uniformed police who produced a formal warrant. It was his fifth detention. The specific charge in the indictment was "organizing and leading a counterrevolutionary group," the Liberal Democratic Party of China. Wang was detained for two years after June 1989 for printing leaflets protesting the Tiananmen crackdown. He was never charged. In early June 1991, he was briefly detained apparently as a government precaution against June 4 anniversary celebrations. Later that year, Wang was detained for questioning along with five others on suspicion of having helped organize the funeral of **Wen Jie** (see Chen Wei above). Wang was detained for a third time on February 29, 1992, while hosting a birthday party for a fellow dissident. Plainclothes police followed partygoers to Wang's apartment at Beijing's China Geological University, and when the dissidents asked why they were being followed, the police promptly laid into them and bloodied their noses. According to the indictment for this trial, he was detained for ten days in the February incident for "picking a quarrel and making trouble."

■ **WANG Peizhong**, a twenty-five-year-old graduate student at the Petroleum Prospecting and Exploration Research Institute, from Shanxi Province, was indicted on charges of "actively participating in a counterrevolutionary group," the China Progressive Alliance, and engaging in "counterrevolutionary propaganda and incitement." He allegedly helped start *Freedom Forum*, a periodical of the China Progressive Alliance, and mailed some fifty copies of the third issue to addresses in Beijing. In addition, Wang was responsible for typing two handbills, "The Spirit of the June 4 Martyrs" and "An Open Letter."

■ **WANG Tianchong**, twenty-nine, a law lecturer at Beijing University and editor of the college journal *Zhong-Wai Faxue (Chinese and Foreign Jurisprudence)*, was secretly arrested on November 2, 1991, in Beijing, just prior to leaving for Germany to take up a position as a visiting scholar. Charged, at his formal arrest on December 14, 1992, with "actively participating in a counterrevolutionary group" and carrying out "counterrevolutionary propaganda and incitement," he allegedly helped write "A Proposal for the Preparatory Committee for the Free Labor Union of China," and two commemorative handbills, "The Spirit of the June 4 Martyrs" and "An Open Letter." Originally from Hunan Province, Wang reportedly was the chief secretary of two underground political groups, the Young Marxism Party and

the Democratic Freedom Party, both of which the Public Security Bureau was aware of as early as October 1991. Wang's major academic interest has been Chinese administrative law, which he described at a 1988 conference as "feudal." His article, "Constitution and Human Rights," published in the Beijing University law journal, was based on the theories of the 18th century philosopher Montesquieu, whom he much admires.

### **Arrests and Disappearances**

■ **BAO Ge**, thirty-one, was last seen on June 3, 1994, when he was taken from home shortly before midnight by police officers, who later returned to search his house, confiscating letters and manuscripts. On the morning of his arrest, Bao had mailed an application to the Ministry of Civil Affairs requesting permission to establish a nationwide organization called the Voice of Human Rights. The day before, he had made his intentions known to Western journalists. When Bao's mother refused to sign the search warrant, she was taken to the police station for questioning. By law her signature is not required and it is assumed that taking her and Bao's father, who is suffering from cancer, to the police station was a form of harassment. It is not known how long the two were held. Despite repeated trips by Bao's mother to the Public Security Bureau and other official bodies in Shanghai, she has not been able to find out the charges against him or where he is being held.

Bao had been detained for short periods at least five times between June 1993 and his most recent arrest. At the beginning of March 1994, he was held for two days during the visit of John Shattuck, U.S. Assistant Secretary of State, to Shanghai. On March 24, as a leader in the battle for compensation from Japan for wartime atrocities in China, he was held for twenty-four hours when then-Japanese Prime Minister Morihiro Hosokawa visited Shanghai. On April 9, in connection with the visit of French Prime Minister Edouard Balladur, Bao was roughed up by ten policemen when he refused to leave his house, held for twenty-four hours, and then ordered to stay at home. He was picked up again on April 16 and released that afternoon. One of the authors of a March 1994 19-point "Blueprint for Democratization" calling for democratic change, the establishment of independent labor unions, and reform of the penal system, Bao had been constantly tailed, his phone line had been cut, and from the end of April on, the family home had been under twenty-four-hour surveillance. An active participant in the 1989 pro-democracy movement, Bao did not receive a work assignment after graduating medical school, and he has been unemployed since October 1993, when he was suspended from his duties as teacher and researcher at the Shanghai Medical School ostensibly because of a lack of work.

■ **DAI Xuezhong**, a Shanghai activist, was detained with his younger brother on May 3, 1994. His brother was released after several days, but nothing further is known about Dai Xuezhong's circumstances. Two months earlier, on March 4, Dai was held in connection with the visit of U.S. Assistant Secretary of State John Shattuck. He served a three-year re-education-through-labor sentence for his activities as the Shanghai leader of citizens supporting the 1989 student movement. After his release, Dai took part in a democracy salon that met in a park in Shanghai, and he worked to help victims of the 1989 crackdown. Dai himself was tortured so badly in prison that he is still disabled.

■ **LI Guotao** (previously incorrectly referred to as Li Gaotao), president of the Shanghai Association for Human Rights, was last arrested in May 1994. Nothing further is known about the circumstances of the arrest or his current whereabouts. Li, a computer expert, had been detained earlier, on March 12, after he signed the "Blueprint" (see Bao Ge above). He also was picked up for questioning on October 13, 1993; and he served a two-year sentence for his participation in the 1989 pro-democracy movement.

■ The whereabouts of **LIU Huanwen**, thirty-two, reportedly arrested on July 10, 1994, in Beijing, are unknown, and police officials have denied any knowledge of him. He apparently was arrested because of his friendship with others, particularly Xiao Biguang (see below), involved in unofficial labor union activities. Both men are Christians. Liu, sentenced to two years' re-education through labor for carrying a cross during the height of the 1989 pro-democracy demonstrations, was released in April 1990.

■ **LIU Nianchun**, a forty-six-year-old human rights and labor activist, disappeared on May 28, 1994. On July 18, when it was clear that witnesses had seen him being taken away in handcuffs by plainclothes officers from the Dongcheng District Public Security Bureau, officials were still denying that he was in custody. Earlier, On June 8 and June 10, officers at the Wanshousi local police station denied knowledge of his whereabouts. Inquiries by his wife, Chu Hailan, at the Visits and Letters Department of the PSB during the week of June 12, were directed to the Haidian District PSB. Haidian officials stonewalled as did those at the Chaoyang and Sanlitun local police stations, both of which cover Liu's official residence district. On June 28, Chu telephoned a Mr. Tang at the Beijing PSB, Section No.1, Political Security Unit, to ask about Liu. Tang said "I don't know, I'm on vacation." On June 29, a Beijing PSB official told her, "If something bad has happened to Liu how are we supposed to know about it?" During the first week in July, Chu continued visits to PSB offices and to Qincheng Prison to no avail. As early as March 1994, Liu and his family had been routinely followed, threatened, and harassed by either PSB or State Security Bureau officials. On April 7, when Liu went by bus to visit a friend, he was met at his stop by a group of plainclothes police, who threatened him with arrest and took him home under guard. His apartment was under constant and obvious surveillance before his arrest. The apartment house at which he was seized with Zhang Lin (see below) was surrounded by plainclothes officers for the three days prior to the men's arrests.

In late 1993, Liu was instrumental in the drafting of the "Peace Charter," which called for progress towards democratization and respect for human rights in a climate of detente between the government and dissidents. At the beginning of 1994, he helped draft the Charter for the Protection of Chinese Working People's Rights and in February 1994, he co-founded the related League for the Protection of the Rights of Working People of the PRC (Working People's League).<sup>11</sup> At one point in early March 1994, after Liu had tried repeatedly to submit an application for official registration to the Ministry of Civil Affairs, he was held twenty-four hours for questioning. Liu's pro-democracy activities extend back to the Democracy Wall period, when he was one of six editors of the literary publication *Today*, closed down by the authorities at the end of 1979. Arrested in 1981 for smuggling out the prison memoirs of his brother, the dissident Liu Qing, and arranging for their publication abroad, he served a three-year term. During the 1989 movement, Liu Nianchun was again an active protester.

■ **LÜ Honglai**, forty-three, formerly an editor of an underground Democracy Wall magazine, disappeared in Shenzhen in the middle of June 1994, according to a friend he contacted there. Under surveillance in Tianjin around the time of the fifth anniversary of June 4, Lü left immediately afterward for Guangzhou. After his detention became known, his wife traveled to Guangzhou, but all she was able to learn from officials there was that her husband "had a political background and they weren't letting him go." She learned nothing about the reasons for his detention or where he was being held. Lü was one of the initiators of plans for a meeting of former political prisoners, scheduled for the summer of 1993 in Qingdao, to discuss ideas for mutual support and business ventures. The meeting was aborted when police put severe pressure on some of the organizers. During the Democracy Wall period, Lü published a magazine called *Bohai Zhi Bin* (*By Bohai Sea*). For his Democracy Wall activities, he served a four-year term, beginning in 1981, in a re-education through labor camp.

■ **SHA Yuguang**, formerly an accountant at the Beijing Wireless Factory, in his late forties, was taken from his home by police for questioning on July 9, 1994. When he did not return, his wife inquired at the local police station. She was told that Sha had been taken away by officers of the Beijing Public Security Bureau. She was not informed of where, or under what provisions, he was being held, nor of what the charges against him were. She has not been given any written notification of his detention. A signatory of the Peace Charter, Sha had been active in attempts to register the Working People's League, repeatedly accompanying Liu Nianchun to apply at the Ministry of Civil Affairs. Sha's dissident activities extend back to the Democracy Wall period (1978-81), when he edited the unofficial magazine *Zhonghua Si Wu*, (*China, April 5th*). At the end of May 1992, he was picked up for questioning and held until July 10. At his

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<sup>11</sup> All publicly-identified members of the League - Zhou Guoqiang, Liu Nianchun, Wang Zhongqiu, Zhang Lin, and Yuan Hongbing - have been arrested and are in custody. Another League organizer, law student Wang Jiaqi, escaped from China and is now in the U.S.

release, he was suspended without pay from his work unit and told he must report regularly to the police about his activities.

■ **TONG YI**, the twenty-six-year-old assistant and interpreter for Wei Jingsheng, and a student activist during the 1989 pro-democracy movement, disappeared on April 5, 1994. The next day, police admitted they were holding her on suspicion of having committed undisclosed "crimes." However, they did not divulge her whereabouts. On April 4, in Beijing, Tong, who had witnessed Wei's arrest, discussed it with reporters.

■ **WANG Fuchen**, the thirty-nine-year-old Secretary General of the Shanghai Association for Human Rights,<sup>12</sup> a signatory of the "Blueprint" (see Bao Ge), and a petitioner for human rights to the National People's Congress, disappeared on May 7, 1994. He had reportedly left for a visit to Hainan Province on May 4. Despite the fact that a Foreign Ministry spokesman described him as "a criminal," and despite repeated inquiries by his family, the Shanghai Public Security Bureau has denied any knowledge of his whereabouts. Wang has been detained for his dissident activities at least seven times. In addition to the three-year sentence he received in 1979 for his Democracy Wall involvement, and his arrest on May 3, 1989, for participating in the pro-democracy movement, Wang was picked up by two plainclothes men on March 11, 1994, and held for questioning until March 14. On April 8, he was detained briefly. The next day, during the visit of the French Prime Minister, he was picked up again and held for twenty-four hours during which time he was beaten for twenty minutes by three plainclothes police officers. Upon his return home to house arrest, he found his telephone line had been cut. Earlier, in June 1993, Wang was held briefly to prevent his involvement in activities commemorating the June 4, 1989, crackdown. Wang is self-employed as a small shop owner.

■ **WANG Zhonggu**, a twenty-seven-year-old graduate law student at Beijing University, was detained at the end of May 1994, probably on May 26 or 27, and has not been heard from since. A student of Yuan Hongbing (see below), he was one of the organizers of the Working People's League. No additional information about the circumstances of his arrest are available.

■ **WEI Jingsheng**, forty-three, was seized by twenty police officers traveling in seven cars on April 1, 1994, on the road between Beijing and Tianjin. A warrant for his detention was presented. According to Chinese authorities, Wei is under "residential surveillance," a form of house arrest not necessarily limited to the suspect's home. Wei's family has only been told that he is at a "hotel" somewhere just outside Beijing. On April 5, Chinese authorities announced that Wei "was being interrogated and placed under surveillance...because he violated the law on many occasions and is suspected of having committed new crimes when he was deprived of his political rights and on parole." The nature of the "new crimes" has not been described, and reports that Wei was to be tried for "high treason" have been categorically denied by Chinese officials. Moreover, in response to concern expressed by the U.S. government, a Chinese Foreign Ministry spokesperson said the matter was "an internal affair" and had "nothing to do with human rights."

Following his September 1993 release from prison after serving fourteen-and-a-half years of a fifteen-year term for Democracy Wall activities, Wei published articles in newspapers outside China and met with journalists and other dissidents. Days before his arrest, officials said that Wei would be banned from meeting with foreign journalists for three years. In early March, after his release from prison but before his disappearance, Wei was held thirty hours for questioning, then told to leave Beijing. The detention followed his February 27 meeting with U.S. Assistant Secretary of State John Shattuck. The enforced exile reportedly was to prevent his meeting with U.S. Secretary of State Warren Christopher.

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<sup>12</sup> The association applied to register formally with the authorities in March 1993. Over a year later, in April 1994, permission was denied. Regulations require such applications to be processed in no more than one month.

■ **XIAO Biguang**, thirty-two, a former associate professor of comparative literature at Beijing University, was detained on April 12, 1994, at an unknown location and was formally arrested on June 12 and is being held at the new State Security Bureau detention center at No.47 Da Hongmen Nanlu in Beijing. Despite her repeated attempts to locate him, his wife, Gou Qinghui, did not learn of his arrest or place of detention until July 8. She still does not know the charges. When Gou was presented with the arrest warrant, the charge was left blank. When questioned about the omission, agents told her, "After we have investigated we will know what crime he has committed." On the evening of Xiao's detention, his home was searched, books and manuscripts confiscated, and his wife asked to sign a "shelter and investigation order" which said he was being detained for "illegal activities." Xiao, who had to surrender his university ID card after 1989 and at the time of his arrest was working in a trading company, is a friend of Yuan Hongbing (see below) and has been active in both the workers' rights movement and the semi-underground Protestant church. Gou herself was taken in for questioning twice, on May 14 and May 27, 1994. Both times her parents were warned not to tell anyone that she had been taken to the police station.

Ever since her husband's arrest, Gou, who teaches at the Yanqing Theological Seminary, has been under constant surveillance. Police have not only interrogated believers who visit her, but have arrested some visitors and forbidden believers to attend her home prayer meetings, which under religious regulations constitute an unofficial house church. She is forbidden to continue her work at the seminary or to attend church meetings. In addition, according to Gou at a pastoral meeting on May 12, 1994, an official from the Religious Affairs Bureau "slandered" Xiao Biguang. Requests by Gou to provide her husband with a bible, clothing and food have been denied.

■ **YANG Zhou**, fifty, a long-time Shanghai human rights activist involved with all attempts in the city to establish independent human rights-monitoring groups, was taken from his home on May 12, 1994, when the house was searched and documents confiscated. Police have not notified his wife of either his whereabouts or the charges against him. Yang has acted as spokesman for Shanghai's unofficial Association for Human Rights and has often spoken out on behalf of detained and imprisoned colleagues. He helped draft the "Blueprint" (see Bao Ge); and is a signatory of the Peace Charter, and a member of the Preparatory Committee of the Workers' Rights League. For his participation in the Democracy Wall Movement in Shanghai, Yang was sentenced in 1979 to three years in prison. Starting in April 1991, he was held for over a year without charge. In 1993, he was detained three times, once for three months. In 1994, before his May disappearance, he was picked up six times. Yang has been beaten by police so badly that his body was permanently scarred.

■ **YUAN Hongbing**, a forty-two-year-old lawyer and Beijing University law professor, was seized somewhere in Beijing on March 2, 1994. Despite repeated inquiries by his wife, Wang Jinna, his whereabouts are unknown. And despite reports that he has been formally arrested, she has not been so notified. When State Security Bureau personnel came to Yuan's home on March 2, they showed his wife a detention order from the Guiyang (Guizhou Province) Public Security Bureau and told her his detention had been ordered by Guizhou State Security organs. At the same time, the officers searched his home, confiscating books and manuscripts. A Public Security Ministry report on March 8 said Yuan was being held on suspicion of "being involved in unlawful acts, inciting turmoil, disrupting social order" or other unspecified "criminal acts." His activities have included involvement in founding the Working People's League; helping to write a petition to the National People's Congress to broaden workers' and peasants' rights; representation of dissident painter Yan Zhengxue in a case charging the Public Security Bureau with Yan's illegal detention and beating, and organizing a petition drive on Yan's behalf; editing the book, *Tides of History*, one of the first collections of essays by dissenting intellectuals published after the 1989 crackdown. It was banned soon after it appeared in 1992 and Yuan was suspended from his university post. In 1993, he staged a sit-in at the university to protest political interference in academic affairs.

■ **ZHANG Lin**, thirty-one, was seized by plainclothesmen from the Dongcheng Public Security Bureau from an apartment house in Beijing on May 28, 1994, and taken away in handcuffs (see Liu Nianchun above). On June 2, he was sent back under guard to Bengbu, his home town, in Anhui Province. He had been on the run for months. Zhang's wife

reportedly was informed that this arrest, his sixth, had to do with his association with foreign journalists. In May 1994, an article about his work as self-styled "professional revolutionary" appeared in the *Washington Post*. That work included his involvement in organizing the Working People's League, his local championing of worker and peasant rights, and his reported plans to stage a symbolic fifth anniversary commemoration of the June 4, 1989, crackdown. During the 1989 pro-democracy movement, Zhang founded the Students Autonomous Union at Bengbu Medical College, led a "Dare-to-Die Corps," made an "extremely reactionary" speech, helped stage sit-ins and went on hunger strike, for all of which he received a two-year sentence on charges of counterrevolutionary propaganda and incitement. Released in March 1991, Zhang, a 1985 physics graduate from Qinghua University, returned home to continue his pro-democracy work. Zhang's wife gave birth to a girl on May 11.

■ **ZHOU Guoqiang**, thirty-four, a lawyer, labor activist, and poet, was arrested along with his wife, **WANG Hui**, around midnight on March 2, 1994. Husband and wife were initially taken to the Beijing Public Security Bureau offices. Wang was released after a week, then re-arrested in April. She has disappeared. Zhou is being held at an unknown location for "shelter and investigation." According to an official Chinese report, he is "under investigation" for "collaborating with hostile organizations and elements both inside and outside the country to carry out anti-government activities." His work as a founder of the 1994 Working People's League, and his role in drafting the 1993 Peace Charter are two such alleged activities. Zhou has also been accused of writing anti-government articles and sending them by unauthorized fax to Hongkong, and of planning to distribute T-shirts with political slogans during National People's Congress sessions in March 1994. In 1993, Zhou acted as exiled labor leader Han Dongfang's lawyer in a suit challenging his expulsion from China, and he was a founding member, with Han, of the 1989 Beijing Workers Autonomous Federation. Since 1989, Zhou has been detained six times.

■ **ZHU Fuming**, in his early thirties, was detained in Shanghai in early March 1994. His whereabouts and the charges against him are unknown. After Zhu, a member of the Shanghai Association for Human Rights, secretly taped a conversation with the police in early 1994, he was picked up for questioning. Later, on the dance floor of a Shanghai disco, he shouted slogans calling for a reversal of the official verdict on the Tiananmen Square crackdown, and was again picked up. A college graduate, Zhu worked for a company which provides information to Chinese citizens wishing to go abroad.

## **APPENDIX II**

### **INDICTMENT AGAINST THE "BEIJING FIFTEEN"**

**SUB-PROCURATORATE OF THE BEIJING MUNICIPAL PEOPLE'S PROCURATORATE  
(93) CAPITAL/SUB-PROC/TRIAL/No.74**

**Defendant Hu Shigen**, male, aged thirty-seven, born in Nanchang, Jiangxi Province, was a teacher at the Beijing Language Institute before his arrest. Residence: Room 110, Building No.3, Beijing Language Institute. He was arrested on September 27, 1992 and is currently in custody.

**Defendant Kang Yuchun**, male, aged twenty-eight, born in Beijing, was a physician at the Beijing Anding Hospital before his arrest. Residence: 32, Nanwu Village, Sijiqing Township, Haidian District, Beijing Municipality. He was arrested on September 27, 1992, and is currently in custody.

**Defendant Wang Guoqi**, male, aged thirty, unemployed. Residence: 34 Houbajia Village, Dongsheng Township, Haidian District, Beijing Municipality. In June 1989, he was detained and investigated for his part in the disturbances. Then, he wrote a statement of repentance. In March 1992, he was put in administrative detention for ten days for picking a quarrel and making trouble. He was arrested on September 27, 1992 and is currently in custody.

**Defendant Lu Zhigang**, male, aged twenty-four, born in Shanghai, was a student in the Department of Law, Beijing University before his arrest. Residence: Room 28, Building No.37, Beijing University. He was arrested on September 27, 1992 and is currently in custody.

**Defendant Liu Jingsheng**, male, aged thirty-nine, born in Lixian County, Hebei Province, was a worker at Tongyi Chemical Reagent Plant in Tongxian County, Beijing Municipality, before his arrest. Residence: 201 Building No.28, Zhongguan Village, Haidian District, Beijing Municipality. In 1979 he committed the crime of theft and was exempted from criminal sanctions. He was arrested on September 27, 1992 and is currently in custody.

**Defendant Gao Yuxiang**, male, aged thirty-six, born in Sanhe County, Hebei Province, was self-employed before his arrest. Residence: 9 Santiao, Chang Lane, Chongwen District, Beijing Municipality. He was arrested on September 27, 1992 and is currently in custody.

**Defendant Wang Tiancheng**, male, aged twenty-eight, born in Shuangpai County, Hunan Province, was a teacher in the Department of Law, Beijing University, before his arrest. Residence: Room 226, Building No.40, Beijing University. He was arrested on December 14, 1992 and is currently in custody.

**Defendant Wang Peizhong**, male, aged twenty-four, born in Pingyuan County, Shanxi Province, was a graduate student at the Institute of the Science of Petroleum Prospecting and Development before his arrest. Residence: Room 324 Graduate Building of the Institute. He was arrested on September 27, 1992, and is currently in custody.

**Defendant Chen Qinglin**, male, aged twenty-four, Mongolian nationality, born in Chifeng County, Inner Mongolia, was a cadre at the weather station of Hangu Saltworks, Tianjin Municipality, before his arrest. Residence: dormitory of the weather station. He was arrested on September 27, 1992 and is currently in custody.

**Defendant Chen Wei**, male, aged twenty-four, born in Suining, Sichuan Province, unemployed. Residence: 10-4-2-3, 105 Fengyuxia Street, Central District, Suining, Sichuan Province. In April 1990, he signed a statement of repentance for his crime of counterrevolutionary propaganda and incitement. He was arrested on September 27, 1992,



and is currently in custody.

**Defendant Zhang Chunzhu**, male, aged forty-one, born in Huashan County, Shandong Province, unemployed. Residence: 208 Building 915, Baofusi, Haidian District, Beijing Municipality. In June 1971, he was arrested to a fixed-term period of five years' imprisonment for larceny. He was arrested on September 27, 1992 and is currently in custody.

**Defendant Rui Chaohuai**, male, aged twenty-three, born in Tianjin, was a worker at the Beijing Building Materials Equipment Plant before his arrest. Residence: 22 Building No.8, Nanshatan, Deshengmenwai, Chaoyang District, Beijing Municipality. He was arrested on November 30, 1992 and is currently in custody.

**Defendant Li Quanli**, male, aged forty-two, born in Beijing, a worker at the Electric Appliances Plant of the Beijing Motor Works. Residence: 202 Building No.4, Shaoyaoju, Chaoyang District, Beijing Municipality. On November 24, 1992, he was ordered released on bail awaiting trial.

**Defendant Xu Dongling**, male, aged thirty-seven, born in Suning County, Hebei Province, was a worker at Dongbeiwang Paper Mill, Haidian District, Beijing Municipality, before his arrest. Residence: 408 Building No.915, dormitory of Chinese Academy of Social Sciences, Zhongguan Village, Haidian District, Beijing Municipality. He was arrested on September 27, 1992, and is currently in custody.

**Defendant Zhang Guojun**, male, aged thirty-one, born in Shenyang, Liaoning Province, was self-employed before his arrest. Residence: 1-3-3, Liu Yingmen, Donggaodi, Fengtai District, Beijing Municipality. He was arrested on September 27, 1992 and is currently in custody.

The Beijing Municipal Public Security Bureau has concluded its investigation of the case of the defendants Hu Shigen, Kang Yuchun, Liu Jingsheng, and Lu Zhigang, who organized and led a counterrevolutionary group, and engaged in counterrevolutionary propaganda and incitement; of the defendant Wang Guoqi, who organized and led a counterrevolutionary group; of the defendants Gao Yuxiang, Wang Peizhong, and Wang Tiancheng, who actively participated in a counterrevolutionary group and engaged in counterrevolutionary propaganda and incitement; of the defendants Chen Qinglin and Li Quanli, who actively took part in a counterrevolutionary group; and of the defendants Chen Wei, Rui Chaohuai, Zhang Chunzhu, Xing Hongwei, Xu Dongling, and Zhang Guojun, who engaged in counterrevolutionary propaganda and incitement, and has transferred the case to this sub-procuratorate for investigation and indictment. The following facts of the crimes committed by the sixteen defendants have been ascertained:

#### **I. Organizing and leading counterrevolutionary groups and actively engaging in counterrevolutionary propaganda.**

1. The defendants Hu Shigen and Wang Guoqi secretly plotted and founded a counterrevolutionary group, the so-called "Liberal Democratic Party of China" in January 1991. They then respectively recruited the defendants Liu Jingsheng, Gao Yuxiang, Chen Qinglin, and Wang Tiancheng as members of that group in accordance with the oath and rite the two founders had determined. Between June and October 1991, the defendant Hu Shigen called secret meetings on two occasions at his residence in the Geology University of China, Haidian District, Beijing Municipality. The meetings were attended by the defendants Liu Jingsheng, Gao Yuxiang, Li Quanli, and Chen Qinglin. They discussed and made decisions on the division of responsibilities within the organization. Later, the defendant Chen Qinglin, at the suggestion of Hu, travelled to Shihezi and other places in Xinjiang, in an attempt to find new recruits to enlarge their organization. On December 20, 1991, the defendants Hu Shigen, Liu Jingsheng, Wang Guoqi, and Wang Tiancheng held a "meeting of the key members of the Liberal Democratic Party" at Liu's residence – 2 Beilishilu Liutiao, Xicheng District, Beijing Municipality. At the meeting, they discussed and adopted the "Political Program of the Liberal Democratic Party of China" and the "Organizational Charter of the Liberal Democratic Party of China," both drafted by Hu. They also decided on code names for the key members and secret methods of liaison. In their so-called "political program," they slandered "the authoritarian communism practiced by the communist party" as "nothing but a mixture of Chinese feudal autocracy, Stalinist terrorism and Hitlerite national socialism." They raised a hue and cry for the "overthrow of

the dictatorial rule of the communist party." Defendant Kang Yuchun entrusted Chen Qinglin and others at the weather station of the Hangu Saltworks in Tianjin to type, print and put on computer disc (already confiscated) this "program." In December 1991, the defendants Hu Shigen, Liu Jingsheng, Gao Yuxiang, and Li Quanli held another secret meeting to plot the founding of the so-called "Preparatory Committee for the Free Labor Union of China." The defendant Hu Shigen drafted the "Draft Charter of the Preparatory Committee for Free Labor Union of China and Guidelines for Action and Work Methods for the Near Term." In these documents, they mapped out concrete measures for carrying out the activities of their counterrevolutionary organization.

2. The defendants Kang Yuchun and Lu Zhigang, together with An Ning, Wang Jianping, and Lu Mingxia (prosecuted separately) secretly planned and, on June 27, 1991, formed the counterrevolutionary organization the "China Progressive Alliance." They determined the division of responsibilities among members and recruited the defendant Wang Peizhong. Later, the defendants Kang Yuchun, Lu Zhigang, and An Ning agreed on the political program for the "China Progressive Alliance," i.e., the "Draft Outline of the CPA Program" drafted by An Ning. In that "program," they slandered our present system of socialism as "an authoritarian system of the Chinese communist one-party dictatorship," and clamored for "the termination of the authoritarian system of one-party dictatorship and oligarchy." Having been read by Kang and Lu, the "program" was typed, printed, and put on a computer disc by Wang Peizhong and others. Later, the defendants Kang Yuchun and An Ning respectively wrote such organizational documents as the "Temporary Provisions for Recruiting CPA Members," "Tentative Work System," and the "Temporary Provisions for CPA Fund Management." In January 1992, defendants Kang Yuchun and Lu Zhigang and others travelled to Zhengzhou, Henan Province, to contact An Ning and others and learn about their work in setting up the "CPA Henan Work Committee." They also set up methods and places to make contact with An and others. In addition, the defendants, Hu Shigen and Liu Jingsheng, in order to link up with the counterrevolutionary organization the "China Progressive Alliance," admitted Kang Yuchun and An Ning into the counterrevolutionary group the "Liberal Democratic Party of China" at Kang's home in October 1991. At the same time, Kang Yuchun and others also recruited Hu Shigen and Liu Jingsheng as members of the counterrevolutionary group the China Progressive Alliance.

## **II. The crime of counterrevolutionary propaganda and incitement**

1. In November 1991 the defendant Hu Shigen drafted the counterrevolutionary propaganda sheet the "Statement on the Human Rights Issue in China" on behalf of the Liberal Democratic Party of China. That propaganda sheet maligned the Chinese Communist Party as "having, since coming to power, exercised bureaucratic monopoly and rule by army and police; imposed an all-round dictatorship on the Chinese people, politically, economically, and culturally; and deprived the Chinese people of their basic human rights." An Ning and others printed one hundred copies of the propaganda sheet, which were mailed and distributed by the defendants Liu Jingsheng and Zhang Chunzhu respectively in Beijing and Baoding, Hebei Province.

2. The defendant Hu Shigen in December 1991 drafted the counterrevolutionary leaflet "A Proposal for the Preparatory Committee for the Free Labor Union of China." That leaflet maliciously attacked the Chinese Communist Party, and incited the masses to "actively organize and join free trade unions" by talking about "the Chinese Communists exercising one-party and personal dictatorship." That leaflet was revised by the defendants Lu Zhigang and Liu Jingsheng and was then mailed and distributed by the defendants Liu Jingsheng and Zhang Chunzhu in Haidian, Xicheng, and Chaoyang Districts of Beijing.

3. The defendants Hu Shigen and Liu Jingsheng drafted respectively the counterrevolutionary handbills "Concerning Free Labor Unions" and "Propaganda Materials for the Preparatory Committee for the Free Labor Union of China," which slandered the Chinese Communist Party as having "for the past forty years deprived the workers of their right to organize free trade unions," and incited "the workers to withdraw from official trade unions and join free trade unions." These handbills were typed, printed, and put into envelopes separately by the defendants Lu Zhigang, Liu Jingsheng and Zhang Chunzhu. More than 2,000 copies of these handbills were mailed to factories, mines, and enterprises in Beijing.

4. The defendants Kang Yuchun, Lu Zhigang, and Wang Peizhong made preparations for and started the China Progressive Alliance's periodical the *Freedom Forum* in April 1992. The defendant Wang Peizhong mailed some fifty copies of the third issue of the *Freedom Forum* to addresses in Beijing.

5. The defendants Hu Shigen, Liu Jingsheng, and Gao Yuxiang secretly plotted in April and May 1992 and decided to distribute and disseminate by mail counterrevolutionary propaganda sheets during "June 4," 1992, in Beijing, Shanghai, Wuhan, Chengdu, and Shenyang, thus engaging in counterrevolutionary propaganda and incitement activities. For that purpose, the defendant Lu Zhigang travelled to Shenzhen to make secret contacts with people from outside the country, from whom he received funds for the planned activities and a model airplane for distributing counterrevolutionary handbills over Tiananmen Square. The defendants Liu Jingsheng, Chen Wei, and Wang Tiancheng separately drafted the counterrevolutionary handbills, "The Spirit of the June 4 Martyrs Lives for Ever" and "An Open Letter to all Citizens from the China Unity Democratic Alliance." Those handbills were typed by the defendant Wang Peizhong and some 6,000 copies were printed by the defendant Liu Jingsheng at the cooked duck shop owned by the defendant Zhang Guojun at 51 Weigezhuang Village, Wangzuo Township, Fengtai District, Beijing Municipality. The defendants Xu Dongling and Zhang Guojun also helped write 6,000 envelopes containing the handbills, which they later moved to the defendant Gao Yuxiang's home. Under the instruction of the defendant Chen Wei, the defendants Rui Chaohuai and Gao Yuxiang moved and hid the handbills somewhere else. In the afternoon of May 28 that same year, the defendant Xing Hongwei, as directed by Chen Wei, contacted Rui Chaohuai and took 700 copies of the counterrevolutionary handbills to be put in the mail when he returned to Chengdu, Sichuan Province. It was then he was arrested.

After the above-mentioned defendants committed their crimes, they were tracked down and arrested.

The above-mentioned facts of their crimes are attested to by written evidence, testimony of witnesses, and techniques of forensic science. The facts are clear, the evidence solid, complete, and sufficient to prove the case.

This sub-procuratorate is of the opinion that the defendants Hu Shigen, Kang Yuchun, Wang Guoqi, Lu Zhigang, Liu Jingsheng, Gao Yuxiang, Wang Tiancheng, Wang Peizhong, Chen Qinglin, Chen Wei, Zhang Chunzhu, Rui Chaohuai, Xing Hongwei, Xu Dongling, Zhang Guojun, and Li Quanli brazenly engaged in counterrevolutionary activities in defiance of the laws of the land and with the purpose of overthrowing the political power of the dictatorship of the proletariat and the socialist system. The respective deeds of these sixteen defendants violated Articles 98 and 102 of the "Criminal Law of the People's Republic of China," the activities of the defendants Hu Shigen, Kang Yuchun, Liu Jingsheng, and Lu Zhigang constitute the crimes of organizing and leading counterrevolutionary groups and engaging in counterrevolutionary propaganda and incitement; the activities of the defendant Wang Guoqi constitute the crime of organizing and leading a counterrevolutionary group; the activities of the defendants Gao Yuxiang, Wang Peizhong, and Wang Tiancheng constitute the crimes of actively participating in a counterrevolutionary group and engaging in counterrevolutionary propaganda and incitement; the activities of the defendants Chen Qinglin and Li Quanli constitute the crime of actively participating in a counterrevolutionary group; the activities of the defendants Chen Wei, Zhang Chunzhu, Rui Chaohuai, Xing Hongwei, Xu Dongling, and Zhang Guojun constitute the crime of engaging in counterrevolutionary propaganda and incitement. In order to uphold the authority of the law of the nation, defend the state power of the people's democratic dictatorship and the socialist system, maintain social order in the capital, and severely punish the disruptive activities of criminal offenders, this sub-procuratorate initiates this public prosecution in accordance with Article 100 of the "Criminal Procedure Law of the People's Republic of China" and calls upon the court to punish the defendants according to law.

This is hereby given to: Beijing Municipal Intermediate People's Court

Procurator Wang Huajun  
Clerk Xin Jianhong

Supplementary notes:

1. The defendants Hu Shigen, Kang Yuchun, Wang Guoqi, Lu Zhigang, Liu Jingsheng, Gao Yuxiang, Wang Tiancheng, Wang Peizhong, Chen Qinglin, Chen Wei, Zhang Chunzhu, Rui Chaohuai, Xing Hongwei, Xu Dongling, and Zhang Guojun are currently in custody at the Beijing Municipal Public Security Bureau Detention House.

2. The defendant Li Quanli is at home and ordered released on bail to await trial (his home address is Room 202, Unit 4, Building No.4, Shaoyaoju, Chaoyang District, Beijing Municipality).

3. Thirty volumes of preliminary hearing files.

4. A list of material evidence and confiscated items appended.

### **Detailed List of Items Confiscated and Entered as Evidence**

#### **I, Of Lu Zhigang's**

1. Deposit book (Five hundred <i>yuan</i> , An Ning)	One
2. Hong Kong dollars	500 dollars exactly
3. Canon brand photocopier (CanonNP1215)	One

#### **II, Of Liu Jingsheng's**

1. Photocopies of newspaper articles	One bundle
2. Photocopies of "An Example of the Opposition Experience of a Free Labor Union"	One bundle
3. Hong Kong newspapers	Two
4. Cowhide briefcase (with "China Commercial Bank" written on it)	One
5. Printed letter (Free Labor Union of China Proposal)	70 copies
6. Printed letter	759 copies
7. Printed letter	1034 copies
8. Photocopies of "Organizing Social Parties"	3 copies
9. Leaflet "The Spirit of the June 4 Martyrs Lives for Ever"	More than 110 copies
10. <i>Encyclopaedia of Postal Codes of China</i>	One
11. Business cards	Those relevant
12. Letterhead paper	Those relevant
13. Notebooks	Four
14. Letters	Those relevant
15. Chaoba brand fast printer	One
16. Oil-based ink	One
17. Leaflets (those the defendant stuck down which were later used to identify his fingerprints)	Those relevant

#### **III, Of Xing Hongwei's**

1. *Renminbi*<sup>13</sup> 95 *yuan*

#### **IV, Of Gao Yuxiang's**

1. Leaflets "The Spirit of the June 4 Martyrs Lives for Ever" and "An Open Letter to all Citizens"	4480 copies
2. Envelopes	110

<sup>13</sup> Renminbi is the Chinese currency.

3. Stamps (Yunnan Residents Regular Stamps of 10 cent value)	13 sheets and 170 stamps
4. Carbon paper	One box
5. Copying paper	Those relevant
6. Writing paper	Those relevant
7. Business cards	One bundle
8. Oil-based ink	Two tins
9. Prepared Chinese ink	One tin
10. The Hong Kong book, <i>Workers Rise Up</i>	One
11. Letters	Thirteen
12. Ballpoint pens	Four
<b>V, Of Chen Qinglin's</b>	
1. File case	One
2. Leaflets	Those relevant
3. Photo-offset copy of <i>On the Soviet Situation</i>	One
4. <i>Draft of Local Records</i>	One
5. <i>Philosophical Notes</i>	One
6. Notebook	One
7. Book register	Two
8. Computer floppy disc (WanshengMD2-256HD)	One
<b>VI, Of Zhang Chunzhu's</b>	
1. Model mechanical airplane (with empennage)	One
2. Remote control for model airplane	One
3. Parts for model airplane	Those relevant
4. <i>Renminbi</i>	150 <i>yuan</i> exactly
<b>VII, Of Wang Peizhong's</b>	
1. Current account deposit book (containing 3,700 <i>yuan</i> )	One
2. <i>Renminbi</i>	90 <i>yuan</i> exactly
<b>VIII, Of Zhang Guojun's</b>	
1. <i>Renminbi</i>	1,000 <i>yuan</i> exactly
2. Empty envelopes	700
3. Empty parchment envelopes	500
4. Envelopes (already addressed)	76
5. Letters	Two
6. White paper	One bundle
7. Fountain pen (Yongsheng brand)	One
8. Empty envelopes	Ten
<b>IX, Of Xu Dongling's</b>	
1. <i>Renminbi</i>	80 <i>yuan</i> exactly
2. <i>Renminbi</i>	100 <i>yuan</i> exactly
3. <i>Renminbi</i>	80 <i>yuan</i> exactly
4. <i>Renminbi</i>	400 <i>yuan</i> exactly
<b>X, Of Rui Chaohuai's</b>	
1. <i>Renminbi</i>	800 <i>yuan</i> exactly

**APPENDIX III**  
**Chinese Character Name List**

## **APPENDIX IV**

### **Detailed Implementation Regulations for the State's Security Law of the People's Republic of China<sup>14</sup>**

#### **Chapter One**

##### **General Principles**

**Article 1.** These detailed rules and regulations are drawn up on the basis of the "State Security Law of the People's Republic of China" (simply rendered as the "State Security Law" hereafter).

**Article 2.** The relevant regulations in these detained rules and regulations are applicable when public security organs carry out state security missions in accordance with Section 2 of Article 2 of the "State Security Law."

**Article 3.** The "organizations and institutions outside the country" referred to in the "State Security Law" include the branch (representative) organizations and branch institutions which organizations and institutions outside the country have established in the PRC.

"Individuals outside the country" include people without Chinese citizenship who live in the PRC.

**Article 4.** The "agents of espionage institutions" referred to in the "State Security Law" refer to those people engaging in activities which endanger the PRC at the instigation of or commission of an espionage institution or its members, or with their financial support, or people who incite or instigate other people to engage in these activities.

**Article 5.** The "hostile institutions" referred to in the "State Security Law" refer to the institutions which are hostile to the PRC Government and socialist system characterized by the people's dictatorship, as well as institutions which endanger state security.

The Ministry of Public Security shall identify the hostile institutions.

**Article 6.** Activities which endanger state security with "financial support" referred to in Article 4 of the "State Security Law" refer to the following activities carried out by organizations, institutions, or individuals outside the country.

(1) Providing funds, locales, or supplies to institutions or individuals in the country for carrying out activities which endanger state security; and

(2) Providing funds, locales or supplies to institutions or individuals inside the country for carrying out activities of endangering state security.

**Article 7.** The "collusion" activities of endangering state security referred to in Article 4 of the "State Security Law" refer to the following activities carried out by institutions or individuals inside the country.

(1) Plotting or carrying out activities for endangering state security together with organizations, institutions or individuals outside the country;

(2) Accepting the financial support of organizations, institutions, or individuals outside the country, or doing so at their instigation, to carry out activities which endanger state security; and

(3) Establishing ties with organizations, institutions, or individuals outside the country, and obtaining their support and assistance for carrying out activities which endanger state security.

**Article 8.** The following activities are the "other sabotage activities which endanger state security" referred to in Article 4 of the "State Security Law:"

(1) Organizing, plotting, or carrying out terrorist activities which endanger state security;

(2) Fabricating or distorting facts, publishing or disseminating written or verbal speeches, or producing or propagating audio and video products which endanger state security;

(3) Carrying out activities which endanger state security through establishing social organizations or business institutions;

(4) Using religion to carry out activities which endanger state security;

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<sup>14</sup> This text is a preliminary translation by the Foreign Broadcast Information Service (FBIS), July 14, 1994, of Xinhua Domestic Service in Chinese, July 12, 1994.

- (5) Endangering state security through creating national disputes or inciting national splittism; and**
- (6) Activities of individuals outside the country who disregard dissuasion and meet with personnel in the country who have endangered state security, or who are seriously suspected of endangering state security.**

## **Chapter Two**

### **State Security Organs' Authority in Carrying Out State Security Assignments**

**Article 9. When it is believed that an individual from outside the country may endanger state security in the PRC after he enters the country, the Ministry of State Security may decide that he be barred from entering the country for a specific period of time.**

**Article 10. As for the felons who have betrayed the motherland and endangered state security, state security organs may list them as wanted and may pursue and capture them in accordance with Article 6 of the "State Security Law."**

**Article 11. When personnel of state security organs carry out their assignments according to the law, they may check the belongings of personnel whose identity is unknown and who are suspected of endangering state security.**

**Article 12. Vehicles which state security organs use for carrying out emergency state security assignments may have special insignia for passage and may be equipped with lights and sirens.**

**Article 13. When, during inspections, state security organs discover electronic telecommunications equipment or facilities incompatible with the needs for safeguarding state security, they may, in accordance with Article 11 of the "State Security Law," instruct relevant institutions and individuals to handle them with the necessary technical measures, and in the event they refuse to do so, or when they do not have the technical capacity to do so, the state security organs may keep the equipment and facilities in custody after sealing them, and then handle them according to the relevant law and administrative regulations.**

**Article 14. When personnel of state security organs carry out their assignments according to the law, they should show their inspection identification cards issued by the Ministry of State Security, or other relevant identification cards.**

**While carrying out their state security assignments, state security organs and their personnel shall strictly abide by the law, and they may not overstep or abuse their authority, or violate the legitimate rights and interests of any institutions or individuals.**

## **Chapter Three**

### **Obligations and Rights of Citizens and Institutions in Safeguarding State Security**

**Article 15. Government organizations, groups, and other institutions shall accept state security organs' coordination and guidance when educating their personnel on safeguarding state security, or when they mobilize and organize their personnel to guard against and stop conduct that endangers state security.**

**Article 16. Whenever a citizen discovers an act that endangers state security and reports the act to the institution where he works, the institution shall promptly report the discovery to state security organs. There shall be no delay.**

**Article 17. Citizens and institutions shall support and assist the maintenance of state security, and they have the right to demand that state security organs and public security organs take effective measures to prevent and stop all acts that infringe upon their legitimate rights and interests.**

**Article 18. The following acts are the "major contributions" described in Article 5 of the "State Security Law:"**

**(1) Acts of providing major clues for state security organs to uncover and crack criminal cases which seriously endanger state security;**

**(2) Acts of providing major information for state security organs to guard against the occurrence of acts that will seriously endanger state security;**



(3) Working in close coordination with state security organs in carrying out state security assignments, and the performance is outstanding;

(4) Acts of safeguarding state security and struggling against criminal elements who endanger state security, and the performance is outstanding;

(5) Acts of educating, mobilizing, and organizing personnel of one's own units in guarding against and stopping acts which endanger state security, and the success is remarkable.

**Article 19.** The "illegal possession of documents, information, and other items which are state secrets" referred to in Article 20 of the "State Security Law" means:

(1) the possession or holding of documents, information, and other items which are state secrets by personnel who should not have knowledge of the secrets; or

(2) The private possession or holding of the documents, information, and other articles which are state secrets by personnel who may know the secrets but who failed to undergo the formalities to possess them.

**Article 20.** The "specialized espionage equipment" referred to in Article 21 of the "State Security Law" refers to the following equipment which is essential for carrying out espionage activities.

(1) Hidden audio and photography equipment;

(2) Receivers and transmitters for contingencies, secret codes for one-time use, and tools for writing secret messages;

(3) Electronic equipment for monitoring and intercepting intelligence; and

(4) Other specialized espionage equipment.

The Ministry of State Security is in charge of identifying specialized espionage equipment.

## **Chapter Four**

### **Legal Responsibilities**

**Article 21.** State security organs may seal, hold in custody, and freeze the tools, money, and articles used to carry out activities which endanger state security, or the budgets, locales, and supplies listed in Article 6 of these detailed rules and regulations, and in light of different situations, state security organs shall confiscate the money and articles that have been sealed, held in custody, or frozen, or refer them to judicial authorities for disposal according to the law.

All the money and belongings which state security organs have confiscated shall be delivered to the state.

All the money and goods acquired through the leaking of state secrets shall be handled according to Article 34 of the "Procedures for Implementing the PRC Law Governing the Preservation of State Secrets."

**Article 22.** When an act which endangers state security constitutes a crime, the one who committed it shall have his criminal responsibilities investigated, and when the act does not constitute a crime, the unit where he works or the higher competent authorities shall mete out disciplinary actions against him, and the state security organs may also warn and admonish him and instruct him to sign a written repentance.

**Article 23.** The following acts are the "performance of meritorious services" described in Article 24 of the "State Security Law"

(1) Acts of exposing and reporting other criminal elements who endanger state security, and the reports are factual;

(2) Acts of providing important clues and evidence which endanger state security;

(3) Acts of assisting state security organs and judicial organs in capturing criminal elements who endanger state security, and

(4) Other acts which are important in assisting state security organs in safeguarding state security.

The "performance of major meritorious services" refers to services which fall under the aforementioned categories and which are especially significant for safeguarding state security.

**Article 24.** He who refuses to provide information -- when evidence proves that he knows other people have committed the crime of endangering state security, or when state security organs are questioning him about the situation and collecting evidence after having been informed that other people have committed the crime of

**endangering state security -- shall be handled in accordance with the provisions prescribed in Article 26 of the "State Security Law."**

**Article 25. When state security organs carry out state security assignments according to the law, citizens and institutions are legally obligated to facilitate their carrying out their duties or to provide other assistance, and those who refuse to do so -- and whose acts constitute a deliberate attempt to obstruct state security organs from carrying out their state security assignments according to the law -- shall be punished according to the provisions prescribed in Section Two of the "State Security Law."**

**Article 26. Those who deliberately obstruct state security organs from carrying out state security assignments according to the law and who cause bodily harm to personnel of state security organs or financial losses are liable for compensation according to the law, and judicial authorities shall punish them according to the provisions prescribed in Section Two of Article 27 of the "State Security Law."**

**Article 27. Personnel of state security organs shall have their criminal responsibilities investigated according to the law when their negligence of duty, practicing of favoritism, illegal detention, and extortion of confessions by torture constitute a crime.**