

CHINA

THE COST OF PUTTING BUSINESS FIRST

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I. SUMMARY AND RECOMMENDATIONS

China is increasingly using trade and diplomatic reprisals to silence human rights criticism, and governments around the world, when thus forced to choose between principle and profit, are putting business first. In March 1996, France, anxious for China to sign a contract for Airbus planes, argued within the European Union against a resolution in the United Nations Commission on Human Rights urging improvement of Chinese human rights practices. In early June, German Foreign Minister Kinkel's visit to Beijing was canceled by Chinese authorities to protest a German parliamentary resolution adopted in Bonn condemning China's human rights record in Tibet. The German government responded by putting off two other scheduled official visits to China, but Beijing's action provoked a furious debate in Germany over the impact of the dispute on that country's lucrative business dealings with China.

The perceived conflict between human rights and trade was perhaps best symbolized by U.S. President Bill Clinton's decision in May 1994 to abandon any effort to place human rights conditions on China's Most Favored Nation (MFN) trade status, arguing that a tough human rights policy was hampering the ability of the U.S. to pursue trade and security interests. His unconditional renewal of MFN marked the end of effective international pressure on China to improve its human rights practices and the triumph of commercial diplomacy, with its self-serving premise that free enterprise leads to a free society.

Two years later, the market economy in China is booming but there is little evidence of a freer society or greater respect for human rights. On the contrary, China's small but formerly vibrant dissident community has been all but crushed, repression of nationalist and ethnic minority movements is the most severe in years; an intense crackdown is underway against all forms of unauthorized religious belief and worship; and the numbers of judicial executions in China are now greater than at any time since 1983. In fact, as China grows stronger economically, the government is using its newfound clout not to improve human rights but to resist human rights pressure through intimidation and commercial threats.

But there are telling signs that the same factors that produce serious abuses of human rights in China are also detrimental to trade, including a flouting of the rule of law that leaves businesspeople and economic reformers increasingly vulnerable to the types of arbitrary detention customarily meted out to dissidents, and strict controls on politically "sensitive" information, including economic data. In addition, a major crackdown on crime that began in April 1996 appears to be creating not the intended enhanced sense of security, but widespread fear and uncertainty that anyone, anywhere can run afoul of the pressure on local officials to make arrests. Actions by Chinese authorities with respect to the press, the courts, and the legislature in Hong Kong raise serious concerns about whether that haven of free enterprise will be as attractive to the international business community after 1997. Stepped-up repression of nationalist movements in Tibet, Inner Mongolia and particularly Xinjiang — potentially China's major oil-producing region — has an obvious negative impact on local economy and investment climate. The Chinese government's refusal to allow international humanitarian agencies, or for different reasons, the U.S. Customs Service, access to its prison system is not only detrimental to the health and well-being of prisoners; it is also symptomatic of a lack of transparency in Chinese government procedures that has implications for trade and security as well. The lesson from all this may not be that freer trade produces a freer society, but that failure to protect human rights can be very bad for business.

The one potentially positive development with respect to human rights over the last twelve months is a series of reforms of the criminal procedure law enacted in March 1996 by the National People's Congress. Among other things, those reforms for the first time appear to partially institute the principle of presumption of innocence, a key building block of a fair legal system. While their importance should not be underestimated, neither should it be assumed that reforms on paper will automatically lead to protections in practice; indeed, the wholesale disregard for due legal process displayed by police and judicial authorities in the current anti-crime campaign makes a mockery of the recently enacted reforms. Moreover, the modest legislative gains that those reforms represent were almost certainly the product of a combination of domestic and international pressure. To diminish the latter would be to set back efforts to strengthen the rule of law—efforts that are clearly in the interests of potential investors as much as of beleaguered dissidents.

Recommendations

To the Government of the People's Republic of China:

- End all forms of arbitrary detention through further reforms of the revised Criminal Procedure Law and the newly enacted Administrative Punishment Law and use the spirit of those reforms to review the cases of all political and religious prisoners judicially or administratively sentenced for non-violent activities with a view toward their release.
- Permit international access and monitoring of trials, including political trials, with a specific view to assessing the implementation of the reforms and encouraging ways in which procedural safeguards can be further strengthened.
- Encourage the U.N. Working Group on Arbitrary Detention to evaluate current practices with regard to arrest and detention procedures and recommend safeguards that would prevent, for example, the practice of failing to inform family members about the whereabouts of detained relatives. The visit of the Working Group would be a useful opportunity to provide a full accounting of the charges, whereabouts and legal status of those detained, arrested or sentenced in connection with political and religious activities.
- Extend invitations to the various U.N. thematic mechanisms responsible for human rights: the Special Rapporteurs on, respectively, Torture, Freedom of Expression, Independence of the Judiciary, Violence Against Women and (for a second visit) Religious Intolerance.
- Define very specifically the meaning of “deprivation of political rights” as outlined in Article 50 of the Criminal Law and eliminate those provisions that violate international human rights standards. Cease discrimination against released political prisoners and permit them to return to their studies or their jobs. Eliminate obstacles to employment in their chosen fields.
- Ratify the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.
- Allow full access of international humanitarian organizations to political or religious prisoners and detainees.
- Ease controls of religious activities throughout China and Tibet that violate the right to freedom of religion and association and halt church registration, demolition of religious buildings and controls on religious publications.

To the International Community:

- Governments of the G-7 countries should develop a joint, long-term multilateral strategy for strengthening the rule of law and improving human rights practices in China. That strategy should have as four of its objectives access by international humanitarian organizations to Chinese and Tibetan prisoners; elimination of administrative detention, building on legal reforms made by the National People’s Congress in March 1996; release of prisoners arbitrarily detained for non-violent political, religious and economic activities; and ratification of or accession to key international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Governments in the G-7 should agree to promote this common human rights agenda using a combination of bilateral and multilateral tools. Discussion of China’s progress towards meeting these objectives should be a regular item for the annual G-7 summit meetings.
- Parliaments should attach specific human rights and trade conditions to their governments’ approval of China’s bid to join the World Trade Organization. The Chinese government’s behavior as a reliable trading partner cannot be separated from its willingness to comply with universal human rights norms. Parliaments should require certification that Beijing has taken verifiable steps both to liberalize its trade and investment rules and to improve human rights by meeting the objectives outlined above.

- Governments should urge China to fully cooperate with the U.N. Working Group on Arbitrary Detention, due to visit China in July, and to implement both the Working Group's recommendations and those made by the special rapporteurs on religious intolerance and torture.
- G-7 governments should consider ways of exerting informal leverage to prevent consideration of major non-basic human needs loans to China by the World Bank's board of directors. It is expected that during the fiscal year ending in June 1996, China will have received nearly \$2.9 billion from the Bank, more than any other country. At the same time, the G-7 countries should support efforts to strengthen the legal system in China, moving beyond support for the development of commercial law to a broader concern with criminal law and procedure and the creation of an independent judiciary.
- One year prior to the transition of Hong Kong to Chinese sovereignty on July 1, 1997, parliaments in the U.S., Europe, Canada, Australia and elsewhere should adopt strong resolutions protesting Beijing's proposal to abolish the elected Legislative Council (Legco) in Hong Kong and to replace it with an appointed body. Resolutions should also call on China to fully comply with its international obligations as outlined in the Joint Declaration by allowing the current Legco members to serve their full four-year terms.
- Japan and the U.S. have a particular responsibility to press China for human rights improvements in light of their key economic relationships with China. The U.S. is the largest single market for China's exports, and Japan is China's number one bilateral aid donor. In 1996, Beijing began receiving from Tokyo the first installment of a new \$6.8 billion three-year ODA (Official Development Assistance) loan package. Japan should consider ways of increasing its attention to human rights in its bilateral relations with China, for example by raising human rights concerns during ODA talks with Chinese authorities, and beginning a formal bilateral human rights dialogue on specific cases such as Chen Ziming, Bao Tong, and Wei Jingsheng. The U.S. should make it clear in all high-level exchanges that a Sino-U.S. summit can take place only if there are meaningful steps taken to improve human rights in China and Tibet.
- There is an urgent need for increased monitoring of the deteriorating human rights conditions in Tibet. Governments should upgrade their diplomatic presence in Chengdu, adding additional Tibet-speaking staff assigned to conduct monitoring and reporting of abuses in Tibet. In addition, governments should consider making formal requests to Beijing for permission to open permanent consular missions in Lhasa. An international diplomatic presence in the Tibetan capital could act as a deterrent to the commission of human rights violations in the region.
- The World Bank and other lending agencies that have regular access to Xinjiang should use their influence to urge the Chinese government to open up Xinjiang to foreign journalists and human rights monitors.

II. ARBITRARY DETENTION

Arbitrary detention in China can be politically, religiously, or increasingly, economically motivated, and the pretext for detention can be a minor criminal charge, an alleged threat to state security, involvement in counterrevolutionary activities, or the need to "rest" after the expiration of a long prison sentence. Detention can also take place without any explanation at all and in violation of China's own criminal procedure law. It can take place in a prison, a labor camp, a re-education through labor center, the detainee's own home or a government "guesthouse." Dissidents, religious activists and those involved in nationalist activities in Tibet, Xinjiang and Inner Mongolia are most vulnerable to arbitrary detention, but it is symptomatic of the weakness of the rule of law in China that officials can and do detain their own nationals and foreigners alike for anything from perceived personal affronts to business rivalries to a determination to prevent political or economic "leaks." We have selected five cases to illustrate different forms of arbitrary detention: Bao Tong, a senior government official; Wei Jingsheng, China's best-known dissident; James Peng,

an Australian businessman; Hong Yang, an official of the International Monetary Fund; and Xiu Yichun, a manager of the Shell oil company. Dozens of other cases are included in Appendix A.

Bao Tong, senior government official

Bao Tong, a sixty-three-year-old economist and architect of many of the reforms that have made China the growing economic power that it is, had been chief aide to former Communist Party Secretary-General Zhao Ziyang, who was deposed in 1989 in the wake of the Tiananmen Square crackdown. Bao Tong had been imprisoned in May 1989, allegedly for having leaked state secrets about the imminent declaration of martial law in Beijing. At his trial in 1991, he was sentenced to seven years in prison, less time already served, and was due for release on May 27, 1996 on completion of the full term. On the day of his "release," however, he was not permitted to return to his home in Beijing. Instead, he was immediately taken to Xishan, some thirty miles west of the city to a heavily guarded compound used for official meetings. A Beijing Public Security Bureau official informed Bao that he probably would have to remain there for some ten days until the anniversary of the June 4 crackdown had passed. But on June 4, he was informed that he would not be permitted to return to the family apartment in Beijing. Instead, he would be relocated to a less accessible place to be designated by the government.

The stay in Xishan quickly turned into a new form of detention. Most political prisoners, when sentenced, are given a term in prison plus a period of deprivation of "political rights" upon their release. Article 50 of China's Criminal Law provides that during the deprivation of rights period, a person may not vote or be elected to office; hold a position in a state organ or a leading position in any enterprise, institution or people's organization; or enjoy freedom of speech, press, assembly, or association. In the case of Bao Tong, who received two years' deprivation of political rights, Chinese officials appear to be unlawfully extending that article so as to confine him to the Xishan area; demand his obedience to the orders of the Public Security Bureau (PSB, the police) and a monitoring group, require permission before he can meet with visitors, and insist he "report his thoughts" to police on a monthly basis. In fact, a PSB official informed Bao Tong that during the two-year period, he would effectively be a "criminal outside of prison" under PSB surveillance. He has been advised not to meet with a lawyer, has not been able to see a doctor despite severe health problems, and has been deprived of a telephone and current newspapers. Even family visits are complicated.

Bao Tong is a thoughtful analyst, not a dissident, committed to the economic development of China. To have locked him away for seven years and further extend his detention after "release" is not only a violation of his right not to be arbitrarily detained; it is a short-sighted measure that deprives the government of one of its most gifted civil servants.

Wei Jingsheng, pro-democracy activist

Wei Jingsheng, China's most prominent dissident, was sentenced by the Beijing Intermediate People's Court on December 13, 1995 to a fourteen-year prison term and three years' deprivation of political rights for "conspiracy to subvert the government" and "communicating with hostile foreign organizations and individuals, amassing funds in preparation for overthrowing the government and publishing anti-government articles abroad." It was his second lengthy prison sentence after only a brief six months of freedom. Active in the Democracy Wall movement of the late 1970s and sharply critical of Deng Xiaoping, Wei had been arrested in 1979 and sentenced to fifteen years in prison. He was released six months early, in September 1993, in an effort by China to improve its international image as part of its bid to secure Beijing as the site for the Olympic Games in the year 2000. Upon his release, Wei immediately began speaking out and publishing articles on the need for democratic change. He was seized by police while traveling between Tianjin and Beijing on April 1, 1994. From that day until he was formally arrested on November 21, Wei for all practical purposes "disappeared." His family was notified only ten days before the trial started that they needed to find a lawyer to defend him. The lawyer they found was allowed only limited access to Wei. When family members saw Wei for the first time in more than twenty months at the six-hour trial, they were shocked at the deterioration in his physical condition. His severe high-blood pressure and heart condition required that the proceedings recess for some forty minutes. After the trial, Wei was moved to solitary confinement in Jile prison (formerly known as Nanpu New Life Salt Farm) in Hebei, where he had spent the last four years of his first term; since May 1996 five hardened criminals have joined him in his cell. In contravention of China's Criminal Procedure Law, the twenty months Wei was held incommunicado were not counted as part of his new sentence. The government falsely claimed that Wei was merely under "residential surveillance" during this period.

James Peng, businessman

On September 28, 1995, the Shenzhen Intermediate People's Court sentenced James Jiandong Peng, aged thirty-five, a naturalized Australian businessman, to sixteen years in prison for embezzlement. The law under which he was tried was applied retroactively. Police kidnapped Peng in October 1993 from his expensive hotel room in the Mandarin Oriental in Macao, the Portuguese colony adjoining Hong Kong, and turned him over to Chinese police in Zhuhai, China. He had apparently run afoul of the Deng Xiaoping family and other politically well-connected local businesspeople and was accused of corruption.

Peng's firm, Panco Industrial, was registered as a private company in Hong Kong. In 1987, Peng, then a Chinese citizen, used that company to acquire a substantial share in a joint venture based in Shenzhen called Champaign Industrial Company Ltd. Champaign manufactured textiles and also engaged in some trading and property development. In 1989, on behalf of the company, Peng invested in a sheep farm in Australia. His family migrated there, and Peng applied for and obtained Australian citizenship. In 1990, Peng took Champaign public—the first Sino-foreign joint venture to be listed on the Shenzhen Stock Exchange. In 1992, Peng was indicted in Shenzhen for embezzlement and fraud, with the Chinese government charging that he had transferred funds from Champaign to his private account and used the company's money to finance his family's emigration to Australia. It froze the company's account, and Peng, who insisted the charges were false, reportedly turned to Deng Xiaoping's niece for help. However, in September 1993, by which time the niece was on the board of Champaign, stockholders voted to confiscate Panco's shares in the company, and Peng's family is convinced that the niece was behind that move. The kidnapping from Macao thus took place as the dispute was at its height.

Peng's trial, which started in November 1994, was sent back to the procuracy at least five times for lack of evidence. According to the verdict, Peng was sentenced to the "supplementary punishment" of deportation, which is presumably to be carried out after completion of the sixteen-year prison term. (Harry Wu, an American detained on June 1, 1995 after crossing into China from Kazakhstan and formally arrested on July 8, received a fifteen-year sentence and deportation, but in his case, he was expelled immediately after the verdict was announced on August 24.)

Hong Yang, official of the International Monetary Fund

Hong Yang, a division chief in the international department of the People's Bank of China, was arrested in late 1995 and eventually sentenced to ten or eleven years' imprisonment.¹ In March 1995, he had been sent for training to the International Monetary Fund (IMF)'s Washington headquarters and subsequently assigned to the IMF's Central Asia department. In December 1995, the IMF sent a delegation to Beijing to review China's economic policies and, at the Chinese government's request, included Hong Yang in the delegation. On December 22, shortly after the delegation arrived, Hong Yang disappeared, and IMF officials discovered that he had been detained and charged with bribery. IMF officials reportedly believe that Chinese authorities persuaded the IMF to include Hong on the delegation only because they wanted to arrest him and are convinced that the charge of bribery was manufactured as part of a power struggle within the central bank.² It is the first time that a staff member of the IMF has ever been arrested in his own country while on an IMF mission. Hong's wife and child remain in Washington.

Xiu Yichun, senior manager, Shell China (Royal Dutch Shell)

In early February 1996, a senior Chinese manager for Shell, Xiu Yichun, and one of her counterparts at the China National Offshore Oil Corporation (CNOOC), were detained in Beijing and charged with obtaining state secrets related to plans of Royal Dutch Shell to build an oil refinery in Huizhou, east of Hong Kong. The secrets, according to the *Far Eastern Economic Review*, involved information on the financing and environmental implications of the

¹ "IMF Fears Over Jailed Employee," South China Morning Post, June 29, 1996. According to this Reuters report, "sources in Beijing" said Hong had received a ten-year prison term, but the IMF's managing director, Michel Camdessus, was cited in the same report as stating that the sentence was for eleven years. Hong's trial opened on March 12, 1996, and appears to have concluded in late June, although the precise date of sentencing is unclear.

² The details of this case can be found in Owen Ullman, "Michel's Secret," *The International Economy*, May/June 1996, pp. 20-23.

project. The two were also reportedly charged with taking bribes. CNOOC was to be Shell's joint venture partner on the refinery, and the arrests came shortly before Chinese Premier Li Peng was to visit the Netherlands to discuss the project. As of late March, neither family members nor colleagues had been allowed access to Xiu Yichun. The motivation for the arrests was not clear, but representatives of foreign oil companies said they believed that the arrests reflected concern by Chinese officials about Chinese nationals working for foreign firms and using their knowledge of local business practices to violate the law.³

Numerous cases have emerged over the last two years of business representatives being detained on spurious charges of fraud or embezzlement for refusing to pay Chinese agents or manufacturers for delivery of shoddy goods.⁴ On June 16, 1995, police arrested Lu Guizhi, the Chinese representative of a Hungarian subsidiary of a U.S. firm, the Duke Group, after Duke Hungary refused to accept delivery of an order it had placed with its joint venture partner, a Chinese producer of down clothing. The clothes reportedly arrived late and were poorly made, and the company refused to pay the Chinese supplier, Xingle Down Products in Leting county, Tangshan, some 160 kilometers west of Beijing. Initially, the supplier tried to sue Duke Hungary, and when the suit failed, it had local police arrest the Duke representative. She would be released, the supplier said, when Duke paid for the clothing. Ms. Lu was eventually released on July 16, filed a suit in administrative court against the Leting Public Security Bureau, and was given compensation for illegal detention.

Access to Prisons

³ "Slippery Slope: Beijing Detains Chinese Manager for Shell," *Far Eastern Economic Review*, March 28, 1996, pp. 20-21.

⁴ "Agent for US firm 'being held illegally,'" *South China Morning Post*, July 8, 1995; "China: Public Security Bureau Compensates Victim for Unlawful Detention," Xinhua News Agency, October 18, 1995; "Russia: Moscow Demands Release of Two Russian Businessmen Detained in China," ITA-TASS news agency, June 14, 1996.

Despite the scope of unlawful and arbitrary detention in China, no progress has been made on one remedy that would at least permit outside monitoring of the well-being of prisoners: international access to China's prison system. Negotiations between the Chinese government and international humanitarian agencies over access have been stalled since 1995, and a 1992 memorandum of understanding (MOU) with the United States designed to secure access by the U.S. Customs Service to prisons or labor camps where goods bound for the U.S. were suspected of being produced has generated minimal cooperation from the Chinese government. Despite the fact that negotiations on specific conditions for implementation were completed in March 1994, agreement broke down after only one year and Chinese officials have permitted no inspection visits since April 30, 1995. In the case of Wuyi Prison in Zhejiang province, for example, the Chinese government repeatedly ignored U.S. government requests to visit, despite a provision in the MOU stipulating that access would be granted within sixty days of such a request. The Chinese government has further weakened the agreement by maintaining that "re-education through labor" camps are not prisons and therefore not part of the agreement, even if the U.S. suspects goods for exports are being produced there. Detainees held for re-education, sometimes for as long as three years, receive no trials.⁵

III. "STRIKE HARD" CAMPAIGN

The Chinese government has periodically engaged in anti-crime campaigns that sweep up thousands, sometimes tens of thousands, in their wake. Intended to instill a sense of security in a public concerned about the crime that has accompanied economic growth, these campaigns result in the unlawful arrest and even wrongful execution of large numbers of people. Local officials, anxious to show they are giving full attention to the campaign, frequently appear to be more concerned with numbers than evidence.

The latest "strike hard" (*yan da*) or "crackdown on crime" campaign, as the operations are generally known, began on April 28, 1996. It targets not only criminals, murderers, thieves, rapists and drug-runners, but also "splittists" or "separatists" in Tibet and Xinjiang, religious sects, and cadres who protect such allegedly divisive elements.⁶ And by repeatedly emphasizing the need for social order, the campaign has implicitly targeted all dissidents.

Public order authorities across the nation, including the Public Security Bureau and the People's Armed Police, are implementing this campaign with particular severity. In Guangdong province, PSB captured 8,750 offenders within a ten day period. Between April 20 and May 3, they caught 11,999 alleged criminals in Guangxi Autonomous Region. In Gansu province from April 20 to May 5, officers seized another 2,151 suspects. In Heilongjiang province, more than 2,000 alleged offenders were arrested in April. And in Jilin province, public security policemen captured 1,179 criminals during a three-day crackdown beginning April 25. As of mid-June, some 60,000 people reportedly had been arrested.⁷

Senior government officials have urged "all levels of procuratorial and judicial organs" to act quickly to mete out severe punishment to criminals according to law.⁸ Such punishment includes execution by shooting, which is applicable not only to crimes such as murder, rape, robbery, transportation of or trade in firearms, and luring women into prostitution, but also to most forms of "counterrevolutionary offense," certain types of economic crime, and also to

⁵ Such persons are sentenced administratively by local branches of the Public Security Bureau, acting in the name of "Labor Re-education Management Committees"—largely fictitious bodies that nominally include officials from government departments other than the police, but which rarely (if ever) actually meet.

⁶ "China Vows to Wipe Out Rural Mafias, Superstition," Reuters, May 30, 1996.

⁷ See summary report from *Yangchen Wanbao*, May 7, 1996, as reported in FBIS, May 20, 1996 as "Crime and Punishment in PRC: 29 Apr - 4 May"; summary report from *Guanxi Ribao*, May 4, 1996, as reported in FBIS, May 20, 1996 as "Crime and Punishment in PRC: 29 Apr - 4 May"; *Gansu Ribao*, May 8, 1996, as reported in FBIS, May 31, 1996; *Harbin Heilongjiang People's Radio Network in Mandarin*, May 27, 1996, in FBIS, May 30, 1996; *Jilin Ribao*, May 3, 1996 in FBIS, May 30, 1996.

⁸ "Ren Jianxin Outlines Public Security Drive," Xinhua Domestic Service, April 28, 1996, in FBIS, April 30, 1996.

“leaking of state secrets.” At least 650 executions were reported in the Chinese media between late April and mid-June, and a further 231 persons were reportedly executed nationwide on or around June 26, the United Nations’ international day against drugs.⁹ Even these officially reported figures probably understate greatly the true numbers of those executed in the current “strike hard” campaign, which thus looks set to rival in severity the first such campaign, which took place in 1983. According to subsequent internal government reports, the 1983 campaign resulted in numerous wrongful executions (*cuosha*).

⁹ See FBIS, May 1 to June 7, 1996; and “In Drug War, China Executes 231 More,” Agence France-Presse, in International Herald Tribune, June 28, 1996.

Those arrested in the "strike hard" campaign are not tried before independent judges. Justice Minister Xiao Yang told judicial officials across China to take an active part in the campaign, saying further that officials who did not do a good job will have failed to keep in political step with the Party. He urged the Party to step up its management of lawyers during the campaign and to strengthen their political and ethical education. He also advised lawyers to "bear in their mind the importance of maintaining social stability and co-operation in the campaign."¹⁰

IV. RESTRICTIONS ON FREEDOM OF EXPRESSION

While more information is flowing into China than ever before, the Chinese government continues to attempt to control it, particularly with regard to sensitive political and economic issues. The attempt at control runs directly counter to the need for greater transparency that is a hallmark of "good governance."

The most blatant example of China's attempts to restrict information flows has been in relation to the Internet.¹¹ New regulations entitled "Interim Internet Management Rules," applicable to all those within China who intend to hook up with international networks, were announced in February 1996. The state was made responsible for "overall planning, unified criteria, classification management and promoting development"; users were limited to channels provided by the Ministry of Post and Telecommunications. The State Council must approve "interactive" networks; "interfacing" networks must go through interactive networks; and individuals and organizations must go through interfacing networks and be registered with the police. The State Education Commission supervises university use; the Academy of Sciences is in charge of scientific research hook-ups and the Ministry of Electronics manages computer companies. Additional measures which narrow communication channels between the Internet and its Chinese domestic users were announced in May 1996.¹²

After these regulations went into effect at the national level, provincial public security departments issued local rules identical to a Public Security Ministry circular. The Zhejiang and Guangdong regulations, for example, specified that all computer users who directly or indirectly hook up with subscribers outside the country, including Hong Kong, Macao and Taiwan must register with the government.¹³

¹⁰ "Minister on Judicial Organs' Role in Anti-crime Drive," *South China Morning Post*, May 3, 1996, in FBIS, same day.

¹¹ See Human Rights Watch, "Silencing the Net," *A Human Rights Watch Short Report*, Vol. 8, No. 2, May, 1996.

¹² "Ministry Tightens Monitoring Over Computer Networks," *Zhongguo Xinwen She*, May 22, 1996, in FBIS, May 24, 1996.

¹³ "Zhejiang Internet Subscribers Required to Register," Hangzhou Zhejiang People's Radio Network, February 14, 1996, in FBIS, February 20, 1996; "Guangdong Requires Internet Users to Register," *Zhongguo Xinwen She*, February 16, 1996, in FBIS, February 20, 1996.

Other electronic media have come under Chinese restriction. On January 16, officials announced that Xinhua was to supervise foreign wire services selling economic information, primarily Dow Jones and Reuters Business, so that it could screen for "false economic news and attacks on China."¹⁴ In addition, the services were prohibited from increasing the number of Chinese subscribers, and foreign wire services already in China were required to apply for permission to continue.¹⁵ Document No.189, signed and circulated by the Ministry of Posts and Telecommunications in March or early April 1996, banned telecommunications operators from editing and distributing news. The prohibition has stopped news dissemination by electronic paging services which allegedly used "superstitious or sensual" material to attract customers.¹⁶ A joint investigation by the Beijing municipal bureaus of Radio and Television, Public Security, and State Security warned that two Beijing hotels, the China Resources Hotel and the Beijing Hilton, would be severely punished for illegally installing and using ground satellite equipment to receive television transmissions.¹⁷

Chinese President Jiang Zemin himself highlighted the lack of media independence, instructing journalists to reflect the political positions of the Chinese government and the Chinese Communist Party.¹⁸ At the end of March, in an effort to contain proliferation and tighten control over small-scale newspapers run by nongovernmental and semi-official organizations, Beijing suspended approvals for all new publishing groups and announced that smaller newspapers and publishing houses would come under the control of central and provincial Party and government organizations.¹⁹ As the anniversary of the June 4, 1989 crackdown approached, central authorities clamped down on Shanghai media, accusing some local periodicals of contradicting the "key tune," thus creating ideological confusion which could, in turn, slow economic development. Five publications were put under the control of the official media as a result.²⁰

Controls were also tightened over radio, film and television. Hebei province's Radio, Film and Television officials ordered journalists to stop gathering information on topics that were out-of-bounds. In a coded allusion to an increase in social problems and disturbances, the provincial Party leader warned that "some incidents that should not have been made public have been made public."²¹ In April, film censors canceled five movies, halting one in mid-production and banning distribution of the others.²²

In early May in Shenzhen, more than one hundred armed PSB officers detained close to 200 people in connection with an attempt to crack down on the widespread illegal circulation of Hong Kong publications. Most of those detained were released within a day.²³

¹⁴ "China Curbs Free Flow Of Economic Information," Reuters News Service, January 16, 1996.

¹⁵ For the complete text of "Methods for the Exercise of Administration over Publication in China of Economic Information by Foreign News Agencies and Their Information Subsidiaries," see "Procedure for News Agency Economic Reporting," FBIS, April 16, 1996, pp. 24-27.

¹⁶ "Paging Services Prohibited from Distributing News," Zhongguo Xinwen She, April 7, 1996, in FBIS, April 11, 1996.

¹⁷ "Hotels Face 'Severe Punishment' for Satellite TV Links," Xinhua, April 11, 1996, in FBIS, April 11, 1996.

¹⁸ "Stick to Jiang's 'key rhythm' says Party," *South China Morning Post*, January 27, 1996.

¹⁹ "State clamps down on small-scale newspapers," *Hongkong Standard*, April 1, 1996.

²⁰ "Clamp on media and students," *South China Morning Post*, May 10, 1996.

²¹ "Hebei party chief warns journalists on 'errors,'" *Eastern Express*, January 30, 1996, in FBIS, January 30, 1996.

²² "China's Film Censors Ban Five New Movies," Reuters News Service, April 14, 1996.

²³ "Shenzhen Seizes Smuggled Hong Kong Newspapers," *Ping Kuo Jih Pao* (Hong Kong), May 5, 1996, in FBIS, May 8, 1996.

Other specific attempts by Chinese officials to limit information flows have surfaced. In March 1996, the Party refused to permit mainland journalists to cover the elections on Taiwan; Hong Kong journalists have also been warned that reporting on activities in support of Taiwanese independence will be banned after 1997. Also in March, immigration officials at the Shenzhen border seized the home return permit of Jin Zhong, editor of the Hong Kong-based *Open Magazine*, and told him he was no longer welcome in China. The magazine is often critical of Beijing policies and Jin Zhong was known to have kept in touch with mainland dissidents.²⁴ Since then, it has become clear that Beijing is operating a new, expanded "re-entry blacklist."²⁵ In May, Chinese officials demanded the right to vet journalists covering Hong Kong's sovereignty transfer on July 1, 1997.²⁶ That same month, the Central Propaganda Department urgently "requested" magazines and other media to forego publication of articles about the Cultural Revolution (1966-76) planned for its thirtieth anniversary. Officials were concerned that publicity about the tragic events of those years would result in "ideological confusion."²⁷

The foreign press corps in Beijing has also been restricted:

- Henrik Bork, a German journalist, was effectively expelled from China in December 1995 by the government's refusal to renew his visa. He was accused of inciting anti-China feeling and maligning Chinese leaders by calling Li Peng a dictator in an article he wrote before the premier's visit to Germany in July 1994.²⁸
- In October, an *Eastern Express* (Hong Kong) reporter, was forced to leave the closing session of the Seventh International Anti-Corruption Conference in Beijing because his articles were "prejudiced against the conference." Jean-Pierre Cabestan, a French legal expert based in Taiwan, said Chinese authorities had "censored some speeches, refused visas and banned the foreign press from covering the conference."²⁹
- In July, the *Apple Daily* (Hong Kong) was banned from covering news in Beijing. Without explanation, Xinhua had rejected two previous *Apple* applications to cover meetings and delegation visits to Beijing. Apple's owner, Jimmy Lai, is known to have angered Beijing by criticizing Chinese Premier Li Peng.³⁰
- In Guangdong province, officials moved to tighten control over Hong Kong's negative reporting of social ills in the province, calling the newspapers "irresponsible" and "unfriendly" and suggesting that they smeared the province's image through false reporting based on rumors. One incident involved overseas reporting of a

²⁴ "Journalist loses home right return," *South China Morning Post*, March 4, 1996.

²⁵ Numerous overseas Chinese holding foreign passports have in recent months—reportedly for the first time ever—been instructed on arrival at China's immigration checkpoints to write down their names in Chinese characters, which immigration officials then proceed to check against a computerized blacklist. For details of an earlier such list, see "China: Enforced Exile of Dissidents: Government 'Re-entry Blacklist' Revealed," Human Rights Watch/Asia and Human Rights in China, January 1995 (Vol.7, No.1).

²⁶ "Chinese Dissident Escapes 24-Hour Watch and Flees to America," *Daily Telegraph*, May 4, 1996.

²⁷ Media Reportedly Told Not to Publish Articles on Cultural Revolution Anniversary," BBC Monitoring Service, May 16, 1996.

²⁸ "Expelled journalist fears for press freedom," *Eastern Express*, December 28, 1995, in FBIS, December 29, 1995.

²⁹ "Reporter forced from session," *Eastern Express*, October 11, 1995, in FBIS, October 12, 1995.

³⁰ "*Apple Daily* barred from covering Beijing," *South China Morning Post*, July 15, 1995, in FBIS, July 17, 1995.

People's Liberation Army raid on the Shahe Police Substation. Chinese reporters who had covered the story were questioned to see how the news had leaked out.³¹

Academic Freedom

³¹ "Guangdong Tightens Control on Overseas Reporters," *Ming Bao* (Hong Kong), December 1, 1995, in FBIS, December 14, 1995.

Academic freedom in China, particularly social science, has come under renewed attack. Four "liberal" members of the Research Institute of Political Science of the prestigious Chinese Academy of Social Science were fired in December 1995. All four, Chen Xiaoya, Yang Baikui, Zhou Yishan and Chen Zhaogang were involved in the 1989 pro-democracy movement. One of the four, Chen Xiaoya, an assistant researcher, quoted the academy's Party secretary as having said, "Scholars who do not engage in work in Marxism should not be allowed to stay." In her book, *History of the 1989 Democracy Movement*, she criticized the crackdown on dissenting views, saying "Science can only develop when one hundred schools of thought are allowed to contend with each other and one hundred flowers to blossom." She went on, "I don't think I am to blame...the only political difference between I and some 'elder comrades' is that I adhere to humanitarianism while they adhere to violent aristocracy."³² For two of the four, loss of their jobs meant not only loss of salary but loss of housing as well. Chinese authorities also banned open sales of the academic quarterly *China Social Sciences Journal* (*Zhongguo Shehui Kexue Jikan*) reportedly to prevent overseas infiltration into China's cultural market.³³ Two books, initially published to serve as "positive" educational material, have been recalled. One, a two-volume work titled *One Day Under Martial Law*, was published by the People's Liberation Army Literature and Art Publishing House in October 1989. Ostensibly written in support the role of the army in 1989, it was apparently found to be insufficiently positive. The second was a book called *Fifty-Six Soul-Stirring Days*. It is not clear why the latter was recalled.

Public gatherings often face last-minute bans or unexpected intervention by police. In one incident, in late April 1996, the Beijing Artists' Group was denied permission to hold its first exhibition on the grounds that it was an unregistered organization. Earlier, on March 30, a dinner held to raise money for Chinese orphanages at which U.S. Ambassador to China James Sasser and some 450 others were present, was broken up by police and Beijing administrative personnel. The dinner was eventually permitted to go on, but the scheduled speeches, including the keynote address by author Amy Tan, were stopped. This latter incident reflected extraordinary sensitivity on the part of Chinese officials to the publication in January 1996 of *Death by Default: A Policy of Fatal Neglect in China's State Orphanages*.³⁴

V. MOVES AGAINST HONG KONG

The Chinese government has taken several steps to curtail or threaten civil liberties in Hong Kong just over a year before the territory returns to Chinese rule. In 1984, when China and Britain signed the *Sino-British Joint Declaration of Hong Kong*, a binding international treaty, Hong Kong was guaranteed a "high degree of autonomy" after it became a Special Administrative Region (SAR) under Chinese sovereignty on July 1, 1997. The Basic Law, which will be Hong Kong's de facto constitution after 1997, reinforced that guarantee. Under the concept of "One Country, Two Systems," Hong Kong was to enjoy executive, legislative and independent judicial power, and interference by any department of the Chinese government in Hong Kong's affairs was prohibited except in matters of foreign affairs or defense.

China's good faith in respecting those provisions has been called into question by Beijing's response to Hong Kong's September 1995 legislative election in which the pro-democratic forces won a majority of the twenty directly-elected seats on the sixty-member Legislative Council or Legco. Chinese authorities had strenuously objected to reforms instituted in 1992 by Hong Kong Governor Christopher Patten aimed at expanding the franchise. Two years earlier, in April 1990, China's National People's Congress had agreed to a formula called the "through train" by which the last legislature under British administration would be dissolved on June 30, 1997 and immediately reconstituted the following day with the same people, in accordance with the provision of the Joint Declaration that a legislature

³² "Sacked scholar condemns purge as political act," *South China Morning Post*, December 21, 1995. See also "Academics lose jobs in purge of liberals," *South China Morning Post*, December 10, 1995.

³³ "Open Sale of Social Sciences Journal Prohibited," *Lien Ho Pao* (Hong Kong), December 7, 1995, in FBIS, December 7, 1995.

³⁴ Human Rights Watch/Asia, *Death by Default: A Policy of Fatal Neglect in China's State Orphanages* (New York: Human Rights Watch, 1996).

"constituted by elections" would wield legislative power. Chinese officials argued that Patten's reforms violated the Basic Law and that China could no longer be expected to honor the "through train" formula. On March 24, 1996, the Preparatory Committee, a body hand-picked by the Chinese government to handle transition matters, voted to disband Legco on July 1, 1997 even though its members will have served only two years of their four-year terms. Instead, the Committee agreed that the 400-member Selection Committee would be empowered to elect a "provisional legislature," to take office on July 1, 1997 and remain in place for one year. That body could pass legislation, approve a new budget for the SAR, and repeal or amend any law it deemed contrary to the Basic Law. In addition, the Chinese government has taken a number of other steps toward weakening its obligations under the Joint Declaration, including declaring its intention to repeal key provisions of Hong Kong's Bill of Rights; calling on the Hong Kong government to "discipline" RTHK (Radio Television Hong Kong) for failing to cooperate with the demands of the Preparatory Committee; warning journalists that they will not be allowed to cover certain issues relating to Taiwan and other political topics; and stating that top civil servants would be required to take a loyalty test pledging their obedience to the laws enacted by Beijing's hand-picked legislature. The government later stepped back from the latter position.

VI. CRACKDOWN IN TIBET, MAY 1996

Repression in Tibet, which has steadily increased since July 1994, escalated significantly in May 1996. Even before May, the number of political arrests in Tibet had reached a new high; torture of detainees continued to be systematic; control over monasteries and nunneries had tightened; and security had been increased in an effort to prevent exchanges between the Tibetan community in India and those residing in Tibet. A struggle between Beijing and the Dalai Lama over the selection of the Panchen Lama, the second most important religious leader in Tibet, had led in July 1995 to several detentions, including that of the six-year-old child recognized by the Dalai Lama as the Panchen Lama's reincarnation. In February 1996, the Chinese government issued a directive to close politically active monasteries and ordered the replacement of all monastery leaders by those certified by Chinese officials as "patriotic." On April 5, it issued a new directive banning photographs of the Dalai Lama in monasteries. By the end of April, it was clear that the ban would be extended beyond monasteries, and small groups of officials began visiting hotels, restaurants and shops to enforce the prohibition. In May as the "strike hard" campaign reached Tibet and the government intensified efforts to discredit the Dalai Lama, violence erupted at Ganden, one of the three main monasteries in Lhasa.

Fighting broke out at Ganden on May 6, 1996 after a "work team" (*gongzuo dui*) composed of Party cadres ordered the immediate removal of the Dalai Lama's photograph in compliance with the ban on his picture in all Buddhist temples. When Chinese officials refused to talk with a group of young monks complaining about the restriction, the monks began to dance and sing in the monastery courtyard and then to throw stones. During a five-minute burst of violence at least one official was badly beaten. (Later reports indicated that two officials had to be hospitalized.) Older monks intervened, gave the official first aid, ordered the evacuation of all children from local villages who studied at the monastery, and told the one tourist who had witnessed the scene to leave immediately.

That evening, ten truckloads of troops approached the monastery but stopped short of the buildings while troops took up positions in the surrounding mountains and began firing randomly. The following morning, on May 7, soldiers fired warning shots before entering the monastery and arresting at least sixty-one monks. During the incident, three monks were shot and wounded, one seriously. Another, Kelsang Nyendrak, forty years old, reportedly died several days after the incident from a bullet wound at the base of his spine, while a teacher at the monastery, beaten by police at the base of his skull, reportedly sustained life-threatening neurological damage. On May 10, some twenty-five more monks were arrested. All those detained, including thirteen-year-old Gelek Jinpa, were being held in Gutsa Detention Center in Lhasa as of mid-June. In total, as many as ninety monks may have been arrested and the search for hundreds more was underway in June. Chinese authorities offered a reward of 5,000 *renminbi* (US\$600) for information about those in hiding and closed the monastery, which houses between 500 and 700 monks, for "consolidation and rectification." On May 22, Chinese officials reported that it would be closed for at least two to three months. The announcement said, "The work team is now educating the monks in the monastery. These lamas are young, they come

from remote areas and are less educated, so the work team must teach them.”³⁵ However, one report suggested that only some fifty monks, the very old and the sick, remained in residence at Ganden, the rest having made good their threat to leave en masse if the ban on displaying photographs of the Dalai Lama was enforced.³⁶

Monks at other monasteries and temples followed the example of those at Ganden. When Communist Party officials arrived at Sera monastery on May 12 to try to enforce the ban on photographs, the monks there threatened a walkout and closed the gates of the monastery in protest. Monks at Drepung monastery followed suit as did those at the temple of Ramoche. Monks at Jokhang, Tibet's main temple, staged a one-day sympathy shutdown on May 13. By May 18 Sera had reopened. It was unclear as of late June whether Ramoche and Drepung remained closed. According to an unconfirmed report, the abbot at Drepung was told to reopen the monastery or face “problems.”

On May 21, Tibetan authorities warned in an editorial in the official *Tibet Daily* that they planned to use the new “strike hard” anti-crime campaign to “relentlessly pursue” political dissidents and supporters of the Dalai Lama.³⁷ On the same day, Tibetan newspapers published an ultimatum issued by the Public Security Bureau and the Tibetan courts that all pro-independence activists and criminals turn themselves in by June 30. The same warning went out on Tibetan radio the following day. Exemption from punishment or a reduction of sentence, the announcement made clear, was contingent on “expos[ing] the crime of other law offenders with good results.”³⁸ On May 25, the *Tibet Daily* reported that a session of the regional People's Congress in Lhasa had concluded, “Everyone in the region must understand clearly that the struggle against the Dalai Lama group is a long-term, bitter, complex, ‘you die - I live’ political battle with no possibility of compromise.”³⁹

In mid-1996, China officials were still justifying the government's interference in the choice of the Panchen Lama, the most important Buddhist monk resident in Tibet, and its May 1995 detention of Gendun Choekyi Nyima, the then-six-year-old boy whom the Dalai Lama had recognized as the reincarnation of the tenth Panchen Lama. After a year of denials, China's ambassador to the U.N. in Geneva finally admitted on May 28, 1996 that Gendun Choekyi Nyima “has been put under the protection of the government at the request of his parents.” He did not say where the child was being held, but claimed he was in good condition and that his parents were with him. According to Xinhua: “the boy was at risk of being kidnaped by Tibetan separatists and his security has been threatened.”⁴⁰

Chadrel Rinpoche, the abbot who led the official search for the new Panchen Lama, also was detained in May 1995 and reportedly physically abused, in part for his alleged consultations with the exiled Dalai Lama. In May 1996, the Chinese government, still trying to discredit him, removed him from his post on a regional committee.⁴¹ In July 1995, when Chinese religious authorities attempted to coerce the monks at Tashilhunpo monastery, the Panchen Lama's traditional seat, into accepting the government's choice for the lama, the monks protested en masse. At least thirty-two monks were arrested; many were severely tortured.⁴² Twenty-one were released in October. In November, eight monks were sentenced to terms ranging from between six months and two and a half years in prison. Arrests and rearrests in connection with the Panchen Lama dispute continued into January 1996 when nine monks from Palgon Chorten were arrested in the Gyantse district. They allegedly had bought and burned pictures of the child the Chinese government had determined was the legitimate reincarnation.

³⁵ “Tourist Account of Monks' Protest, Police Search for Photographs,” *TIN News Update*, May 24, 1996.

³⁶ “Beijing Launches Hunt for Fleeing Monks in Tibet,” Agence France Presse, May 21, 1996, in FBIS, May 29.

³⁷ “New Pressure on Dalai Lama ‘Clique,’” *Sydney Morning Herald*, May 21, 1996.

³⁸ For text of ultimatum see “Notice Urges Crackdown On Separatist Assassinations - Makes Leniency Offer,” BBC Monitoring Service, May 24, 1996.

³⁹ “China Launches New Bitter Attack On Dalai Lama,” Reuters, June 2, 1996.

⁴⁰ “China Admits Holding Panchen Lama Child ‘for Protection,’” *TIN News Update*, June 1, 1996.

⁴¹ For the text of the announcement see “Tibet Advisory Body Removes Monk in Panchen Lama Dispute, Attacks Dalai Lama,” BBC Monitoring Service, June 3, 1996.

⁴² Human Rights Watch/Asia, *Cutting Off the Serpent's Head* (New York: Human Rights Watch, 1996), pp. 135-38.

The Chinese government has tried to prevent news of disturbances in Tibet from reaching the outside world. On July 4, 1995, a tourist leaving Tibet was stopped at the airport and strip searched. Fifty rolls of film, her diary, and tapes and letters, one containing court documents, were confiscated. Two similar searches had been reported earlier; none were random. The tourists involved all could speak Tibetan or had close connections with Tibetans. On September 2, 1995, the Chinese government accused a New Zealand mountain climber who faxed his wife that he had heard a bomb explode near the Lhasa Holiday Inn, of attempting to "subvert the government, split the country and overthrow the socialist system."⁴³ The incident was cited as showing that "distorting facts and spreading rumors to confuse people and jeopardize our state security are customary tactics used by Western anti-China forces."⁴⁴ Police, some armed, woke the mountaineer around midnight on September 2, refused him permission to notify anyone of his arrest and took him to state security facilities in northern Lhasa. After giving a "written statement of repentance," he was made to refax his wife and retract his earlier story. After a week in detention, he was expelled.

Following the violence at Ganden, checkpoints were set up in Lhasa. On May 6, police rounded up tourists at the Snowlands Hotel in an attempt to identify the one foreigner who witnessed and photographed the incident. In the belief that the witness was French, police gave French tourists a particularly hard time. One Frenchman was briefly detained at a mobile checkpoint five days after the incident and released only after proving he had not even been in Tibet on May 6.

VII. CRACKDOWN ON ETHNIC "SPLITTISTS"

The Xinjiang and Inner Mongolia "autonomous regions" are two other areas of China marked by nationalist movements and a history of central government repression of "splittism." The last six years have seen sporadic outbreaks of violence in Xinjiang and waves of arrests in Inner Mongolia, both related to nationalist tensions.

Xinjiang

⁴³ "Tourist Denounced for 'Bomb' Fax from Lhasa," *TIN News Update*, March 21, 1996.

⁴⁴ *Tibet Daily*, February 29, 1996, cited in *TIN News Update*, March 21, 1996.

When the "strike hard" anti-crime campaign began in Xinjiang in April 1996, it targeted "national splittists" who, officials said, colluded with violent criminal elements and posed a serious threat to safety and social stability.⁴⁵ The twelve months prior to the beginning of the campaign had seen a number of trials of individuals allegedly for Muslim separatist activity. On May 30, 1995, for example, five Muslims "separatists," Abulimiti Talifu and Yidilisihan Wumaler, the alleged ringleaders, and Maimaitiming Seyiti, Heilili Aletong, and Abudula Maimaiti, were executed after a public rally for bombing city buses and public sites in 1992. Three others were jailed for life. All eight reportedly were members of a group called the Islamic Reformers Party.⁴⁶ On August 9, 1995 in Heitan, nineteen Muslims from the Pishan district received sentences ranging from four to fifteen years for possessing arms and belonging to a "counterrevolutionary organization whose aim was to harm national unity."⁴⁷ And on May 14, 1996 the Urumqi Intermediate Court in a public rally sentenced another Muslim "splittist," Abuduwayiti Aihamati, to three years' imprisonment for writing and distributing subversive materials as part of an alleged separatist plot "with the goal of splitting the unity of the motherland." He was also convicted for attempting to "overturn the rule of the people's democratic dictatorship" and "wantonly" spreading "inflammatory counterrevolutionary propaganda" in Beijing.⁴⁸ (His "light" sentence, according to a local newspaper, was a response to his having "shown repentance.")

Violence escalated after the "strike hard" campaign began, however, to the point that cadres and pro-government religious figures were allegedly assassinated.⁴⁹ Unofficial sources reported street fighting and deaths in Turfan and Karamai and massive arrests of Uighurs, a Turkic Muslim population,⁵⁰ although Chinese officials deny the stories.⁵¹ Other unofficial sources suggest the whole problem has been exaggerated by the Chinese side in order to justify the crackdown.⁵² Media control by the Chinese government and refusal by local officials to permit foreign journalists to visit the affected areas have prevented any independent on-the-spot reporting or assessment. But by May 29, "work units [were] told to be prepared for any unexpected incidents" and security forces were told to increase border controls to prevent arms smuggling and subversive propaganda.⁵³ On June 4, Chinese officials called for a "great wall of steel" to be built against separatists, and the official *Xinjiang Daily* carried pictures of armed and helmeted police on parade in Urumqi, the regional capital.⁵⁴ A commentary in the paper called on all sectors of the population to unite in combatting the "separatist plot."⁵⁵

By the beginning of June, Xinjiang Television reported that starting that month, "our region will concentrate on thoroughly clearing up and rectifying college campuses and neighboring areas."⁵⁶ It quoted a local official as saying

⁴⁵ "Beijing Targets 'Splittists' in Anticrime Drive," *Xinjiang Ribao (Xinjiang Daily)*, May 1, 1996, in FBIS, May 17. See also "Nine Moslem Separatists Die In China Gun Battle," Reuters, May 21, 1996.

⁴⁶ "Xinjiang Muslim rebels executed," *Eastern Express*, June 21, 1995.

⁴⁷ "Separatists jailed on arms charges," *Eastern Express*, June 10, 1995.

⁴⁸ "China Jails Moslem For Subversion," Reuters, May 20, 1996.

⁴⁹ "Attackers of Xinjiang Official Shot Dead, Arrested in Gun Battle," BBC Monitoring Service, June 3, 1996; "Xinjiang Conference Official Attacked by Alleged 'Islamic Separatists,'" BBC Monitoring Service, May 31, 1996.

⁵⁰ "Twenty killed as rebels fight in streets," *South China Morning Post*, June 1, 1996.

⁵¹ "Security Official Says Deaths In Xinjiang 'Pure Lies,'" Agence France Presse, June 1, 1996, in FBIS, June 3.

⁵² "China Sees a Muslim Threat from the West," *Los Angeles Times*, June 8, 1996.

⁵³ "China Tightens Control In Restive Xinjiang," Reuters News Service, May 29, 1996.

⁵⁴ "China To Build Steel Great Wall Against Separatism," Reuters News Service, June 5, 1996.

⁵⁵ "Paper Cited on Xinjiang 'Separatist Plot,'" May 30, 1996, in FBIS June 6.

⁵⁶ "China Cracks Down On Campus Muslim Separatists," Reuters, June 3, 1996.

that "all kinds of lawbreaking and criminal activities that pose a danger to colleges" would be targeted. The report went on to specifically attack separatists for "interfer[ing] with study and the administration of education institutes" and said work would focus on stopping infiltration of separatist and illegal religious activities.⁵⁷

A document issued earlier, after a May 3-6 working conference of the Xinjiang regional Party committee, had made the official position clear:⁵⁸ extremists — primarily Muslims — were using religion to incite holy wars and were colluding with "hostile forces in the West" to do so. Vigilance against religious interference in "administration, law enforcement, education, family planning and other social services" was essential, it said, and the purging of cadres with "serious political, economic and ideological problems" at all levels must go forward.

⁵⁷ "Xinjiang Crackdown on Separatist, Religious Influence From Colleges," BBC Monitoring Service, June 3, 1996.

⁵⁸ For a complete text, see "Xinjiang Party Branch Urges Action Against 'Unlawful Religious Activities,'" BBC Monitoring Service, May 6, 1996, from Xinjiang Television, Urumqi, same day.

On May 23, Urumqi Xinjiang Television Network reported that the Xinjiang Regional CCP Discipline Inspection Commission was urging enhanced political discipline and recommending the punishment of cadres "who insist on following a religion despite repeated advice; who instill into young people's minds the idea of nationalistic splittism and religious education; or who publish books, magazines, and audio/video products that distort history or publicize the idea of nationalistic splittism and illegal religious thought."⁵⁹ On the same date, officials launched a campaign against underground religious study groups called *talipu*. A Religious Affairs Bureau official in Urumqi complained that such groups spread Islamic teaching and were training a successor generation of religious leaders.⁶⁰

Publishing has come in for particularly strict control. A document issued by the Xinjiang Party Propaganda Committee, the United Front Work Department, the Press and Publications Bureau, the Culture Department and the Nationalities Affairs Commission ordered that:

"all publishing units...shall not publish books, periodicals, or audio and video products whose contents violate party or government policies, laws or decrees. Before publishing formal Islamic scriptures, ancient codes and records, relevant units must submit reports to...relevant departments that shall...submit them to the PRC Press and Publications Administration and the State Council Bureau of Religious Affairs...for approval."

It is clear from the regulations that only the Xinjiang People's Publishing House may publish books dealing with Islam and only the Xinjiang Audio and Videotapes Publishing House may publish Islamic audio and video products. No joint publication is possible; nor may other units print, duplicate or distribute any Islamic material. Sales are limited to designated places and importation of Islamic materials is strictly controlled.⁶¹

Inner Mongolia

Chinese government fears of a separatist movement linking Mongolians in Inner Mongolia, Mongolia and parts of the former Soviet Union appear to be the main factor behind a recently-renewed crackdown on alleged "nationalist separatists" in Inner Mongolia.

Ten people were arrested in Hohhot, the provincial capital, between December 10 and 13, 1995 of whom three remain in detention. One of them, a man named Hada, was the forty-year-old manager of the Mongolian Academic Bookshop and founder of the Southern Mongolian Democracy Alliance (SMDA), an organization formed to "promote the concept of a high degree of autonomy for China's minorities as guaranteed in the constitution." Chinese officials call the alliance "counterrevolutionary." Also detained were Chen Haishan, a twenty-eight-year-old office worker, and Tegexi, aged twenty-nine, who works in the Soviet-Mongolian Office of the Inner Mongolian Bureau of Foreign Affairs. All three are being held for "shelter and investigation," a form of detention without trial, at the Inner Mongolia Public Security Bureau Detention Center in Hohhot. A fourth man known to be in detention is another member of the SMDA, thirty-one-year-old Zaorigt, employed at the Inner Mongolia Education Publishing Company, but the date of his arrest is not known.

Public security officers searched Hada's house when he was detained on December 10 and confiscated documents which reportedly included essays on theories of national autonomy and on the philosophy and goals of SMDA, as well as name cards and addresses of international contacts. They searched Chen Haishan's house on December 11 and then summoned him to the police station but did not arrest him until December 12. Tegexi was in Tongliao, Inner Mongolia, when police officers searched his house on December 10. Two days later they arrested him there and flew him back to Hohhot.

⁵⁹ "Xinjiang Cadres Urged to Enhance Political Discipline," Urumqi Xinjiang Television, May 23, in FBIS, May 31.

⁶⁰ "China Targets Muslim Separatist Study Groups," Reuters News Service, May 23, 1996.

⁶¹ "Tighter Rules Announced for Islamic Publications in Xinjiang," BBC Monitoring Service, May 13, 1997, from *Xinjiang Daily*, April 17.

On December 16, some one hundred students and teachers from the Inner Mongolia Teacher Training College, the Mongolian Language College and other tertiary institutions, demonstrated to protest the arrests. Police dispersed the demonstrators and briefly held several for questioning. A second demonstration on December 30 involved more than 200 people, among them high school and university students. Twenty-seven people were detained when police broke up the protest but have since been released. Two other men, arrested in late February or early March for speaking about the detentions to Western organizations, also have been released.

VIII. CONTINUING RELIGIOUS PERSECUTION

The Chinese government, concerned about the dramatic increase in religious conversions, stepped up efforts in early 1996 to bring all religious activities under the control of the state. In addition to moves described above to control Buddhist and Muslim activities in Tibet and Xinjiang respectively, the government has targeted Protestant, largely evangelical "house churches" and "underground" Catholic churches.⁶² Its efforts have been primarily focused on forcing such churches to register with the Religious Affairs Bureau and to join either the Catholic Patriotic Association or the (Protestant) Three-Self Patriotic Movement, both secular bodies that link religious organizations to the government and Party and serve as a means of exercising government control.⁶³

In a state where atheism is required of officials and Party cadres, the government sees religion outside the control of the Party as interference in social affairs at best and a threat to national security at worst. A speech by State Councillor Ismail Amat in January 1996, warning of that threat, called for the State Security Bureau to take over responsibility from the Religious Affairs Bureau for the gathering and storing of information on religious activities.⁶⁴

There had been earlier warnings of a significant hardening of attitude toward religious practices. In July 1995, Ye Xiaowen, a conservative, was appointed chief of the Religious Affairs Bureau. In November he ordered all offices of the bureau from the provincial level on down to monitor exchanges between religious groups and foreign organizations.⁶⁵ A Ministry of Public Security document, "On Further Reinforcement of the Leadership and Supervision Towards Religious Groups," was released the same month.⁶⁶ In December and early January 1996, more than a dozen teachers and some government officials were fired for refusing to give up underground church membership. Several areas where Christianity was flourishing, including northern Hebei, Shanxi, eastern Fujian and the northeastern provinces of Jilin and Liaoning, reportedly were targeted for church registration drives. On December 4, Jilin's vice-governor noted the huge increase in religious believers and the "liberal" missionary work going on in the province.⁶⁷ The deputy Party chief in Anhui province announced that eight illegal sects had been smashed, their members arrested and their printing and propaganda equipment seized.⁶⁸

⁶² The term house church is applied to unregistered Protestant congregations even though some have hundreds of members; unregistered Catholic congregations are known as underground churches despite the fact that many are known to Chinese authorities.

⁶³ For background information on religious policy in China see Human Rights Watch/Asia, "Religious Persecution Persists," *A Human Rights Watch Short Report*, Vol. 7, No. 16, December 1995, pp. 6-10.

⁶⁴ See the speech of State Councillor Ismail Amat on January 13, 1996 quoted in "Religion to be protected by stronger regulations," *China Daily*, January 16, 1996. At a meeting in Beijing of senior religious and public security officials, Amat said, "The rule of law over all social affairs is one of the major characteristics for a modern society and religious affairs are no exception....Those who make use of religion to interfere with administrative, judicial, martial, education and other social affairs, especially those who try to use religion to split the country, must be severely punished according to law."

⁶⁵ "Bureau tightens grip on religion," *South China Morning Post*, December 6, 1995.

⁶⁶ "State Policy: Christianity in China," *China Strategic Review*, Volume 1, No.1.

⁶⁷ "Jilin Province Sets Out Religious Work Tasks," BBC Monitoring Service, December 7, 1995.

⁶⁸ "Illegal Activity under Banner of Christianity Viewed," Hefei Anhui People's Radio Network, December 31, 1995, in FBIS, February 2, 1996.

The underground Catholic churches came in for particularly intense repression.. By January 10, 1996, work teams of thirty to forty officials from religious affairs bureaus and public security bureaus already had been dispatched to five dioceses: Anguo, Baoding, Langfang, Xianxian, and Xingtai, all in northern Hebei province, a Catholic center. Ninety team members were stationed in Donglu, site of a major Marian shrine and annual spring pilgrimage, which had attracted an "unusually" large number of pilgrims in April 1995. In addition to trying to register "underground" churches, the work teams attempted to pressure members of the clergy into completing a "Chinese Catholic Clergy Registration Form," but apparently were unsuccessful in this, through either detention or interrogation. Before leaving the area, team members warned the underground clergy not to leave their home areas or to receive foreign visitors, and to report daily to the local PSB. A number of bishops and priests were then placed under twenty-four hour surveillance. By May 2, another 500 cadres were sent to Anguo, Baoding, Handan, Shijiahuang, Xianxian, Xingtai and Zhaoxian to continue the work of crushing "illegal" premises and forcing churches to join the CPA. In addition, some of the cadres blocked the roads to Donglu. An official memo, "Regarding Prohibition of Participation in Activities of 'Pilgrimage in the Month of Our Lady' at Donglu," dated April 24, banned all such pilgrimages as "illegal and inconducive to social stability."

Harassment of prominent "underground" bishops, priests and lay persons in northern Hebei continued after this initial drive. Many were prevented from attending a memorial service for the late Bishop Fan Xueyan, one of the most influential Catholic bishops in China, who died on April 13, 1993 in state custody and whose grave is situated in a village in Baoding. Hundreds of police officers blockaded all roads to the village. On the day of the memorial service, police interrogated Bishop Jia Zhiguo, from Zhengding diocese, warning him not to leave home between April and June and informing him that he was not permitted to administer the sacraments.

Father Cui Xingang, the priest in Donglu, was taken in for questioning on April 6. According to one source, he was released on April 10; another reported in mid-June that he was still in detention. Bishop Su Zhemin and auxiliary Bishop An Shuxin of Baoding and Bishop Zhang Weizhu of Xianxian were taken for interrogation in late March and released as of mid-May. Father Wang Juyou of Xianxian diocese was questioned and then confined to his residence. One source estimates the number of priests similarly detained and warned as about one hundred, some of whom were released after being "indoctrinated and persuaded," while others continued to be held in hostels and hotels. Many people arrested in the past were picked up again in the latest crackdown.

In still another attempt to control "illegal" congregations, in late November 1995 the Chinese government demolished a newly constructed church in a village in Baoding which was built with funds raised by a local Catholic priest surnamed Chen. After one wall was razed, the demolition was halted, reportedly because Catholics protested to the local government. Public Security Bureau officials then asked Bishop Su Zhemin of Baoding to meet with them, but his intercession did not stop the destruction. Other churches have been destroyed, and still others shuttered.

Catholics in Anhui also were subject to the renewed crackdown. On April 5, 1996, Xiao county police severely beat at least twenty Catholics, some of them elderly women, and detained six men and eight women; eleven were released the same day. The incident occurred after the county's leader summoned the Public Security Bureau to break up the latest in a series of attempts to regain former church property that had been seized by the government during the Cultural Revolution (1966-76); most such attempts took the form of statements and petitions. Those arrested were forced to confess to membership in the "Long Life Religion," an illegal local religious group, and those who refused to do so were beaten again. Moreover, police officers forced some illiterate women detainees to put their fingerprints on confessions they did not understand.

The effort to control unofficial religion in Anhui, against which a renewed government drive began in October 1995, was also aimed at the Protestant house churches. In November, provincial authorities decided to "resolutely recommend 're-education through labor' for principal members of non-governmental religious groups whose misdeeds do not warrant criminal punishment." The meeting specifically targeted those "repeatedly fail[ing] to repent," and said that if house church members left the province they would be hunted down. It declared their activities to be heretical, reactionary, and illegal and laid out three different ways of dealing with them. Leaders were to be "severely and expeditiously" punished for their "felonies." Prominent members would be made to sign confessions, called "repentance letters," which would then be recorded and filed for future reference. The rank-and-file members (those belonging to the "misguided masses") were to be educated out of their beliefs and pressured to "voluntarily" renounce their affiliation with illegal congregations.⁶⁹

⁶⁹ "Believers to face labour camp terms," *Eastern Express*, December 27, 1995.

In Zhejiang province, unregistered Protestant churches formed the main target. At a government and Party meeting on April 1, the provincial Party secretary described the spread of religion in rural areas as being a sign of "spiritual poverty, ignorance and backwardness" which needed to be vigorously suppressed. The campaign reportedly was aimed at Wenzhou, a prosperous city with the largest concentration of Christians in China. Until the new drive, enforcement of religious regulations had been lax, large numbers of churches had gone unregistered, and unauthorized church construction had been prompted partly by remittances from overseas. One house church was given five warnings and threatened with demolition if it did not register with the authorities. Another was forced to accept an official pastor, and in the middle of a Sunday service, one such sent by the Three-Self Patriotic Movement, the Protestant "patriotic" association, arrived at the church and fought the lay minister for the microphone. Officials closed the building and later reopened it under Three-Self auspices. Of the 900 members of the congregation, some 800, unable to reclaim their building, formed new and smaller congregations; only the remainder attended the officially-sanctioned services.⁷⁰

In Shanghai, police focused not only on securing the registration of house churches but also on confiscating locally produced religious literature.⁷¹ Public security bureau officers simultaneously raided six churches, including the Shanghai Home Church, on November 5, 1995 and confiscated hundreds of Bibles and other religious literature. Four special agents from Beijing, video cameras at the ready, personally supervised the raids on two of the six congregations. All those present were each fined 30 *renminbi* (\$4 approximately) and had their names and addresses recorded before being escorted to the district sub-police station for questioning about the seized publications. Their detentions lasted from twenty hours to five days.⁷²

Also in Shanghai this year, a new law was enforced after the Chinese New Year banning (purportedly in defense of the city's cosmopolitan image) a wide variety of recently-revived traditional religious practices such as divination, prayers for healing and for rain, the use of geomancy (*feng shui*) in government offices, and consultation of the *Yijing* (Book of Changes.) Although the authorities condemn such practices as "superstitious," all are in fact traditional features of Daoism and Buddhism—two of the five religions officially sanctioned by the Chinese government.⁷³

IX. LEGAL INITIATIVES

In March 1996, a welcome series of legal reforms were enacted by the National People's Congress, including an Administrative Punishment Law and amendments to the 1979 Criminal Procedure Law that have the potential to strengthen the rights accorded to criminal suspects. The most positive changes in the Criminal Procedure Law, which go into effect on January 1, 1997, are a move toward acknowledgment of the principle of presumption of innocence; improved access of the accused to legal counsel; more stringent limits on time in detention before formal arrest; limits on the power of public security bureaus to act without supervision; and a *de jure* change in application of the death penalty. The most important change in the Administrative Punishment Law, which goes into effect on October 1, 1996, is the requirement that any restrictions on personal freedom must be established in law. However, there are also certain

⁷⁰ *China News and Church Report*, May 3, 1996.

⁷¹ Official churches have a monopoly on literature production and distribution. Religious materials are not available in bookstores, but only at approved sites, usually official churches.

⁷² "Shanghai house churches face new government crackdown," News Network International, January 19, 1996.

⁷³ *Chinese News and Church Report*, January 26, 1996.

negative implications for the rights of detainees in the new laws, the legal system remains highly politicized, and procedural defects, legal loopholes, and lax enforcement or official disregard of the recent changes may serve to erode the protections that have been introduced.

Although the revised Criminal Procedure Law has been widely lauded as instituting, for the first time, the presumption of innocence, it fails to do so conclusively. The term "presumption of innocence" is not mentioned in the revised law. According to Article 12, "No one may be considered a criminal prior to his or her conviction in a people's court." When taken together with revisions which state that pre-trial detainees henceforth are to be referred to as "criminal suspects" (*fanzui xianyi*) rather than "offenders" (*renfan*), this certainly amounts to a rejection of the presumption of *guilt*—a "principle" which has hitherto been widely applied in practice in China's criminal justice system. (Since at least 1979, the official legal stance has always been one of "judicial agnosticism," rejecting the presumption of either guilt or innocence and instead simply "taking facts as the basis and law as the yardstick" in determining the issue.)

While this more explicit reassertion of the principle that defendants are not to be considered guilty until actually sentenced is clearly a step in the right direction, it falls far short of instituting the kinds of procedural safeguards usually associated with the presumption of innocence, for example, the obligation of the prosecution to prove the charge beyond all reasonable doubt.

Less equivocal is the new law's abolition of the procuracy's former right to "exempt from prosecution." Before the revisions, this measure was commonly applied in cases where there was insufficient evidence for the courts to pronounce guilt; however, the phrase was tantamount to a guilty verdict and a suspended sentence. With the removal of this procedural option, the door is potentially open for all such cases to be dismissed without further prejudice to the suspect.

Other amendments to the Criminal Procedure Law give substance to the principle that a suspect must be acquitted when insufficient evidence for conviction is presented at the trial. It will no longer be possible for a case to be retried indefinitely on the basis of the same evidence until a politically desirable verdict is reached, as happened to Gao Yu, a journalist accused of "illegally providing state secrets to institutions outside [China's] borders." Gao's trial opened on April 20, 1994 but the court returned her dossier to the procuracy four times in an attempt to get more evidence until she was finally convicted on November 10, 1994 without any more evidence than was presented at the first session. (As noted above, a similar judicial charade occurred in the case of detained businessman Peng Jiandong—James Peng—who was eventually sentenced to sixteen years' imprisonment despite the lack of any new evidence.)

In addition, the revised Criminal Procedure Law makes important improvements in the area of detainees' access to legal counsel. Previously, public security bureaus could hold "offenders" incommunicado for periods of months or even years, denying them permission to meet with their lawyers until seven days before a scheduled trial. The revised law, in Article 96, provides for the presence of legal counsel after the "first interrogation," or "from the day coercive measures are taken against him," which technically means from more or less the time a suspect is first taken into custody, since police questioning is by law supposed to begin within twenty-four hours of the initial detention. Article 33 of the new law further accords suspects the right to ask for legal defense from the day a public prosecution has been initiated, that is, after police hand the case over to the procuracy. Hitherto, the detainee had no right of access to a lawyer until after the procuracy had finished preparing the prosecution indictment and forwarded it to the court for trial. It should be stressed, however, that the revised law does not provide for private meetings between lawyer and client: the police are also entitled to attend, and legal counsel can be denied if "state secrets" are allegedly involved. Worse, the detainee's relatives are still, as before, accorded no right of access to the detainee until after the trial has been concluded.

When cases come to trial, verdicts must now be announced within stricter time limits; it will be technically illegal to make a defendant wait over a year for a verdict, as happened for example in the case of Xiao Biguang (see Appendix A). But the new law still affords a wide range of loopholes for prolonging the investigatory period, that is, the time between detention and formal arrest. Particularly troubling is the provision in Article 128 that if the suspect is discovered to have committed an important crime while he or she is being investigated for another offense, the time limits on investigation will be calculated from the time of that discovery, not from the moment the original investigation began. Without strict legal supervision, such "discoveries" could prolong the investigation period indefinitely.

In an important new provision, the new Criminal Procedure Law provides that “a criminal sentenced to death with a two-year suspension of execution [who] has not premeditatively committed crimes during the period of suspension...shall be granted a reduced sentence” (Article 210). This has been the de facto policy all along, but its formal incorporation into law is nonetheless most welcome.

The chief negative aspects of the revised law are as follows. First, in Article 149, it entrenches the longstanding Chinese judicial practice whereby “all difficult, complicated or major” cases are to be referred by the judicial bench to the court’s “adjudicative committee” (*shenpan weiyuanhui*) “for discussion and decision.” That committee is a shadowy, unaccountable body traditionally subject to strong Party influence and control. Moreover: the judicial bench “shall carry out the decisions of the adjudicative committee.” Adjudicative power is thereby removed from the hands of those actually trying the cases in question, and the principle of judicial independence largely nullified.

Second, the revised law introduces a whole new set of summary trial procedures, to be applied in cases where, among other situations, the accused faces a prison sentence of three years or less. Under these “simplified” procedures, the number of judges required to hear the case will be reduced from three to one; the defendant’s right to examine material evidence, expert evaluations or statements by prosecution witnesses (whether present or absent) is sharply reduced, perhaps even canceled altogether; and the revised law as published even appears to suggest that defense counsel will be denied access to the courtroom unless the procuracy chooses to send one of its officials to support the prosecution in court (something it is not actually required to do under the new summary trial rules.)

As a judicial innovation, this latest “reform” can only be described as highly troubling, especially in view of the fact that the authorities have in recent years increasingly resorted to dealing with political and other dissenters by sentencing them under common criminal statutes rather than the formerly prevalent “counterrevolutionary” ones—and typically to terms of one to three years’ imprisonment.

The new Administrative Punishment Law, which becomes effective on October 1, 1996, is also an important reform on paper. Administrative punishment is one of the worst aspects of the Chinese penal system because it makes possible lengthy terms of detention for “shelter and investigation” and “re-education-through-labor” without any judicial process whatsoever. Under Article 8 of the new law, administrative detention is still permitted. But under Article 9, any administrative punishment that restricts personal freedom “can only be established by laws.” At present, the only applicable law limits detention to fifteen days. Neither “shelter and investigation” nor “re-education through labor” (which at present can extend to three years’ untried detention), are provided for by law (*falü*), but only by regulations (*guiding* or *tiaoli*). Law takes precedence over regulations, and according to Article 64 of the new law, any regulations “incongruous with this law should be revised by December 31, 1997. Shelter and investigation and re-education as they currently exist could technically become illegal after that date. However, it is unlikely that the two institutions will be eliminated even then. The revised Criminal Procedure Law actually incorporates into itself all of the previously “administrative” stipulations governing the use of “shelter and investigation,” thereby according it the higher status of law, rather than necessarily moving to abolish it. While this could, at best, result in greater judicial supervision and oversight of this form of detention, it could also result in no significant improvement in conditions for the detainees concerned, while officials in charge proceed to claim that everything is now being done “in accordance with law.” The prospects of reform of the “re-education through labor” system, moreover, are left undetermined in the revised law; judicial logic would clearly dictate that it be abolished, but the authorities also have the option of simply passing a “law” that would bring it into conformity with the strictures of the new Administrative Punishment Law. Despite these possibilities, both of the new laws have the potential to give fresh impetus to legal reformers seeking to curtail the more egregious forms of arbitrary and administrative detention in China.⁷⁴

China’s National People’s Congress deserves credit for the more enlightened of these legal reforms. But it is important to remember that the reforms are taking place at the same time as widespread arbitrary detention, a stepped-up anti-crime campaign, increased controls on information, and heightened repression in Tibet, Xinjiang and Inner Mongolia. There are numerous ways in which the new safeguards can be circumvented, as existing safeguards have in

⁷⁴ The Administrative Punishment Law also attempts to rein in “rampant illegal fines and other disorderly penalties meted out by some localities and government departments” at their own discretion, by standardizing, regularizing, effectively supervising, and narrowing the scope of administrative punishment. In addition, it offers protection to those subject to administrative punishment in that they have the right to a hearing and in that administrative organs are legally bound to organize such a hearing should a litigant request it. Moreover, the agencies responsible for making punishment decisions and those enforcing execution in theory have been separated.

the past. For example, although shelter and investigation is supposed to be restricted to those who allegedly commit crimes in areas where they are not resident and whose identities are unknown, the measure in the past has frequently been used to detain well-known dissidents without charge for many months at a time.

The test will come in how the reforms are implemented. In the meantime, it would be a mistake for the international community to assume, as many diplomats and corporate representatives have, that they are proof of a political will to improve human rights practices or a commitment to international standards. The loopholes in the reforms, and continued political control by the Party over the legal system, will certainly continue to present major impediments to the protection of detainees' rights for the foreseeable future.

APPENDIX A: INDIVIDUAL PRISONER CASES

The cases of political and religious dissidents discussed below are selected examples of arbitrary detention in China since June 1995. The individuals listed have been victims of enforced "vacation," short-term administrative detention, "disappearance," trumped up criminal charges, administrative terms of up to three-years in "re-education through labor," and "residential surveillance."

Expression of political dissidence and worker rights

- Another veteran dissident, forty-seven-year-old Wang Xizhe, detained on May 31, 1996, and given a fifteen-day administrative sentence for violating his parole by traveling outside Guangzhou without police permission, was released on June 15. He had been held at the Haizhou Detention Center, where he reportedly was beaten to the extent that he plans to bring charges against the local PSB for illegal detention and mistreatment. According to Wang's wife, the couple had traveled twenty-five miles to Dasi in Nanhai city to have a "family meal." More than a dozen police officers entered the restaurant while they were eating and asked Wang to step outside for a word. He never returned. Freed on parole in January 1993 after serving almost twelve years of a fourteen-year sentence for his activities as an editor and political pamphleteer during the Democracy Wall period, Wang had severe restrictions placed on his movements between 1993 and the expiration of his term in 1996. In late 1993, he was sent on a "tour" so he could not meet with an overseas activist. In April 1994 when the late U.S. Secretary of Commerce Ron Brown visited China, Wang was briefly exiled from Guangzhou. In May 1995 he was twice detained for protesting his parole conditions and for commemorating the 1989 crackdown in Beijing. In 1996 Wang protested that the PSB did nothing about a group of men, often seen in the company of police officers, after they beat and robbed him. In addition, Wang's parole has reportedly been extended until 1999 (a violation of Article 74 of the Criminal Law, since his prison sentence expired in 1995.)
- Wang Dan, No.1 on the student "Most Wanted List" after June 4, 1989, is one of the "disappeared," missing since May 21, 1995. His name appears in the Wei Jingsheng verdict as one with whom Wei was in contact "to...plan to unite various forces of illegal organizations to prepare to overthrow the government." Wang was released on parole in February 1993, shortly before completing a four-year sentence. After his release, he continued to speak out for democracy and human rights, initiating petitions, writing articles, and speaking with journalists. As a result he was continually harassed, had his movements restricted, was detained several times, and even had his life threatened by police officers.
- Liu Nianchun, a principal sponsor of the League for the Protection of the Rights of the Working People, also disappeared on May 21, cutting short his active participation in the 1995 petition drive to the National People's Congress for rectification of abuses of human rights. Over fifty people were picked up in connection with the drive and more than twenty are still being held. After Liu was seized without a warrant, police officers returned to search his home, confiscating letters, newspapers, magazines and photographs. Liu has been in and out of detention several times since late 1993. A labor activist and veteran Democracy Wall campaigner, he served a three-year term starting in 1981 for "counterrevolutionary propaganda and incitement." His wife, whose efforts to locate him have been fruitless, has expressed particular concern over his severe blood pressure and digestive tract problems.
- Wang Donghai, a businessman, and Chen Longde were detained on May 28, 1996, one day after they and others from Hangzhou, Zhejiang province sent an open letter to the National People's Congress asking for a reassessment of the official verdict on the pro-democracy movement. According to a relative, the police simply came and took him away without completing any formalities, then returned the following morning to search the house and confiscate documents and papers. As of May 30, Wang was being held for "shelter and investigation." The other signatories, Wu Gaoxing, a former teacher in Taizhou, Zhejiang; Mao Guoliang, formerly a student in Zhejiang Normal University; Fu Guoyang, an independent businessman; Ye Wenxiang, a cadre; and Fu Quan, an office worker, were picked up for questioning and later released. The petition, "An Open Letter to the National People's Congress on the Seventh Anniversary of June 4," complained about

rampant corruption, blaming it on a system without any kind of institutionalized checks and balances. It asked for compensation for those individuals and families victimized by the June 4 crackdown; for a reversal of the Party verdict of "counterrevolutionary rebellion" affixed to the April-June 1989 movement. for punishment of those who took part in the crackdown, for the freedom of expression necessary to carry out political reform, and for the "immediate unconditional release of Wei Jingsheng along with all others detained for political and religious crimes." Four other prominent prisoners were named in the letter, Chen Ziming, sentenced to a thirteen-year term for his part as a "black hand behind the black hands" during the 1989 democracy movement (see below), Liu Nianchun; Wang Dan; and Hu Shigen, arrested in 1992 and sentenced in December 1994 to a twenty-year term as a leader of a "counterrevolutionary clique." Wang Donghai, who had been under constant surveillance since December 1995 when he was jailed briefly for petitioning for Wei's release, spent two years in prison for his part in the 1989 demonstrations. Chen Longde, formerly a factory worker, spent three. Ye was sentenced to a three-and-a-half-year term, Fu Quan to three years, Mao to eight but released in 1993, Wu to two years, and Fu Guoyang to five. Along with Chen, Mao, Wu and Fu Guoyang were picked up again in 1995 for their petitioning activities.

- An Ning, a former graduate student in Beijing University's archaeology department, was finally sentenced, probably in November 1995, to a five-year prison term. He was seized more than three years earlier, in September 1992, on suspicion of involvement in an underground pro-democracy organization. In September 1993, he was formally indicted on charges of counterrevolution. No explanation for the delay between arrest and trial has ever been given. An Ning reportedly is in poor physical condition, probably related to his prolonged incarceration in a pre-trial detention facility.
- Li Hai, thirty-five, a graduate student in philosophy at Beijing University before the 1989 pro-democracy movement, was indicted on April 22, 1995 on charges of "leaking state secrets" and told to obtain a defense lawyer. He will be tried *in camera* without even family members in attendance. A participant in the May 1995 petition drive and an initiator of the 1993 "Peace Charter" movement, Li was detained for the second time on May 31, 1995 and formally arrested on August 19 after police who searched his home on June 5 confiscated papers and a computer. Although he had been a student leader in 1989 and spent a year in prison, Li was never formally charged. He could not, however, return to school.
- Local PSB officers in Suining, Sichuan province reportedly detained Liu Xianbin, a known activist, on April, 19, 1996 on suspicion of fomenting dissident activity. According to one source, the PSB suspected him of using his frequent business trips around the province to organize dissent. Liu was one of nine people who signed a letter to President Jiang Zemin before his October 1995 meeting with President Clinton asking that there be a stop to the persecution of Chinese people. He was one among fifty who submitted a petition ("Lessons Drawn from Blood") to the National People's Congress in May 1995 demanding human rights legislation. Liu served two and a half years for his part in the 1989 movement.
- Li Jie, a thirty-year-old former cadre at the Bank of Shuangliao County, was released on May 17, 1995 after serving his full five-year term for printing and distributing leaflets about the June 4 crackdown in Beijing. On June 20, he went to visit Liu Gang who had just been released from Lingyuan prison where Li had been held. When Li left Liu's home, he was immediately seized. No additional information, other than that he was being held in the Shuangliao County Detention Center, is available.
- Yao Zhenxiang, a thirty-six-year old member of the Shanghai Human Rights Association and a financier of the 1989 pro-democracy movement, and his brother, Yao Zhenxian, were detained in Shanghai on April 26, 1996. After the arrests, police returned to search Yao Zhenxiang's home and office. Family members have not succeeded in learning where the men are being held. Two employees of a construction company run by Yao Zhenxiang were picked up at approximately the same time but quickly released. Yao Zhenxiang, who fled to Hong Kong in late 1994 after a major crackdown in Shanghai and received political asylum in France in 1995, returned home in February 1996 after he was promised he would not be arrested.

- State security agents arrested Hu Kesi, a founding member of the same association, on March 19, 1996 and have been holding him incommunicado. An editor of *Pacific Economy*, a Hong Kong-based magazine, Hu was active during the 1979 Democracy Wall movement.
- Hu Weihong, a native of Shunde County, Guangdong, who was granted political asylum in Hong Kong after the June 1989 crackdown, was arrested in Shenzhen on April 2, 1996, reportedly for trying to help two brothers of a Shanghai dissident (who fled to the U.S. in 1995) to escape to Hong Kong. An unconfirmed report indicates that the two brothers, detained at the same time as Hu, were later released. According to reliable sources, officers of the Shanghai State Security Bureau came to Guangdong in mid-April and took Hu Weihong back to Shanghai with them. There has been no subsequent news of his fate, and it is feared that Hu may face a harsh sentence for his alleged role in the “underground railroad.”
- Dai Xuezhong, a Shanghai Human Rights Association leader arrested on May 3, 1995, received a three-year term on a trumped-up charge of tax evasion on December 22. A veteran of an earlier three-year term, Dai ran a soft drink and alcoholic beverage wholesale company.
- Zheng Shaoqing and Chen Rongyan each received two-year “re-education through labor” administrative sentences for organizing a half-day taxi strike in Zhuhai in January 1996 to protest severe penalties — including high fines and the impoundment of the cabs — against drivers who committed minor traffic violations.
- In an unsigned petition dated October 16, 1995 and sent to the Standing Committee of the National People's Congress and to President Jiang Zemin, artists from the Yuanmingyuan enclave on the fringes of the university area accused Beijing police officers of extortion for searching, beating and demanding money of studio owners several times within a period of a few months. Each time an artist landed in jail, he was required to pay bail of 2,000 renminbi (US\$250) and every time an important event was scheduled for Beijing the enclave was cleared. Thirty painters were detained in early September at the start of the Fourth World Conference on Women. Several, anticipating the October 1 National Day celebrations, cleared out in advance. Others were given one day to leave. Eighteen were arrested on September 29 and held for a week in the Shahe Detention Center. The enclave was cleared during the May 1995 petition drive when one of its residents, Huang Xiang, signed one of the circulated documents. One artist, arrested twice in 1995, was required to spend three days in a mental center. Many of the one hundred artists who used the houses as studios and galleries, unable to bear the cost of confiscated supplies and paintings, eventually abandoned the area.

Current Status Unknown:

- Xu Xinyuan, a forty-eight-year-old former delegate to the Shanghai Municipal People's Congress, who tried to help expose human rights violations at the Shanghai Children's Welfare Institute in 1991 and 1992, was secretly detained by police in November 1995 and held without charge until at least March 1996; it is unclear whether or not he is still being detained. A cadre at the Shanghai Photographic Apparatus Research Institute, he served two terms in the People's Congress before he was denied official renomination for his seat in 1993. Xu Xinyuan's wife was notified of his detention in a letter received from the Public Security Bureau on November 20. It instructed her to bring bedding and other necessities to her husband and gave the address of the detention center where he was being held. On November 24, she received a second letter requesting her to bring 150 renminbi (approximately US\$18) to the detention center for unspecified “medical fees.” A third letter, received on December 16, requested an additional 50 renminbi to pay for Xu's meals. Despite her repeated visits, she has not been allowed to see him. A representative of Xu's work unit who tried to see him was denied entrance to the detention center.

Other important religious cases

- Xiao Biguang, a former literature professor at Beijing University, who has links to the religious community and to labor activists, remains in detention. Xiao was tried in a two-hour proceeding on April 10, 1995. So far as

is known, he still has not been sentenced and is still held in a State Security lockup in Beijing. His wife has not seen him since the day he was detained over two years ago on April 12, 1994. Xiao has a record of human rights activism: he helped draft the charter for the League for Protection of the Rights of the Working class; helped file a law suit on behalf of an "illegal religious organization, the Jesus Family; and supported a Beijing pastor that religious officials were trying to purge. Nevertheless, he was tried on common criminal charges. According to a prosecution statement, he "used a false identity card to conduct fraudulent activities." The cards, inaccurately describing him as the holder of a doctorate degree, were printed for him by his trading company employer. He never used them.

- Xu Yonghai, a thirty-five year-old doctor at Fusuijing Hospital in Beijing who received a three-year "re-education through labor" administrative sentence in August 1996, has had his appeals rejected. His "dissident" activities also extended beyond the Christian community. A member of the Beijing Christian Sacred Love Fellowship, Xu was arrested without warrant on May 25, 1995 and accused of "smearing the government and spreading news abroad," an allusion to a petition, "Lessons Drawn From Blood" which he signed and which was circulated abroad during the run up to the sixth anniversary of the massacre in Beijing on June 4, 1989. Xu also sent an unpublished essay and letter to the Beijing mayor's office which illustrated that his concerns were directed toward social inequality rather than smearing the government. "Our difficulties," he wrote "...are not because we don't have enough but because of social unfairness...[What] we need is...just for some people to give up their wining and dining and extravagant party entertainment with public money, so that we can pay for our housing, medical treatment and education." Authorities only told Xu's family where he was being held when they wanted to collect an 80 renminbi (US\$10) processing fee at the time the re-education committee sentenced him.
- Two other members of the Protestant community in Beijing, Gao Feng and Liu Fengyang, both of whom had been active in the 1995 petition drive and in public prayer for those who died in the 1989 Beijing massacre, received "re-education through labor" terms in October or November 1995. The exact dates are unknown to human rights monitors, and the lengths of the sentences are either two or two-and-a-half years. Liu, who authored one petition, continued to speak out after police warnings to stop. He had ignored earlier warnings in May 1994 and had been knocked from his bicycle and beaten by police for siding publicly with the pastor of a prominent Beijing church whom religious officials were trying to remove. Gao, arrested in August, partly in connection with an appeal he was working on for a former pro-democracy leader, had been held once before, in May 1994, for religious activities. At that time he was fired by his employer, Beijing Jeep, a subsidiary of Chrysler Motors. International intervention and publicity helped him regain his job.
- Bishop Zeng Jingmu, seventy-six years old, was arrested in April 1995 in connection with an Easter Mass attended by some 20,000 worshipers on a mountain in Jiangxi Province. Freed after a few days, he was seized again at 6:00 A.M. on October 4, then released on October 18. In poor health, in part due to a pneumonia contracted in detention, Bishop Zeng was seized for the third time in seven months on November 22. His current whereabouts are unknown.
- A prominent clergyman, Father Guo Bole, fifty-eight, received a two-year "re-education through labor" administrative sentence on January 4, 1996. Arrested by the Wuxian, Suzhou Public Security Bureau on either November 1 or 2, 1995 while saying mass on a boat for 250 fishermen, he was alleged to have conducted illegal religious activities and disturbed the social order. According to the Suzhou Re-education-through-Labor Management Committee which fixed his term, "Since November 1981, Guo joined and has been active in the underground Jesuit secret organization and received theology instruction. From 1990 on, he visited numerous cities to carry out illegal evangelical work, offering masses, administering sacraments ...promoted and supported the Roman Pontiff, instigated the people, boycotted the Patriotic Association, established illegal underground evangelical church centers, organized underground catechism instructions and Bible classes." Guo was first sentenced in 1956 to a five-year prison term for "counterrevolutionary" activities. Released early, in March 1957, he was rearrested nine months later and sent to a labor camp in Qinghai for twenty-eight years

without ever being specifically charged. Guo did not come under suspicion again until July 1992 when the Zhangshou Public Security Bureau investigated his “numerous religious activities.” By September, he was out on bail to await trial by the Hanghai PSB.

- In Changzhi, the third largest city in Shanxi province, religious authorities demolished an unofficial Bible school on June 8, 1995 and arrested Headmaster Jing Zhiming. Three teachers, Wang Xiaoming, Niu Zhongping and Gao Jinsheng, arrested shortly before Christmas 1995, were still in prison as of mid-January. Jing, who had overseen numerous house churches, organized training classes and Bible courses, and was in overall charge of the school’s branches reportedly was moved to a hospital in October 1995 after he began a hunger strike.
- Three leaders of house churches and alleged members of the Wholistic [sic] sect in the Zhoukou area of Henan province, arrested in June 1995, were administratively sentenced to three-year “re-education” terms on August 14 for organizing illegal worship activities and plotting with foreign religious groups to overthrow the Communist Party. Two women, Xu Qiyang and Wang Xiuling, were sent to Zhengzhou Women’s Labor Reform Center, Third Brigade; and Wang Changqing, released less than ten days before his re-arrest, was sent to Xuchang Labor Reform Center for a third term. It is still not clear whether Liu Tingren, Yang Peiyang, and Zhang Zijing were sentenced or released from the Huiyang Detention Center after paying fines. The case is atypical in that the names of those arrested became known to humanitarian organizations.
- After Bishop Han Jingtao of Siping in Jilin province was released in mid-November 1995, he told of the beatings and of the frostbite suffered by others held in Yanji, Jilin. One of those so affected was Father Chen Yunpeng of Baoding, arrested with Bishop Han in early November. China’s officials have denied the reports and the situation as of the writing of this report was unclear.

Death in custody

- The second known death in custody of a 1989 pro-democracy dissident occurred in Shanxi province on October 24, 1995. Hu Jian, formerly a lecturer in the Business Administration Department at Taiyuan Industrial College, died in a Shanxi Mental Hospital of heart failure, according to the notice prison authorities sent to his mother. (The first such death was that of Lin Songlin, a physician who worked at a shipyard in Guangdong prior to receiving an eight-year sentence for “counterrevolution” in late June 1989.) Hu had been declared mentally ill in January 1994 after repeated and prolonged hunger strikes. At the time of his death, Hu, on a two-year hunger strike, had been kept alive through a nasal feeding tube. Repeated efforts to secure medical parole had failed. Forty-three years old when he died, Hu received an unusually harsh nine-year prison term and three years’ deprivation of political rights — one year was added in April 1990 for an alleged escape attempt — for his strong support of student activists in Taiyuan. He took a prominent role in the first demonstration in the province on May 5, 1989, and on June 4, in response to the massacre in Beijing, he vehemently denounced Premier Li Peng, exhorting “my fellow countrymen to rise up in protest.” Between the time he gave himself up in August 1989 and the time he was sentenced on June 20, 1990 on charges of counterrevolutionary propaganda and incitement, Hu was severely tortured and beaten by prison guards and by fellow prisoners.

Medical cases

- Chen Ziming, originally sentenced in 1991 to a thirteen-year term as a “black hand” of the 1989 pro-democracy movement, remains in ill-health, and the Chinese government has rejected quiet diplomatic interventions by foreign governments on his behalf. Chen, whose medical parole was revoked on June 25, 1995, is extremely ill in Beijing No.2 prison with testicular cancer. Treatment for his deteriorating condition is inadequate and attempts by his wife to have his medical parole reinstated have been rebuffed. He was paroled once, in May 1994, but was re-imprisoned on the pretext that his skin condition had cleared up. In addition to the cancer, he suffers from a heart condition and high blood pressure.

- Ulan Shovo (Ulanshaobu) is still in prison. The forty-year-old former lecturer at the Inner Mongolia University was sentenced on April 13, 1994 to a five-year prison term on charges of “counterrevolutionary propaganda and incitement” for allegedly writing two documents about human rights conditions in Inner Mongolia that subsequently were released outside China. The closed trial in the Hohhot Municipal Intermediate People's Court took place almost two years earlier, on May 16, 1992. When the verdict was announced, Ulan Shovo was too ill to walk into court by himself. Even the chief judge was moved to ask him how he became so seriously ill. His reply, that he had been bed-ridden for a year and a half, denied medical attention, and cared for by fellow inmates, did not surprise his relatives even though they had not seen him since his arrest on July 31, 1991. According to his father, when he was arrested and all medical treatment stopped, Ulan Shovo had not recovered from a botched gall bladder operation for which he spent seven months in the hospital. Among other conditions, he suffers from a gall bladder infection and often runs a high fever. His left leg and right hand are seriously shriveled, and his chest pain and heart arrhythmia are such that a prison doctor gave him medication to take in case of an emergency during his court appearance. In early June 1992, Ulan Shovo was taken to the Inner Mongolia Hospital for examination. The attending physicians' recommendation for hospitalization was denied.
- Xi Yang, a reporter for the Hong Kong newspaper *Ming Pao*, sentenced on March 1994 to a twelve-year term for “stealing and spying on financial services of the state,” is ill in prison. He cannot eat much, vomits often and suffers from diarrhea, has heart palpitations and skin ailments, is dizzy, and has chronic headaches. In a letter to his wife from Beijing Prison No.2 dated February 29, 1996, Xi complained that he never sees the sun.
- Zhou Guoqiang, forty-two, sentenced to three years “re-education through labor” in September 1994 and a fourth year for an alleged escape attempt in July 1995, may have developed tuberculosis at Shuanghe Labor Reform Farm in Heilongjiang province. He has a severe and persistent cough, general disability and night sweats, but prison authorities refused to tell his wife during her May 1996 visit what they were treating him for or to disclose the results of a chest x-ray. She has reported that Zhou has blood in his urine, has intestinal infections and abnormally high red and white blood counts. Despite high fevers he has had to put in ten-hour days planting rice seedlings. Medical parole has been denied and his wife was refused permission to give him the medication she had brought to prison. Zhou, a supporter in 1989 of the Beijing Autonomous Workers Federation (for which he spent six months in jail), helped organize the “Peace Charter” movement in 1993. He was arrested on March 3, 1994 for “collaborating with hostile organizations both inside and outside the country to carry out anti-government activities” and for planning to distribute tee-shirts with political slogans to the NPC. Zhou is paid for his work in Shuanghe but his wages go to pay for his food.
- Tang Yuanjuan, who received a twenty-year sentence from the Changchun (Jilin province) Intermediate People's Court in November 1990 for “organizing and leading a counterrevolutionary group” and “carrying out counterrevolutionary propaganda and incitement,” is ill in Lingyuan prison in Liaoning province with either pulmonary tuberculosis or hepatitis. Prison officials have refused family members information about his test results and his medical regime. A former assistant engineer at the assembly branch of the Changchun No.1 Motor Works, Tang led a peaceful demonstration of several thousand workers in support of the Beijing hunger strikers on May 19, 1989. Two days after the June 4 massacre in Beijing, he helped organize a protest march of workers in Changchun, some of whom called for a general strike. The march began a major rally when the workers joined up with some 10,000 other demonstrators.

**APPENDIX B: MONKS DETAINED FROM GANDEN MONASTERY AFTER THE
MAY 6, 1996 PROTEST**

Religious name	Lay name	Age⁷⁵
Yeshe Rabten	Sangye Tseten	25
Gyatso Rinchen	Lobsang Choegyal	15
Thubten Ngawang	Ngawang Kelsang	23
Jampa Tsultrim	Gyurme Tenzin	25
Tenzin Khedrup	Tashi Dorje	44
Tenzin Norbu	Yonten Gyalpo	25
Dragpa Kunsang	Karil [dkar ril]	41
Ngawang Joglang	Thubten Nyima	25
Lobsang Tenzin	Dawa Tenzin	37
Phuntsog Dondrup	Tsering Bagdro	32
Jampa Thamdoe [mthar 'dod]	Gyatso	26
Lobsang Pelgye ['phel rgyal]	Dondrup Kelsang	25
Lobsang Khetsun	Lobsang Dawa	22
Phuntsog Rabjor	Tsering Thubten	16
Khedrup Tenzin	Lobsang Dawa	22
Gelek Jinpa	Tenzin Dawa	14
Phuntsog Serthub	Tashi Lhundrup	23
	Bu-yak	19
Phuntsog Thosam	Tsering Bagdro	32
Ngawang Palden	Dawa	27
	Tamdrin	22
Khedrup Gelek	Jamyang Dondrup	42
Ngawang Donden	Phuntsog Yonten	21
Lobsang Tenpa	Lodroe	19
	Pasang	20
Ngawang Konchog	Dragpa Tenzin	19

⁷⁵ Ages are given as reckoned in the Tibetan system usually coming to one year older than in the western system. The monks listed here, arrested between May 7-10, 1996, were initially held at Gutsa Detention Center. The names of others arrested were unknown at the time of writing. See "13 Year Old Arrested at Ganden," *TIN News Update*, June 12, 1996.

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