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JAPAN: HARASSMENT OF CHINESE DISSIDENTS

INTRODUCTION

Since the military crackdown in Beijing on June 4, 1989, Chinese students⁹ and visiting scholars already in Japan and dissidents who fled there after the crackdown have been subject to two kinds of human rights abuses.

First, the Japanese government has forcibly repatriated some Chinese claiming to be dissidents. It has also obstructed the processing of requests for asylum, refugee status and visa extensions for Chinese fearful of returning to China and has consistently disregarded evidence that they are likely to suffer arrest and imprisonment if they return. Forcible repatriation of those in jeopardy is in clear violation of the universal right to seek asylum from persecution and to be protected from *refoulement*.¹⁰ Furthermore, the Japanese government has impeded access of

⁹"Students" not only refers to those in language schools or in graduate or undergraduate programs, but also to technical trainees in Japanese companies.

¹⁰Two international declarations and conventions are involved. According to the *Universal Declaration of Human Rights*, Article 14 (1), "Everyone has the right to seek and enjoy in other countries freedom from persecution. According to the *United Nations Convention Relating to the Status of Refugees*, Chapter V, Article 33, of which Japan is a signatory, "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion; a refugee is defined as a person who "...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and unable or, owing to such fear, is unwilling to avail himself of the protection of that country...."

Chinese to legal counsel and information in asylum and refugee cases, in violation of recommendations issued in 1977 by the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR).

Second, the Japanese government has failed to protest the systematic harassment and intimidation by Chinese embassy officials of Chinese students who participated in protest activities or who have joined dissident organizations in Japan. The Japanese government would thus appear to condone restrictions on those students' freedom of expression, assembly and association. Japan and other countries such as the United States where Chinese embassy officials have reportedly engaged in such activities have an obligation to investigate all allegations of harassment and take appropriate steps to prevent it.

POLITICAL ASYLUM, REFUGEE STATUS AND VISA EXTENSIONS

On July 15, 1989, the seven industrialized nations (G-7)¹¹ meeting in Paris pledged "to extend the stays of those Chinese students who so desire."¹² The extension was intended for Chinese students who might, if repatriated, face political repercussions for their pro-democracy activities. Japan has not followed through with its Paris pledge. Despite a notice sent by Kagechika Matano of the Japanese Immigration Bureau to the Bureau's regional offices, obliging them to handle cases of Chinese students "in a flexible manner,"¹³ Japan's policy has been anything but flexible.

Several of the nations present in Paris have worked out policies toward resident Chinese students. The Canadian government, for example moved immediately after June 4, 1989, to permit Chinese citizens in Canada to remain there either temporarily or permanently. Such nationals were under no "obligation to make an immediate and irrevocable choice regarding their future."¹⁴ The French government announced an unconditional extension of student visas and a series of measures to alleviate financial problems and speed political asylum procedures.¹⁵

On April 11, 1990, President Bush, after a prolonged delay,¹⁶ issued Executive Order 12711 directing the United States Attorney General to "defer the enforced departure of nationals of the People's Republic of China (PRC) and their dependents in the United States until January 1, 1994." All Chinese aliens in the U.S. on June 5, 1989 were permitted to work, a particularly crucial issue for those who lost government sponsorship and

¹¹The six other G-7 participants are the U.S., France, Great Britain, Italy, Germany and Canada.

¹²Text of the draft declarations released by leaders of the seven major industrial nations on July 15, 1989, in *The Daily Yomiuri*, July 16, 1989.

¹³ "Chinese students face visa uncertainty," *The Japan Times*, July 7, 1989. It was then Justice Minister Kazuo Tanigawa who, on June 14, 1989, made the promise to respond flexibly (Mutsuo Fukushima, "Chinese Dissident Students in Japan Face Intimidation by Embassy," *Kyodo News Service*, June 11, 1990).

¹⁴Statement by the Honourable Barbara McDougall, Minister of Employment and Immigration, June 16, 1989.

¹⁵ "Announcement of measures in favor of Chinese students," *Le Monde*, June 25-26, 1989.

¹⁶On November 21, 1989, Congress passed H.R. 2712, the Emergency Chinese Immigration Relief Act of 1989 (the "Pelosi bill"). On November 30, President Bush vetoed the bill on the grounds that he already had "sufficient authority to provide the necessary relief." He had, he said, issued an executive order granting an extension. In fact, he had not. Only after congressional pressure did President Bush finally issue Executive Order 12711 granting broad protection to Chinese nationals in the U.S.

stipends. Aliens looking to adjust their status could apply to do so without first leaving U.S. territory for two years, a policy modification necessary to protect Chinese citizens whose passports have been cancelled.

Prime Minister Hawke of Australia, though not in attendance in Paris, announced on June 27, 1990 that 20,000 students already in Australia in June 1989 would be permitted to remain at least an additional four years.¹⁷

The Japanese government, instead of providing the blanket coverage granted by other countries, adopted a case by case approach to the visa issue in which Immigration Bureau officials make the relevant decisions. It is estimated that Chinese students in colleges and universities in Japan number approximately 15,000; another 48,000 students are in language schools,¹⁸ the largest number in any country outside China itself. Of these, more than 11,000 entered Japan in 1989;¹⁹ that same year, roughly 6,500 Chinese students applied for visa extensions.²⁰

All Chinese students in Japan hold one of two types of visa: 1) *shūgakuso*, which must be renewed every six months to a maximum of two years and permits a recipient studying language at least twenty hours a week at a bonafide school to work an additional twenty; and 2) *ryūgakusei*, which is renewable every other year but usually is good for the length of a student's program.

Those applying for extensions are dealt with in one of two ways. They may receive a *shinsolchi* stamp, which translates as holding or pending for processing or a *shukkoku junbi*, which is in essence, an expulsion order, stipulating that an applicant must leave Japan by a certain date. Some students, having overstayed their visas, are illegal residents and may be lawfully deported. A *shinseichi* stamp is usually issued when the Immigration Bureau cannot deal with an application on the spot. The waiting period should be limited to a few weeks at most; however, some Chinese students applying for extensions wait months for a determination. During that period, the applicant may remain in Japan but may not work, and schools usually withhold permission to take entrance exams.

The Immigration Bureau, charged with monitoring the status of foreign workers, has expressed little sympathy for students, most of whom they apparently suspect of being illegal laborers who use the threat of persecution as a cover to stay in Japan and work.²¹ In the absence of high-level orders for visa extension programs, and given the government posture that repatriated students are not in danger, the rate of rejections

¹⁷"Chinese students can stay four years, says Hawke," *Far Eastern Economic Review*, July 5, 1990.

¹⁸*Human Rights Violations in Japan*, p. 1, report submitted to the United Nations Economic and Social Council, Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, by the Japan Civil Liberties Union.

¹⁹"Japan Visas Prove Elusive for Students Who Fled China in 1989," *World Journal*, July 21, 1990.

²⁰Fukushima, "Chinese Students Face Intimidation..."

²¹*ibid.*

for extension requests rose markedly from January through May 1990.²² Though no official statistics have been released, the Japanese press has reported the existence of a March 29, 1990 memo written by the Immigration Bureau chief which discusses a plan to send home as many foreign students as possible, including those from China, before the June 1, 1990 revision of the Immigration Law.²³

In support of the repatriation plan, on July 7, 1989, Hiroshi Kikyo, section chief of a division within the Justice Ministry which deals with resident foreigners, affirmed in an interview with *The Japan Times*²⁴ that there was little danger for repatriated dissidents. One month after the Chinese crackdown began, when the first executions of pro-democracy demonstrators had already taken place and other arrested dissidents were paraded before Chinese television cameras, Mr. Kikyo said he regarded the situation in China as back to normal. "Few Chinese students in Japan are in danger of being arrested. I believe almost all of them can go home without any problem," he said.

A year later, the Japanese stance had not changed. On August 3, 1990, Mr. Sakamoto, the government's chief spokesman, told Satsuki Eda, the Secretary of the League of Diet members supporting Amnesty International activities in Japan, "I understand that there is a danger of persecution for the Chinese students who were involved in the pro-democracy movement inside China, but I wonder whether those who supported the movement from outside China are really subject to a severe examination from the Chinese government, too..."²⁵

In early 1989, visa extensions for those who finished language school and planned to go on to higher education were almost automatic; now such requests are almost automatically rejected. A student who requested a visa extension because he had participated in the pro-democracy protests in Tokyo was turned down because he failed the university entrance examinations. He was told, "A lot of students participated in the demonstrations. But the conditions have calmed down in China. I'll give you 15 days to leave Japan."²⁶ A student from Liaoning Province who went to Beijing on February 23, 1989 and returned to Japan on June 4 was issued a 15-day extension and told, "If you want to study here you can apply again in Beijing." Other students had their visa extension requests rejected on the grounds that their rationale for attending a Japanese technical school rather than one in some other country was unacceptable; the school they had chosen was below standard; their class attendance was below an acceptable level; they were too old; they had changed majors; the incomes of the Japanese citizens acting as their sponsors were too low.

²²"Tokyo government called callous to fears of Chinese students," *The Japan Times*, June 5, 1990.

²³"Justice Ministry Said Working On Reducing Foreign Students," *Mainichi Daily News*, April 30, 1990. In spite of public questions from Diet members, the Immigration Bureau has refused to release the memo's contents. The new immigration law referred to above bars low-skilled foreign labor and adds an employer sanction provision to help control undocumented workers who arrive after June 1, 1990; it does not punish employers whose illegal workers arrived prior to that date, but neither does it grant amnesty to such employees.

²⁴*The Japan Times*, July 7, 1989.

²⁵From a record of the press conference held by Satsuki Eda on August 3, 1990 (Mutsuo Fukushima, *Kyodo News Service*).

²⁶"Chinese students denied visa extensions," July 3, 1989.

With this usual avenue blocked, Chinese students who believe they are at risk if repatriated are required to prove to the Immigration Bureau that they are indeed "counter-revolutionary" elements. In a telephone interview with a reporter for the *Kyodo News Service*, Hiroshi Kikyo said, "We do not approve application for an extended stay merely because applicants joined pro-democracy, anti-Beijing demonstrations. We demand evidential documents to prove their fears of being persecuted upon returning to Beijing."²⁷ Obtaining such documents is not easy.

Alternatively, the testimony of a credible witness about a student's "counter-revolutionary" activity might prove sufficient but the testimony itself could jeopardize both the witness and/or the petitioning student since political activism in Japan is reason enough for deportation. Should the student be deported, by having gone public he would place himself and his family at even greater risk. As a result, no Chinese to date has successfully persuaded the Japanese authorities that he or she is in fact a "counter-revolutionary."

A particularly prominent case involves five members of the Japan Branch of the Federation for Democracy in China (FDC), the pro-democracy group headquartered in Paris which is chaired by world-renowned Chinese dissidents and is anathema to Chinese officialdom.²⁸ Chen Shisen, a Guangzhou native was studying in a Japanese language school and hoped to enter an art school in Japan. He reportedly took an active role in protests in Japan against the June 4, 1989 crackdown, giving television interviews and taking a high public profile. When his visa expired in September 1989, he applied for an extension, explaining that his political activities made repatriation problematic. At the same time Chen attempted to take the art school's entrance examinations. Because he only had a *shinsolchū* stamp, he was not allowed to do so. When he reported to immigration authorities he was informed he could obtain residence status when he was enrolled in a school or a university. After months in limbo, he was summoned to the Immigration Bureau on June 6, 1990 and ordered to leave Japan by August 4, 1990.²⁹ Only after two press conferences and the attendant publicity and his appearance at the Immigration Bureau with a lawyer and journalists was Chen put back on *shinsolchū* status.

Another dissident, 33-year-old Yang Mingfang, leader of the Japan Branch of the FDC was told he had to leave by August 27, 1990.³⁰ On that day, Yang, together with lawyers and journalists, appeared at the Tokyo Immigration Bureau and requested long-term resident status, which can be granted by the Justice Ministry on a case by case basis. His request was placed "on hold." A third dissident, Wang Tingfang, 33, who escaped from China after taking part in the pro-democracy movement in Fujian Province, also applied for long term resident status. He, too, is "on hold." Another FDC member, Deng Chunwu, finally was granted a student visa. He is

²⁷Fukushima, "Chinese Students Face Intimidation...." It is estimated that one-third of Chinese students in Japan participated in protest activities there and that the Chinese Embassy taped and photographed those protests.

²⁸Allegations have surfaced that the Chinese Foreign Affairs Ministry has sent envoys to Tokyo with a request that the Japanese government place restrictions on FDC activities.

²⁹"Pro-Democracy Chinese Ordered to Leave Japan," *Mainichi Daily News*, July 10, 1990.

³⁰"Chinese dissidents condemn visa policy," *The Japan Times*, July 26, 1990.

registered at a university in Tokyo.³¹

According to the testimony of the Japan Civil Liberties Union,³² 23 members of FDC have *shinsolchū* stamps, meaning their requests for extension are under consideration; the visas of ten others have expired. At least 13 students in all have been ordered out despite the dangers their political activism may cause them if they return to China. This figure may not include those deported without any public acknowledgement.

Several sources³³ report another case, a 35-year-old Beijing student, Mr. Li (a pseudonym), who took food to students in Tiananmen Square in May 1989 and helped carry wounded students to hospitals during the military crackdown the night of June 3-4. He was detained and interrogated by the Public Security Bureau. Upon his release, Mr. Li immediately fled to Japan where he had been studying prior to his spring 1989 return to China. He arrived in Japan on June 28, 1989, one day before his visa expired, but did not report to the Immigration Bureau until a week later. He was told to report to the third floor where those whose visas have expired are detained. Instead, Mr. Li fled. When he finally returned to the bureau in October, he was ordered back to China even though his family in China had written him, in a letter spirited out of China, that the police were looking for him. As for his friends, "Of the three who were with you in Tiananmen Square, two are in prison and we don't know the whereabouts of the third. You must not return home, or you'll be arrested." In December Mr. Li again returned to the bureau, this time with a lawyer, but was only promised that he would not be detained. His application for extension was not even accepted by bureau officials. He resides illegally in Japan; the Japanese Immigration Bureau is still pressing for forced repatriation.

Katsutoshi Fujimori, Executive Governor of the Japan Civil Liberties Union (JCLU), is handling the case of a student in Japan who returned to China in January 1989 when his father became ill. During his stay, he participated in pro-democracy protests, but escaped and returned to Japan where he continued his dissident activities. The Japanese press has published both his comments and his photograph. Intervention earned the student *shinsolchū* status; without JCLU help, he would have been deported.

Japan's policy toward Chinese who apply for refugee status, claiming their lives and freedoms would be critically threatened should they be repatriated, contrasts with the more receptive attitude of France, the United States and many other countries. According to Japanese law, application for refugee status must be filed within 60 days from the date of landing or date when an event makes an alien already in Japan a potential refugee. After the military crackdown in China, students in Japan did not receive notification of the law's requirement, nor were students applying for visa extensions advised of the refugee option. According to Katsumi Nagano, chief investigator of the Fukuoka Immigration Control Office, Japanese law does not obligate immigration authorities to notify those without passports of their right to apply for refugee status.³⁴ According to some Japanese lawyers, Japan, as a signatory to the *United Nations Convention Relating to the Status of Refugees*, is so obligated. The Executive Committee of the UN High Commissioner for Refugees (UNHCR) is a committee of governments which considers issues and makes recommendations on refugee protection. Conclusion No 8,

³¹"Five Chinese fear persecution if sent home," *The Japan Times*, August 4, 1990.

³²*Human Rights Violations in Japan*, p. 4.

³³Fukushima, "Chinese Students Face Intimidation...", *Human Rights Violations in Japan*, p. 6.

³⁴Mutsuo Fukushima, "Pro-Democracy Dissidents in Japan Face Deportation," *Kyodo News Service*, July 8, 1990.

issued in 1977, recommends that applicants receive the necessary guidance as to procedures to be followed and the necessary facilities for submitting their cases, including the services of a competent interpreter.

A Chinese dissident who took a highly visible role in Tiananmen Square and whose identity must therefore be protected had his application for refugee status rejected even though Beijing's security police are hunting for him on "counter-revolutionary" charges. As he reported in a telephone interview with Kyodo News Service,³⁵ he was told by an immigration officer, "The Japanese government has nothing to do with whether or not you are executed; that is China's problem." This activist, who arrived in Japan in mid-1989, contacted the Refugee Divisions of the Foreign and Justice Ministries after the June 4 crackdown, in attempts to apply for legal protection by explaining his dissident role. In both instances, he was told the case was out of the Ministry's jurisdiction. It was a Justice Ministry officer who responded in the manner cited above, and when asked to identify himself, slammed down the receiver. This dissident's sense of precariousness was well founded; he suddenly was subpoenaed and told to leave Japan within a week. At that point, a lawyer suggested he apply for refugee status. Even the dissident's request for an application form met with resistance, according to an Asia Watch source. He managed to apply by filling in a xeroxed copy of a blank application form from the office of a Japanese lawyer who had handled another refugee case, but even the details of his "counter-revolutionary" activities secured him only a *shinselchū* stamp. His xeroxed application for refugee status was denied because of the 60-day limit.

Japanese officials appear to have an "*a priori*" tendency³⁶ to deny political asylum to those fleeing China. Since June 1989, not one Chinese national has been granted political asylum.³⁷ Ma Qiuyun, an embassy attache who defected in mid-June 1989 was refused.³⁸ A woman ordered deported after arriving in Japan in September 1989 along with 230 Chinese "boat people," sued immigration authorities on the grounds that she fears political persecution in her native Fujian, where she engaged in pro-democracy activities. An injunction staying her deportation was issued by a lower court judge. It was dismissed, however, by the Fukuoka High Court on July 20, 1990 on the grounds that there was no evidence among papers submitted to the court by immigration officials that suggested, as she contended, that they denied her the oral appeal to which the Refugee Status Recognition Law entitled her. In fact, they say, she waived her right. The woman's lawyers maintain that the waiver, a result of misrepresentation brought about by a non-professional interpreter, contravenes the Refugee Status Recognition Law.³⁹ Her case is now on appeal to the Supreme Court.

Rumors of the treatment accorded some refugee applicants can effectively dissuade others from applying for a change of status. Replies by immigration officials to student inquiries about refugee status reinforce the point. The Japan Civil Liberties Union documents some of the responses their clients have

³⁵ *ibid.*

³⁶ Fukushima, "Dissidents Face Deportation..."

³⁷ Mark O'Neill, "Chinese Dissidents in Japan: Struggle to Evoke Tiananmen," *Reuters* dispatch in *The Daily Yomiuri*, May 31, 1990.

³⁸ Fukushima, "Dissidents Face Deportation..."

³⁹ *ibid.*; "Chinese Woman Again Faces Deportation," *Mainichi Daily News*, July 22, 1990; UNHCR Executive Committee's Conclusion No 8, 1977.

received:⁴⁰ "Just submit a letter of apology for your dissident activities to the Chinese government and you'll be fine...You are ruining friendly relations between Japan and China...It is absolutely unacceptable for you to seek help from the Japanese government. Stop acting like such a baby."

Even legal representation is difficult to obtain. An official Ministry of Justice ban which placed curbs on refugee-lawyer contacts was only recently rescinded after month-long efforts by a group of Japanese attorneys. According to one attorney, the Immigration Office should install telephones at refugee detention centers, together with relevant telephone numbers. He said the lack of any means of communication prevents the refugees from "contacting and seeking help from lawyers, journalists and human rights groups that would be willing to support them upon knowing their true situation."⁴¹

Not only can refugees not get to the public but the public gets little information about their plight because of restrictions on media access to refugees. Local lawyers were initially alerted to the Ministry of Justice ban when a television program portrayed the dilemma of the 23-year-old woman mentioned above who arrived from Fujian Province along with 230 others. The footage was obtained in spite of the media restrictions.

As recognition grows that Japanese policy seriously impedes the efforts of Chinese dissidents either to enter Japan, or once there to remain until the danger of imprisonment, torture or execution at home has passed, there has been increasing concern among a small group of Japanese professionals, including media representatives and lawyers. A Japan Socialist Party member in the House of Councillors, Tetsuo Kitamura, asked the government to officially approve an extended stay in Japan for twenty Chinese nationals who fear persecution should they return home. He noted the government has yet to approve any such applications,⁴² a fact which Kyoji Kojima, a Justice Ministry official confirmed. "As far as I recall," he said, "there is no case in which we have extended a visa on the grounds of political persecution."⁴³

There is some indication that publicity and legal representation have had positive results. According to an Asia Watch source, after a press conference on July 25, 1990, when the plight of FDC members was publicized, some who had been ordered deported were re-granted *shinsolchū* status. Four days after the International League for Human Rights testified at the Geneva sub-commission, FDC representatives who went to the Tokyo Immigration Bureau to request secure visas for all those with *shinsolchū* stamps, were informed that the Justice Ministry had issued an order to re-interview the affected students. However, when lawyers and others representing the students asked for confirmation of the order and its explicit contents, they were refused. Even though it is still almost impossible to obtain refugee status, the 60-day limit on filing applications has been eased so long as a written application explains the reasons for the filing delay.

WHY SUCH A HARDLINE POSITION?

Chinese students and the Japanese human rights activists supporting their petitions allege the Kaifu government, in denying asylum to resident Chinese, is responding to pressure from Japanese business and

⁴⁰Human Rights Violations in Japan, p. 8-9.

⁴¹Fukushima, "Dissidents Face Deportation...."

⁴²"20 Chinese Ask Govt for Stay Extensions," *The Daily Yomiuri*, June 30, 1990.

⁴³*International Herald Tribune*, July 26, 1990.

financial circles who wish to resume their extensive trade and industrial ties with China, or from Immigration Bureau officials who are concerned with the influx of illegal laborers. Both factors may be operative.

Japanese Trade, Loans and Investments in China

The Paris Summit signatories did not restrict their Declaration on China to concerns about Chinese students. The seven agreed to postpone examination of new loans by the World Bank and to limit other contacts. As early as November 1989, Japanese diplomats, businessmen and bankers, recognizing the importance of China as a market, an outlet for investment and trade, and an overseas manufacturing base, began to press for the resumption of loans and credit. Chinese industry was in trouble, working capital was short, inflation rates were still high. Japanese investment made prior to June 1989 thus was in jeopardy and the potential increase in economic migration to Japan was alarming. On November 12, a Japanese business mission headed by Eihiro Saito, chairman of Japan's largest business group, met with Li Peng, the Chinese Premier, and Jiang Zemin, General Secretary of the Chinese Communist Party, to discuss bilateral trade relations.⁴⁴ In May 1990, at the annual meeting of the Asian Development Bank, Prime Minister Toshiki Kaifu's government lobbied, to no avail, for the easing of restrictions.⁴⁵

On May 5, as both China and Japan stepped up the campaign in anticipation of the July 1990 Group of Seven (G-7) Summit meeting in Houston, Michio Watanabe, former Japanese foreign minister, and Jiang Zemin discussed the yen loan which, if implemented, would account for over eight percent of China's state budget in fiscal 1990 and would finance 42 projects including industrial dams, power stations, railways, roads and fertilizer plants. On July 2 and July 3, in a rare and important instance of Japanese pressure, Prime Minister Kaifu and other Japanese leaders urged visiting senior Chinese officials to soften their stance toward pre-democracy participants, to stop jamming Voice of America broadcasts, to reform the Chinese educational system and "to take more steps toward democratization."⁴⁶ The word "democratization" was a euphemism for the release of detained pre-democracy activists so as to qualify for the aid frozen at the 1989 G-7 summit in Paris. Japanese Foreign Minister Taro Nakayama urged China to "send a signal."

In late June, when Fang Lizhi, the world-renowned astrophysicist, and his wife, Li Shuxian, were permitted by the Chinese government to leave the U.S. Embassy in Beijing without incident, Kaifu told reporters, "It is a signal from the Chinese side." A Japanese banker affirmed it was the asked-for signal: "This will greatly appease the anger in Congress and enable the summit to restore credits, including that of Japan. The shortage of money has become too severe...They had no choice but to let Fang out."⁴⁷ On July 16, Deputy Foreign Minister Hisashi Owada left for China to confirm Japan's gradual release of suspended loans.

Tokyo also advised its western partners that withholding economic aid to China would dangerously

⁴⁴Fukushima, "Chinese Students Face Intimidation...."

⁴⁵"Japan Throws China a Lifeline," *The Economist*, July 14, 1990.

⁴⁶Mark O'Neill, "Japan Differs with Summit Partners on China, Soviet Union," *Reuters*, July 5, 1990.

⁴⁷Mark O'Neill, "Japan Welcomes Fang's Release, Says Could Help Summit Outcome," *Kyodo News Service*, in *Reuters*, June 25, 1990.

deepen its isolation and unduly harm ordinary Chinese citizens. "It will be detrimental to the peace and stability in Asia and even in the entire world," a Foreign Ministry official said.⁴⁸ He added that in China, which lacks a tradition of individualism, it is "quite impossible" to introduce "such a westernized notion as democracy." The best way, he continued, is to help by raising the standard of living.⁴⁹ Kalfu added, "The West must respond in kind to these positive signs emanating from China."⁵⁰

Although six heads of state expressed reservations about resuming either bilateral economic assistance to China or multilateral loans through the World Bank, Japan opted to interpret Chinese gestures, such as the lifting of martial law, the release of some imprisoned intellectuals and the departure from China of Fang Lizhi, as a partial relaxation of Beijing's hardline attitude toward "counter-revolutionaries." As a result, Japan is unilaterally pushing ahead with massive bilateral loans and generous investments, while maintaining the embargo on all World Bank loans other than those for "basic human needs." A suspended five-year \$5.4 billion loan package, negotiated in 1988 with monies originally scheduled to begin flowing in April 1990, will be phased in gradually, starting in October 1990; other grants and Sino-Japanese cooperative ventures are planned.⁵¹

During July 1990, after the Japanese government made its loan policy clear, a steady stream of Japanese officials and corporate and financial leaders explored the business climate.⁵² Some observers have

⁴⁸*Renmin Ribao*, July 13, 1990, in *FBIS*, July, 1990.

⁴⁹"Japan to Urge West to Favor China over Soviets in Aid," *Washington Post*, July 6, 1990.

⁵⁰*ibid.*

⁵¹See for example, "Sino-Japanese Trucking Venture Established," *China Daily* in English, June 7, 1990, in *FBIS*, June 7, 1990; "Sino-Japanese Oil Field Agreement Signed," *Xinhua* in English, July 17, 1990, in *FBIS*, July 18, 1990; "Sino-Japanese Joint Venture to Finance Imports," *South China Morning Post*, July 19, 1990, in *FBIS*, July 19, 1990.

⁵²Examples include: The Hong Kong branch of the Bank of Tokyo resumed loans to Xiamen (Beijing CEI Database in English, July 26, 1990, in *FBIS*, July 27, 1990); Ryohei Ishikawa, president of Japan's Imperial Industrial Consortium met with Li Ruihuan, a member of the Standing Committee of the Political Bureau of the Chinese Communist Party's Central Committee, to acquaint himself with the situation in Tanggu Developmental Zone in Tianjin (*Xinhua*, in English, July 10, 1990, in *FBIS*, July 11, 1990); Li Peng met with Kisaburo Ikeura, president of the newly formed Japan-China Investment Promotion Organization and promised that the party and government would "adopt a more lenient policy toward those involved in the June 4 storm last year" (*Renmin Ribao Overseas Edition*, June 8, 1990, in *FBIS*, June 8, 1990); Li also met with the president of the Long Term Credit Bank of Japan Ltd, Tetsuya Horie, to discuss the resumption of funding of construction projects (*Xinhua* in English, July 17, 1990, in *FBIS*, July 18, 1990); and with Kensuke Koga, executive vice-president of

suggested that the weight of the Sino-Japanese economic relationship has colored Japan's policy toward Chinese students. That relationship may also explain Japan's apparent reluctance to protest harassment of Chinese students in Japan by Chinese embassy officials.

CHINESE HARASSMENT OF ITS OVERSEAS STUDENTS

Chinese students in Japan have been harassed by Chinese embassy officials stationed in Japan. The harassment is similar to that endured by Chinese students in the United States which was highlighted when in early May 1990, Xu Lin, a third secretary in the education section of the Chinese Embassy in Washington, defected. He brought to the attention of the U.S. government high-level secret Chinese documents summarizing a March 1990 meeting in Beijing of embassy and consular educational counsellors from around the world.

The documents, one of which was signed by Chinese Premier Li Peng, contain policy directives regarding Chinese students in the U.S. and Canada. Methods are outlined for controlling students, isolating and discrediting pro-democracy student leaders, organizing an underground Communist Party among students, and setting up a network of "professional" and "middle-of-the-road" students to monitor, interfere with and inform on student organizations and activities.

According to these documents, those who support the current Chinese regime are to be "protected" and upon their return to China rewarded with appropriate benefits: "job-placement, scientific research conditions, professional evaluation, household registration, housing and opportunities to go abroad again." Anti-government activists, on the other hand, must be "divided and split" and dossiers on them maintained. "Reactionary core elements" must be "ruthlessly exposed and attacked publicly." "Special files (should be) established to record all their criminal evidence...their conflicts (should be) used to neutralize them individually." Educational sections of embassies and consulates are charged with delivering materials on this group "to the leading agencies within China for review and approval." In addition, the new policy restricts the number of students permitted to study abroad, insists on their political reliability and severely limits permissible visits overseas by members of a student's family.

According to Xu Lin's testimony before the Foreign Affairs Committee of the House of Representatives on June 19, 1990, Chinese officials use videotaping and computer monitoring to keep track of students' activities. They also employ threats and intimidation "to make some activists withdraw from the pro-democracy movement" or to supply information on fellow activists. Zhao Haiqing, chairman of the National Committee on Chinese Students Affairs, appearing before the Senate Judiciary's Subcommittee on Immigration and Refugees on January 23, 1990, six months prior to Xu's defection, told substantially the same story. He spoke of passport revocation, harassment of families in China, enforced separation of families through denial of permission to return home or to have family members visit.

Xu and others⁵³ also attested to routine interference in pro-democracy student organizations: buses

Nippon Steel Corporation to discuss future cooperation in the steel and iron industries (Xinhua in English, July 23, 1990, in *FBIS*, July 23, 1990); three Japanese oil companies signed agreements with the China National Offshore Oil Corporation to cooperate in the development of a Chinese offshore oilfield (Xinhua, July 17, 1990, in *FBIS*, July 18, 1990).

⁵³Li Lu, a former Nanjing University student, prominent among student leaders in Tiananmen Square, testified on November 9, 1989 before the Post Office and Civil Service Committee of the House of Representatives. Anonymous witnesses testified before the Senate

transporting students to demonstrations are vandalized, lists of participants are stolen, members are ordered to elect new leaders, and Chinese students' activities centers are closed down. One student statement noted how consular officials use threats to obtain written confessions from those who allegedly participate in pre-democracy protests. These "confessions" are then used, he said, to justify future discrimination in employment, housing and education once the student returns to China, and can easily lead to arrest, detention or other forms of punishment.

Other Chinese students in the U.S. attested to other kinds of harassment including threatening telephone calls; visits by consular officials; monitoring and censoring of letters and telephone calls, then threats, based on what was said in the monitored communications, to families who fail to write their children to urge them to stop dissident activities; and routine interference with mail delivery to and from dissidents.⁵⁴ In one case, a family was forced to hand over to Chinese officials a letter from their son, a student in the United States. The letter included comments about the June 4 crackdown. According to the student, Chinese Public Security Bureau officials (the police) in his village went house by house to find out about the letter, then subjected his brother to 12 hours of interrogation. Another student spoke of other effects on family members still in China. Once a family is identified as having an activist member, he said, friends and neighbors stay away. It becomes hard to find a job and should one be found, salary and housing conditions are poor. The education of younger family members is compromised and criticism and humiliation are constant.

The "consistent harassment" issue was the subject of joint hearings on June 19, 1990 by the Subcommittee on Asian and Pacific Affairs and the Committee on Foreign Affairs' Sub-Committee on Human Rights and International Organizations. The State Department maintained there was not a systematic pattern of intimidation and harassment. The committee chair, Stephen Solarz, questioned the State Department's conclusion and suggested that implementation of Section 6, the Solarz amendment to the Arms Export Control Act, might be required. Under this law, a foreign country's consistent harassment and intimidation of its nationals resident in the U.S., makes it ineligible for arms transfers, including non-military items. On May 11 this year, Margaret Tutwiler, chief spokesperson for the State Department, said the allegations were under investigation and emphasized, "We will continue to take appropriate action to afford Chinese students here the full protection of U.S. law."⁵⁵ It should be noted that to date the State Department has taken no formal action.

Harassment and Intimidation in Japan

Remarkably similar intimidation and harassment tactics suggest that the policy of controlling Chinese overseas students and discrediting dissident elements also applies in Japan. Chinese students there consistently complain their rights are abused; they allege Japanese officials do not protect them.

One incident occurred at Nagoya University, a prestigious state-run school. During the week of March 12, 1990, Liu Wenxiang and Liu Zhonghua, two second secretaries from the education division of the Chinese

Judiciary Committee's Subcommittee on Immigration and Refugee Affairs on January 23, 1990.

⁵⁴Li Lu's testimony about China's non-compliance with the Universal Postal Union's International Conventions to which China is a party.

⁵⁵"US Warns China on Student Intimidation," *Mainichi Daily News*, May 13, 1990.

embassy in Tokyo, grilled students about their activities and those of their compatriots.⁵⁶ Students were summoned one by one to a hotel room in Nagoya or to empty rooms at a university dormitory. Once there, they were warned to refrain from participating in anti-Chinese government protests and from criticizing Beijing's human rights record and the June 1989 military crackdown. They were asked for their views about the events in Tiananmen Square and for the names of students in Japan who organized anti-Beijing campaigns, and they were instructed to hand over donations made by Japanese citizens for Chinese families bereaved by the events. If students refused to comply, they were threatened with passport revocation and warned that they would be penalized as traitors upon their return to China.

One student asked how students active in the pro-democracy movement would be treated. Liu replied, "We will not harm those who quit the movement. If students continue we will not forgive them. We absolutely will not forgive some unmanageable students. The Chinese government, but not the embassy, will decide how to penalize the unmanageable students."⁵⁷ His response recalls the categorization of students and the differential treatment outlined for each category in the documents leaked by Xu Lin.

Students at other institutions in Kyoto and Kanazawa also were threatened. On April 22, 1990, the Chinese Consul General Shan Yaozhong and Vice Consul Ben Yongzhong grilled students in Kyoto. According to one student, Shan told students, "We will monitor and penalize those students who publicly criticize the Chinese government as the most detestable enemies of the Chinese state."⁵⁸

On March 15, Nagoya university officials, learning of the interviews, demanded a halt and protested violation of students' human rights and infringement on university autonomy. In response to a petition filed by the university,⁵⁹ the head of the Chinese embassy's education section, Peng Jiaohong, apologized for the fact that the secretaries visited the campus without university permission. He said that visa renewals were being processed at that time at universities all over Japan and that the procedures used were routine; he denied embassy officials interrogated the students. Peng declared, "It is natural that the embassy tried to gather information on the situation and progress of the studies of students receiving scholarships from the state."⁶⁰

Students contest the embassy's version. Both those with government stipends and those paying their own bills were grilled, they say. Furthermore, they continue, at no time in the past has the embassy sent officials to help students extend visas and passports.

Foreign Minister Taro Nakayama agreed on March 19 that the interrogations "constitute an infringement of university autonomy and is problematic."⁶¹ He made no comment on the human rights abuses involved nor did

⁵⁶"Chinese Embassy staff grills Nagoya students," *The Japan Times*, March 20, 1990; *Human Rights Violations in Japan*, p. 9-10; *The Japan Times*, June 5, 1990.

⁵⁷A tape recording of Liu Wenxiang's intimidatory 55 minute interview of a student is in the possession of Kyodo News Service reporter, Mutsuo Fukushima.

⁵⁸*The Japan Times*, March 20, 1990.

⁵⁹*ibid.*

⁶⁰*The Japan Times*, June 5, 1990.

⁶¹Fukushima, "Chinese Students Face Intimidation...."

he give any information about steps Tokyo might take to avoid a recurrence and to protect students. However, Shinichi Nishimiya, vice-section chief of the ministry's China division affirmed, after making the enigmatic statement that, "the grilling of the students...is an issue of a balance between human rights and university autonomy," that the ministry "has no plan to investigate the students' allegations...or to lodge a protest with the embassy."⁶² According to Kensuke Itoh, a law professor at Nagoya University, the government "knows the Chinese Embassy impinged upon Japanese constitutionally-guaranteed freedom of expression and conscience by threatening to penalize the students unless they quit their pro-democracy activities."⁶³

Another kind of harassment was recently reported to Asia Watch. Members of the Japanese police force, or persons purporting to be police, call dissidents to remind them that they cannot safely go home; that their best chance of obtaining permission to stay in Japan may depend on distancing themselves from dissident activities and organizations.

There is also a widespread belief that the police monitor student political activities and report them to Immigration authorities. One student in Matsuyama reported that he was queried about other dissidents when he went to renew his visa in June 1990. The renewal process in his case should have been automatic, but he was threatened with having his extension refused if he did not cooperate. He eventually received only a six-month renewal. A student in Osaka had his scholarship cut after he participated in the first anniversary commemorations of the June 1989 events in Tiananmen Square.

Such efforts to dissuade students' rights from political activity is an infringement on the students' right to the freedoms of association and expression.

POLICY RECOMMENDATIONS

Many Chinese students and dissidents in Japan face harassment if they stay and persecution if they return to China. The Chinese government continues to arrest and imprison supporters of the 1989 Chinese pro-democracy movement.⁶⁴ Although Chinese officials have said that students were misled and will be treated leniently, it has not been possible to monitor what has happened to those who returned to China after June 4, 1989. No lists of those detained, arrested or sentenced have been made available by the Chinese government; there is no way of knowing if the thousands believed to be still in detention include students who participated in pro-democracy activities overseas and were forcibly repatriated. Asia Watch therefore makes the following recommendations:

1) The Japanese government should refrain from deporting any Chinese student against his or her will who was in Japan on June 4, 1989, or who thereafter fled to Japan, fearing arrest for pro-democracy activities.

2) The Japanese government should join with other countries in demanding a list of all those arrested, imprisoned and/or released by Chinese authorities since June 4, 1989.

⁶² *ibid.*

⁶³ *ibid.*

⁶⁴ Asia Watch: *Repression in China since June 4, 1989: Cumulative Data*, September 28, 1990.

3) The Japanese Embassy should monitor the case of every Chinese citizen forcibly repatriated by the Japanese government to China since June 4, 1989, and should ensure that those citizens' whereabouts and current status are known.

4) The Japanese government should take steps to protect Chinese students and dissidents living in Japan and fearing persecution if they return. These steps could include extending visas of such people, allowing them to work and making provisions for those students whose passports have expired or been cancelled by the Chinese government, so they may adjust their status without leaving Japan.

5) The Japanese government should facilitate, not obstruct, the provision of information on asylum and immigration issues and the access of Chinese resident aliens to counsel.

6) The Japanese government should undertake a thorough public investigation of reports of student harassment and intimidation by Chinese embassy officials, and notify Chinese authorities in Tokyo and Beijing that such behavior will not be tolerated.

***News From Asia Watch* is a publication of Asia Watch, an independent organization that monitors and promotes human rights throughout Asia. The Chairperson is Jack Greenberg. The Vice-Chairpersons are Orville Schell and Nadine Strossen. The Executive Director is Sidney Jones. The Washington D.C. Director is Mike Jendrzewczyk. Asia Watch is part of Human Rights Watch, which includes Africa Watch, Americas Watch, Helsinki Watch and Middle East Watch.**
