

UMBRAGE EDITIONS

LAOGAI

THE MACHINERY OF REPRESSION IN CHINA

INTRODUCTION BY ANDREW J. NATHAN | FOREWORD BY HARRY WU | EDITED BY NICOLE KEMPTON AND NAN RICHARDSON



LAOGAI

勞

LAO: LABOR

改

GAI: REFORM

勞改

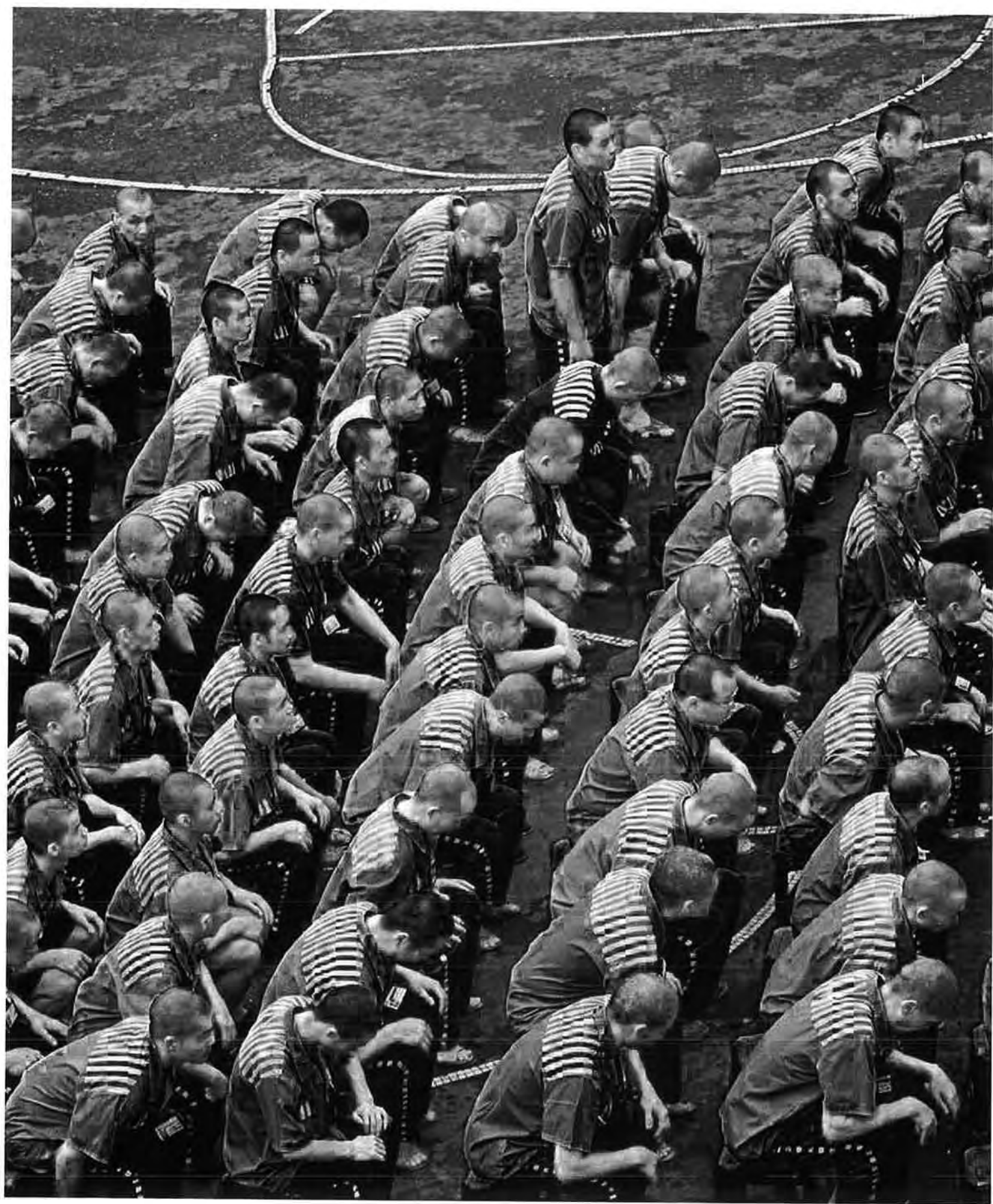


LAOGAI

THE MACHINERY OF REPRESSION IN CHINA

INTRODUCTION BY ANDREW J. NATHAN | FOREWORD BY HARRY WU
EDITED BY NICOLE KEMPTON AND NAN RICHARDSON

UMBRAGE EDITIONS





Previous page: Images of victims of China's Laogai form an image of a forced laborer at Junshan Quarry in Hubei Province.

Left: Guard addressing Laogai inmates, China, c. 1990s.





Public sentencing, c. 1980s.





Public sentencing, c. 1980s.





Public sentencing, c. 1980s.



CONTENTS

INTRODUCTION BY ANDREW J. NATHAN	18
A BRIEF HISTORY OF HUMAN RIGHTS IN THE PEOPLE'S REPUBLIC OF CHINA	24
HARRY WU: ONE STORY	46
TIMELINE OF HUMAN RIGHTS IN CHINA	56
THE LAOGAI: THE SYMBOL OF THE ABROGATION OF HUMAN RIGHTS IN CHINA	60
FUELING THE CHINESE TIGER: FORCED LABOR AND THE PRISONS	64
THE HUMAN COST: STORIES FROM THE LAOGAI	84
WHAT PRICE A HUMAN LIFE? EXECUTIONS AND ORGAN HARVESTING	100
FREEDOM OF EXPRESSION: THE PRESS, THE INTERNET AND THE MEDIA	118
ARCHITECTURE OF OPPRESSION: IMPRISONMENT AND THE CRIMINALIZATION OF DISSENT	138
GLOSSARY OF TERMS	156
TAKE ACTION: RESOURCES	155
BIBLIOGRAPHY	160

ANDREW J. NATHAN

INTRODUCTION



Prisoners walking to work in the fields, Hubei Province, 1994.

THE MONOPOLY OF POWER REMAINS THE BEDROCK PRINCIPLE OF RULE, AS DEPENDENT AS EVER ON A RANGE OF TOOLS FOR ARBITRARY DETENTION AND UNREGULATED MISTREATMENT OF DESIGNATED ENEMIES.

With the end of China's Cultural Revolution, a sea of suffering receded to reveal an archipelago of imprisonment. Under Mao Zedong, tens of millions had been subjected to public struggle sessions before being internally exiled or killed. These staged public tortures in offices, schools, factories, and villages across the country dramatized the mortal threat the victims were thought to pose to the regime, just by thinking wrong thoughts, uttering wrong words, or being labeled as part of a politically despised class. Like the ritual punishment of medieval regicides, the

drama symbolized at once the state's vulnerability to opposition and its power to crush its enemies; the political opponent's infinite viciousness and his ultimate powerlessness; the torture victim's irrefutable guilt and the state's unchallengeable rightness.

The reformist regime of Deng Xiaoping and his successors has been more civilized in its means of repression. Instead of mass public torture, the modernized state selects fewer victims and hides them out of public sight; it eschews ritual vengeance in favor of ostensible reform and rehabilitation. A utilitarian, redemptive spirit officially animates the new archipelago of incarceration.

But within it cruelty persists, rendering China's gulag both a focal point of human rights abuses and an anchor for abuses practiced in the wider society.

There are many ways to get locked up in the Laogai. One can commit the kind of crime that would be recognized as a crime anywhere. One can protest against land seizures, corruption, family planning abuses, or corrupt local officials' environmental crimes. One can appeal too insistently for one's rights under the law, worship in a religion the Party doesn't permit, publish or post on the Internet ideas that criticize the Party or news that embarrasses it, or simply irritate the local Party chief by showing up on his doorstep too many times with too many problems.

And there are many places to get locked up. Regular jails and prisons hold those either awaiting trial or convicted of crimes. Special prisons incarcerate juveniles, drug users, prostitutes, and others. Psychiatric hospitals run by the Public Security Ministry segregate those claimed to be criminally insane. Informal "black jails" immobilize

people regarded by local governments as trouble-makers, sometimes because they traveled to Beijing to exercise their rights of appeal. Two distinct (but sometimes combined) networks of labor camps subject inmates to forced labor for the state. In the Laogai (reform through labor) camps are individuals who were sentenced at trial; in Laojiao (reeducation through labor) camps are those committed without trial on the initiative of local authorities. The whole system of detention is the Laogai in a broad sense, forming the subject of the Laogai Research Foundation's work and of this book.

In the abstract, the philosophy of the Laogai is as modern as that of any Western penal system. It is to remove antisocial elements from society and reeducate them. "China has criminals do productive and socially beneficial work, which is the main meaning of combining punishment and reform," says China's 1992 *White Paper on Criminal Reform*.¹

Yet innumerable cruelties persist there, including inadequate food and medical care, dangerous, crowded, and unsanitary living conditions, deprivation of light and exercise, and casual disciplinary cruelty. This is partly attributable to the same causes that make prison systems everywhere deplorable—inadequate funding, poor training of staff, and the tensions that arise between jailers and jailed. Another part of the problem—coerced heavy labor under hazardous working conditions—grows out of the economic exploitation of prisoners that is carried out in order to make the system as nearly self-funded as possible, a logic the Laogai Research Foundation has done the most to expose.

But the key is still politics. Beneath the surface gloss of modern penology old-fashioned political persecution still reigns. It is the prisoners deemed political who are singled out for the worst beatings, inflicted by guards or prisoner "cell bosses," for purposeful infection with contagious diseases, and denial of medical treatment.

The politicals are a broad category. They are not just the few who dare directly to challenge the ruling party by forming political groups, calling for free elections, or challenging official ideology. Political enemies include members of officially banned religious organizations and *qigong* groups, literary nonconformists, investigative journalists, people who want to know or tell the truth about Tiananmen or other incidents in history, people who demonstrate for their wages or pensions, those who petition for housing or environmental rights, and ordinary citizens who protested their victimization by corrupt officials. What makes all of them enemies of the state—what renders all independent thinking and autonomous social action a political act, and makes everything that is political a mortal threat to the regime—is not what the prisoner did, but the character of the regime under which he did it.

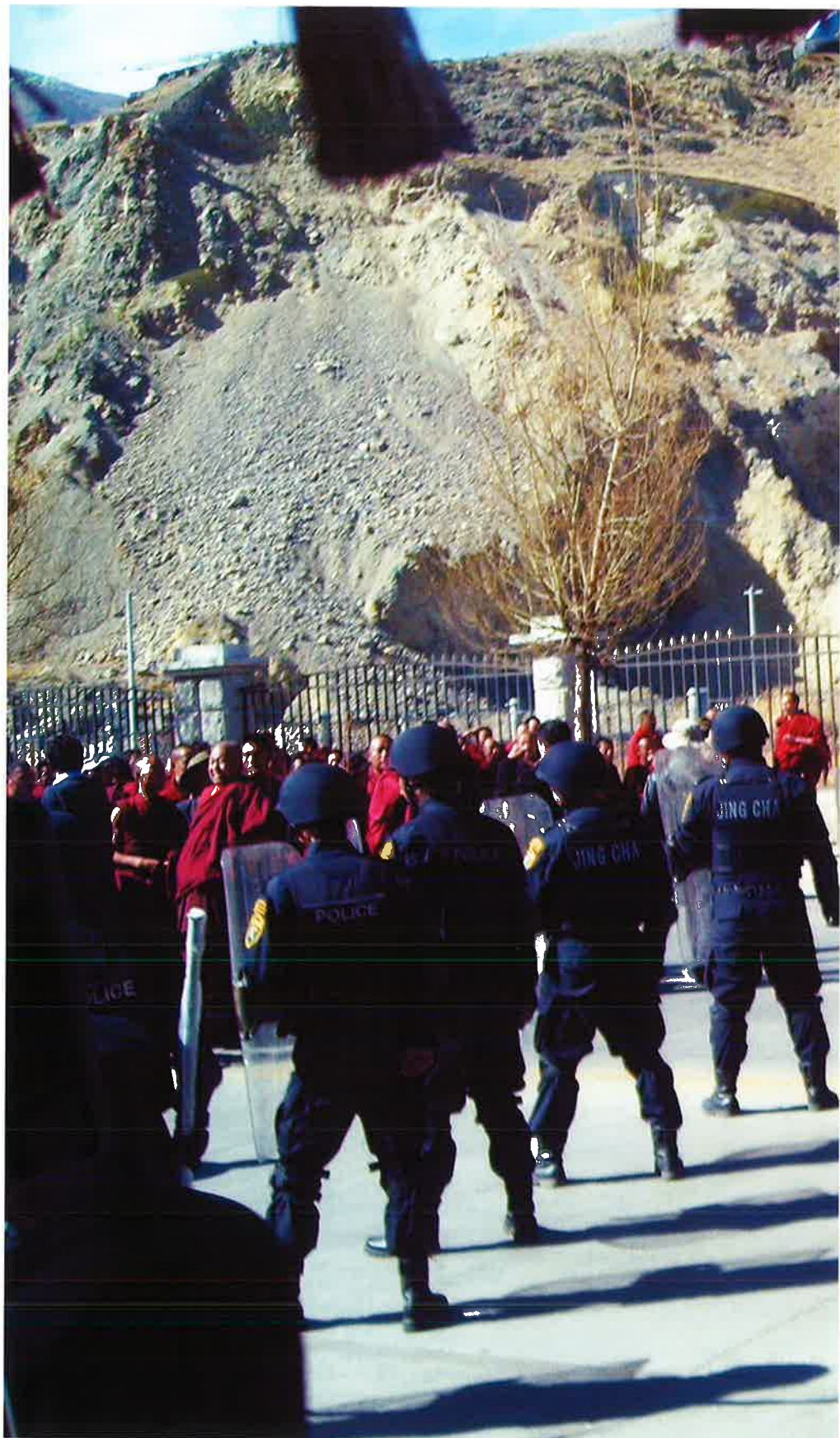
This is a regime that requires a monopoly of power in order to survive. As stated in the official 2005 *White Paper on Political Democracy*, "Without the Communist Party there would be no New China. Nor would there be people's democracy. ... [T]he CPC's leadership and rule in China is an objective requirement of the country's development and progress." The white paper goes on to say, "China's socialist political democracy shows distinctive Chinese characteristics...

China's democracy is a people's democracy under the leadership of the CPC... China's democracy is a democracy guaranteed by the people's democratic dictatorship... China's democracy is a democracy with democratic centralism as the basic organizational principle and mode of operation."²

What does this mean? As the pro-crack-down premier Li Peng put it during his debates with the pro-dialogue Party secretary Zhao Ziyang during the 1989 Tiananmen crisis, to allow the demonstrating students, whom the Party did not control, to "negotiate with the Party and government as equals" would be to "negate the leadership of the CCP and negate the entire socialist system."³ Further, Li Peng observed, to undertake reform "when conflicts in society are severe and the Party is crippled... makes control of the process nearly impossible."⁴ Subsequent events in Eastern Europe and the Soviet Union confirmed that point for the leadership. The core principle of power in China today remains the ban on autonomous political forces outside the Party.

Opposition therefore remains a crime just as it was in the Mao era. Again in the words of the *White Paper on Democracy*: "Under the people's democratic dictatorship, on the one hand, democracy of the widest scope is practiced among the people, human rights are respected and ensured, and state power is in the hands of the people and serves the interests of the people. On the other, criminal activities, such as sabotage of the socialist system [and] endangering state security and public security... are penalized according to law so as to safeguard the fundamental interests of the broad masses."⁵

This is why political essayist Liu Xiaobo was sentenced to reeducation through labor from 1996–1999 for criticizing the one party system in writings and interviews with foreign media, and why he has disappeared again





Monks from the Drepung Monastery in Lhasa are confronted by police in June, 2008.



The entrance to Jinjiang Prison, outside of Chengdu, Sichuan Province.

THE LAOGAI IS MORE THAN A PLACE WHERE RIGHTS ARE VIOLATED DIRECTLY, WITH BEATINGS, MEDICAL NEGLECT AND FORCED LABOR. IT IS A TOOL TO ENFORCE THE PRIVATION OF RIGHTS IN THE OUTER SOCIETY [AND] THE ANCHOR END OF A CONTINUUM OF RIGHTS-VIOLATING METHODS THAT THE REGIME USES.

into an unknown form of detention for helping to draft the eloquent “Charter 08” call for “freedom, equality, and human rights.”

It is why Li Hai, a 1989 student protestor, was sentenced to nine years in prison in 1995 for trying to compile a list of names of those arrested in the Tiananmen crackdown.

It is why Jiang Xiqing, aged sixty-six, was sentenced to one year of reeducation through labor in 2008 for practicing Falun Gong, a sentence during which he died in the labor camp of unknown causes.

That such harmless people—and thousands like them—are deemed dangerous enemies reveals the sense of vulnerability

under which the regime labors. Any criticism, any independence, is an act of siege. Any independent thinker is a saboteur. The principle of power monopoly is unitary and fragile. A single crack can break it.

The Laogai, then, is more than a place where rights are violated directly, with beatings, medical neglect, and forced labor. It is, secondly, a tool to enforce the privation of rights in the outer society. But it is also, third, the anchor end of a continuum of rights-violating methods that the regime uses to enforce its form of rule. People end up in the Laogai only after failing to heed the message of a series of preliminary measures that are supposed to teach them the limits of their freedoms.

Take, for example, the case of the blind activist Chen Guangcheng, who tried to help rural women write letters to protest against forced abortions and sterilizations. After a visit to Beijing to pursue the issue, Chen was kidnapped and brought home by public security agents from the town where he lived and placed under illegal house arrest. Then he was roughed up by thugs, arrested, tried, and convicted for destroying property and disrupting traffic.

Or Hu Jia, an AIDS activist and blogger, who was harassed, shadowed, warned, and finally sentenced to three and a half years in April 2008 by a Beijing court for inciting subversion of state power because of his writings calling for freedom and rights.

Or Gao Zhisheng, a lawyer who has been grabbed off the streets by thugs, tortured, harassed, and as this is written has been “disappeared” again from the streets of

Beijing to whereabouts unknown, for taking the cases of labor activists, bereaved coal miners’ families, people whose homes were seized by property developers, and Falun Gong practitioners.

Or Sun Wenguang, a retired professor beaten by thugs in Jinan City, Shandong province, in April 2009 for publicly mourning the late reformist leader Zhao Ziyang.

In these cases and scores of others, the continuum of methods of suppression ranges from a warning to job loss to harassment to beatings to abduction to informal imprisonment, and extends only finally, if the victim is recalcitrant, to detention in the Laogai, with or without a formal criminal sentence.

So the Laogai is part of a complex repressive machinery. It includes the security agencies—multiple, overlapping, heavily staffed, richly funded, unconstrained—who work without supervision from the legislature, courts, media, or even the Party leaders outside their narrow chain of command; pliant judges, constitutionally bound to accept the “leadership of the Party”; and the media, owned and operated by government and Party agencies and guided by the Central Propaganda Department. The monopoly of political power is more than an ideological doctrine. It is a primal structural fact.

Of course the matter is not so simple. The monopoly is quietly eroding as China’s economy grows more complex, its society wealthier, its people better educated and more cosmopolitan. A rights-protection (*weiquan*) movement of lawyers, petitioners, bloggers and journalists is growing. The independent Christian house church movement is gaining

adherents and emerging increasingly into the open in local areas where it is strong. Independent civil society groups have taken shape under the radar, neither registering nor challenging the authorities. Most people understand the ground rules of their modest freedoms. Some approach the boundaries, some test them, but few transgress them. So a standoff is slowly taking shape, pregnant with exactly the threat that the regime fears most.

This is why the Laogai is as essential as ever to the current regime, and as diagnostic of its character. Amid the many elements of progress in China that deserve celebration—rising living standards, expansion of the social safety net, the widening ambit of individual choice in personal life, nascent efforts to protect the environment, and others—the monopoly of power remains the bedrock principle of rule, as dependent as ever on the arbitrary detention and unregulated mistreatment of those designated as enemies. The Laogai in its broad sense will not be abandoned until that possibly distant day when the regime decides to coexist with political voices it does not control. Until then, thousands suffer in China’s gulag. The Chinese public knows nothing about them. It is important that we acknowledge them.

¹ Criminal Reform in China.” Information Office of the State Council, 1992. Text is available at <http://www.china.org.cn/e-white/criminal>

² “Building of Political Democracy in China.” Information Office of the State Council, 1995. Text is available at http://www.chinadaily.com.cn/english/doc/2005-10/19/content_486206_4.htm

³ Zhang Liang, comp., Andrew J. Nathan and Perry Link, eds. *The Tiananmen Papers*. New York: PublicAffairs, 2001.

⁴ Ibid.

⁵ “Building of Political Democracy in China.” Cited in footnote 3.

A BRIEF HISTORY PEOPLE'S RE



Students marching in an Anti-Rightist parade in the late 1950s.

OF HUMAN RIGHTS IN THE PUBLIC OF CHINA



A BRIEF HISTORY OF HUMAN RIGHTS

IN THE PEOPLE'S REPUBLIC OF CHINA



A billboard promoting China's one-child policy reads: "Only one child per couple." This kind of propaganda is common throughout China and illustrates the State's involvement in people's lives. ©Bettmann Archive/Corbis

ALTHOUGH ECONOMIC DEVELOPMENT HAS LEAPT AHEAD AT A BREATHLESS PACE, THE FUNDAMENTAL POLITICAL LANDSCAPE HAS CHANGED LITTLE: THE GOVERNMENT CONTINUES TO INFRINGE UPON, AND IN MANY CASES SHOW FLAGRANT DISREGARD FOR, THE HUMAN RIGHTS OF THE CHINESE PEOPLE.

On a Friday in June 1960, 3,000 children were rounded up off the streets of Shanghai, packed into boxcars, and shipped to the arid loess plateau in northwest China, where many would spend the next two decades in a forced labor camp. Some were street children, some were elementary school students, and some were fleeing famine-stricken areas with their parents. Some were just eight years old. Victims of a bargain

struck between government departments in remote Shanxi province, Shanghai, and Beijing, the children were rounded up to work as slave laborers for the infamous Wangzhuang Coal Mine. One victim, Zhang Guoting, who spent twenty-two years in the labor camp, describes the first few months:

At first, in the hot summer, the children, unaccustomed to [the] local climate, suffered from vomiting and diarrhea. Bitten by flies and mosquitoes, their scalps and skin festered. Rotary kilns were used for brick making. To conserve coal, policemen would, without waiting for the kilns to cool down, force the children into intensely hot kilns to unload fired bricks and then load raw ones. [The children] built offices and dormitories for police cadres. They froze in the bitter cold winter. They dug irrigation canals and ditches, carried manure, watered fields, loaded carts in the midnight hours, and cut into mountains with explosives. Many young children were wounded and crippled. One child's feet was [sic] frostbitten, which finally led to the amputation of his legs and only thus could he return to Shanghai. A few other children were released back to Shanghai because they were driven insane. Some children died, their corpses wrapped in straw mats, carried through the clinic's back door and buried. The police said they died from diseases, but in actuality, many of them died from frost, hunger, and torture.¹

This sounds like a story from Stalin's Russia, but in fact it is one of countless untold tragedies from the largest system of forced labor camps in the world. And unlike the Russian gulags, this system remains in place today—China's Laogai.

Modeled on the Soviet Gulag, the Laogai system was created in the early 1950s to control the Chinese population and stifle dissent. It is no ordinary prison system. A tool of repression that has been wielded repeatedly by both Mao and his successors, it is also increasingly a source of revenue for prison officials, who force inmates to work long hours, often in unsafe conditions, for little or no pay. Profit margins are high when labor costs little or nothing, and prison and local officials are cashing in. Anywhere from three to five million prisoners are currently incarcerated in over a thousand camps scattered throughout China,² the largest of which cover geographic areas greater than many American cities. Many are incarcerated for common crimes, and others find themselves in the Laogai for crimes that are political in nature, such as "subverting State power" or "stealing State secrets." The definitions of these crimes are so ambiguous that the authorities can use them to justify arresting just about anyone for the most innocuous of activities. Whatever crimes one may stand accused of, a criminal justice system with little respect for the rule of law, coupled with a general lack of due process at every level of the judicial system, renders conviction by a fair trial nearly impossible in China. Since its inception in the early 1950s, 40 to 50 million people are estimated to have been imprisoned in the Laogai, and untold numbers have perished under its brutality.³

The beginning of the economic reform era in China in the late 1970s captured the attention of the world with its far-reaching social and economic changes. Outstripping the growth rate of the world's largest economies, China has become an increasingly

influential player on the world stage, but development in the human rights arena has been painfully slow. Although China has progressed since the dark days under Chairman Mao, the government continues to fall short in its domestic and international obligations to guarantee basic respect for the human rights of its people.

China routinely appears on Freedom House's annual list of the world's most repressive regimes,⁴ and is regularly castigated in US State Department reports⁵ for continued human rights abuses. However, understanding that such censure doesn't affect business as usual, the Chinese regime continues its repressive policies unabated. Moreover, China has yet to confront the demons of its recent past, from Mao's murderous land reform policies in the 1950s to the 1989 massacre in Tiananmen Square. Rather than encourage a critical look at China's contemporary upheaval, the government's "patriotic" school curricula and other public accounts are an active cover-up, precluding any hope of reconciliation or closure for those who suffered; to say nothing of holding accountable those responsible for the multitude of atrocities that have occurred in the past sixty years. As those who remember the early days of Communist rule reach old age, the true modern history of China is in danger of being lost forever.

Understanding those tragic episodes of China's past is crucial to predicting its future. Underlying all of the brutal abuses of the past is the need for China's Communist regime, like all other dictatorships, to control its people through the exercise of force—through repression, imprisonment, torture, and execution. It is precisely because

the Chinese Communist Party (CCP) has refined and institutionalized its various instruments of force so well, particularly with the foundation of its security apparatus, the Laogai, that it has managed to weather the storms of political unrest and remain in power for so long.

CHINA UNDER MAO

The period under the rule of Mao Zedong (1949–1976) was one of the most turbulent in Chinese history, during which tens of millions of people suffered and died in countless political campaigns and purges. More people lost their lives at the hands of Mao than any other dictator in the last hundred years, while millions more were imprisoned, robbed of decades of their lives as they languished in the Laogai. In an effort to secure its legitimacy as the ruling party, the Chinese Communist Party today enforces a form of collective amnesia, even glorifying the Mao era in certain forums. Public discussion of the various crimes against humanity that dominated the Mao years is largely prohibited, scholarship and historical research on it is suppressed, and Chinese children are taught with textbooks that give a revisionist version of events or omit them altogether. Only those who lived through the tragic events of Mao's rule know the real story. But so effective was information suppression under Mao that even the generation who lived through the worst atrocities of the communist regime find their knowledge limited to their own personal experiences.

LAND REFORM AND THE SUPPRESSION OF COUNTERREVOLUTIONARIES

The promise of land reform had in part formed the basis for the Communist Party's victory against the Nationalist or Kuomintang (KMT) government, who were ultimately forced to flee the mainland to Taiwan. Beginning in 1946, almost three years before the official establishment of the PRC,

anyone owning land, no matter how little, was targeted. By the end of the decade, some scholars estimate that at least a million landlords were executed as a result of the public hysteria surrounding the policy.⁶ Even the regime's own statistical account of the regime consolidation era is staggering. By 1954, Liu Shaoqi, second-in-command of the CCP, was quoted as saying that, of the counterrevolutionaries, "We killed 710,000 and put 1,290,000 in prison. From the prisoners, 450,000 were later released after serving their sentence in full; but 840,000 remain under lock and key."⁷ Actual figures for the death toll by the end of the campaign are unknown, but are believed to be even higher when vigilante violence is fully taken into account. The number of executions and incarcerations only tells a part of the story, as millions more were harassed, humiliated, forced out of their jobs and given political labels that would set them up as future targets for persecution and violence.

As soon as the CCP came to power, it continued to pursue its draconian land reform policies while simultaneously beginning the task of regime consolidation. In what became known as the "Suppression of Counterrevolutionaries" campaign, the Party divided the population along class lines: landlords, capitalists, rich peasants, middle-class peasants, and poor peasants. Former KMT soldiers and supporters were also targeted. All but the poor peasants were subjected to criticism, and landlords, capitalists, and rich peasants were given particularly harsh treatment, including public humiliation, lengthy prison sentences, violence, and even execution. One's class was determined by one's entire history, including that of one's parents and grandparents. This meant that no matter a person's current economic situation, if his or her parents or grandparents had at one point owned any amount of land, that person was labeled a landlord.

Classes were also divided according to previous political views and allegiances, including "Rightists," "Counterrevolutionaries," "Historical Counterrevolutionaries" and "Rotten Elements." The line between "Rightist" and "Counterrevolutionary" was ambiguous, but in general the term Rightist was used against intellectuals, or to define someone belonging to a faction within the Party not completely aligned with Mao's, whereas Counterrevolutionary designated a member of the political opposition. "Historical Counterrevolutionaries" were those unfortunate enough to have been affiliated with the previous KMT government, even at the lowest of levels, or to have conducted political activities in the past which could be construed as "opposing the Party." The label was also applied to the sons, daughters, and grandchildren of such individuals. The term "Rotten Element" was perhaps the most arbitrary of them all, and could be levied against anyone who fell out of favor with the local party secretary, often resulting in job loss and other socioeconomic consequences.⁸ No matter one's economic situation or political outlook, once assigned a class label an individual could not escape it, even in death.

CLASSICIDE AND THE MILLIONS

The world routinely condemns genocide, and yet few in the West are aware of the victims of what the Laogai Research Foundation's founder Harry Wu refers to as "classicide"—the systematic and planned extermination of an entire class. First coined by Michael Mann,⁹ the term evolved due to the fact that genocide, as defined by the Rome Statute of the International Criminal Court, does not allow for class as the defining feature of a group vulnerable to systematic elimination.¹⁰ Similar to the systematic targeting of certain classes that occurred in Cambodia, and to a certain extent in the Soviet Union and the Eastern Bloc, classicide in China targeted wide swaths of the population. Particularly

vicious in the years immediately following the formation of the People's Republic of China (PRC) in 1949, inter-class violence was rampant throughout the Mao era, and was stoked by the Chinese Communist Party in order to crush all potential dissent and control the people through fear. The combination of the violent Land Reform campaign and the mass executions and arrests of the "Suppression of Counterrevolutionaries" campaign resulted in the near total elimination of China's landlord class. Many of those who managed to escape death, arrest, or complete public humiliation in these early purges were targeted in Mao's subsequent campaigns.

THE ANTI-RIGHTIST CAMPAIGN

In the late 1950s, Mao, an avid student of imperial Chinese texts, implemented the "Hundred Flowers" campaign, in which he famously reiterated a well-known ancient Chinese saying: "Let a hundred flowers bloom, let a hundred schools of thought contend." He urged citizens to speak out and criticize the Communist Party, on the pretext that it would "improve the party" and advance governance. Cautious at first, thousands of students and intellectuals did eventually speak out, believing the government's desire for reform to be genuine. Others were actually pressured to speak out, and criticized for not fulfilling their duties to the party if they remained silent.¹¹

Many historians now believe that the Hundred Flowers campaign was a deliberate guise to smoke out elements hostile to communist ideology. Mao was quoted by his personal doctor as saying that he was using the Hundred Flowers campaign to "coax the snakes out of their holes" and "let the poisonous weeds grow, then we will destroy them one by one. Let them become fertilizer."¹² The crackdown that followed, known as the Anti-Rightist campaign, quickly evolved into a nationwide witch hunt, and saw hundreds

of thousands arrested simply for belonging to what the Party perceived to be enemy classes. Seemingly innocuous statements made during the Hundred Flowers campaign were subsequently used as evidence against the very people who had been pressured to speak out. The number of so-called Rightists who were targeted is unknown. Official government figures estimated that by 1959 over two million people who had been targeted as part of the campaign were serving sentences in the Laogai, so the true number is likely to be much higher.¹³ What is most striking about the Anti-Rightist campaign, and Mao's political campaigns in general, is its arbitrary nature. From the beginning, the Chinese state was set up according to a highly decentralized structure. Orders would come down from the top to local officials and party branch secretaries, who were empowered to implement them as they saw fit. Corruption was rampant from the start, and many of those who were targeted were victims of personal vendettas. Still others found themselves in the Laogai for no reason other than the need for local Party members to meet quotas that had been arbitrarily handed down from the central government. The consequences of the Anti-Rightist campaign for the development of the country were dire. The Party essentially caused a self-inflicted brain drain: almost all of the intelligentsia were targeted, leaving a vacuum of educated professionals. Many suspect this campaign paved the way for the unsound policies of the Great Leap Forward.

THE GREAT LEAP FORWARD

As Mao's land reform and Anti-Rightist policies were winding down, the Great Leap Forward was just beginning. An effort to jump-start the development of the Chinese economy, the Great Leap Forward became one of the deadliest human tragedies of the twentieth century. The number of Chinese believed to have perished during the famines

of 1960 and 1961 reaches 38 million, with some sources claiming the number to be as high as 50 million.¹⁴ Even the Chinese government's own Propaganda Department, which has largely prohibited open research on the era (save a few isolated projects) has quoted a figure of 20 to 30 million unnatural deaths.¹⁵

The starvation conditions resulted from Mao's misguided collectivization policies, which forced Chinese peasants off their land and on to over 20,000 factory-based communes that produced little in the way of useful food or goods. While moderates within the CCP argued for gradual agrarian reforms, Mao pushed for "fast track" industrialization, believing that creating a government monopoly over the grain supply was the only way to raise enough capital to finance his plans. Under such a monopoly, the government could buy grain at a low price and resell it at a substantial profit. Mao knew this policy would be unpopular with the peasants, so he set out reorganizing the entire agricultural system. In 1957, he ordered the first wave of collectivization, gathering peasants into communes, and at the same time destroying the religious institutions which had previously provided a center for communities in the countryside. This ensured that the Party, and only the Party, was the center of the peasants' lives. The CCP also issued internal passports to all Chinese citizens, to prevent migration within the country. Known as the *hukou* system, this practice has only recently begun to be reformed.

The first of several famines began in 1957, but Mao pressed on with collectivization and abolished private plots entirely in 1958. Mao confidently forecast that grain and steel production in China would surpass that of the United Kingdom within fifteen years, and that the engine of steel production would be the backyard furnaces of China's thousands of communes. Following directives from the central government, peasants began melting

down scrap metal, and fields lay fallow while agricultural workers were diverted into “steel production.” It is of course impossible to produce steel of any useful quality from scrap metal and backyard furnaces, but despite being presented with evidence that this was the case, Mao pressed on with the Great Leap Forward. Few people dared speak out, because the experience of the Hundred Flowers campaign had so effectively silenced any would-be critics. Those who did speak out, including CCP Defense Minister Peng Dehuai, were quickly purged from the Party—along with all of their supporters.

Meanwhile, grain production targets were set at unachievable levels, but local officials were too afraid to tell the truth about levels of production within their communes and exaggerated their output figures in order to satisfy the central government. Due to this inaccurate reporting, the Party took almost all of the grain in taxes, and exported critical grain stores to the Soviet Union. The famine, which had already begun in 1957, then worsened. The situation grew even more disastrous in 1959 and 1960, as poor weather conditions and widespread drought meant that even the meager harvest was severely reduced. Millions died of starvation, and cases of cannibalism were reported in many areas as the situation turned desperate.¹⁶ The army blocked the roads leading to the starving villages, meaning that the starving peasants could not leave to find food. Almost all of the available food supply was diverted to the cities to stave off starvation and maintain stability in the urban areas. Finally, in January 1961, even Mao recognized that the country was descending into an economic abyss, and ended the policies of the Great Leap Forward ahead of schedule. The ruinous policies took years to reverse.

THE CULTURAL REVOLUTION

In need of a massive new campaign to solidify his control and divert attention from the large-scale poverty that continued to wrack China, Mao embarked on the ill-fated Cultural Revolution beginning in 1966. He had lost a tremendous amount of face due to the utter failure of the Great Leap Forward, which had brought the country to its knees, and spent several of the years immediately following the demise of his ill-conceived policy essentially in hiding while subordinates ran the country. It seems, however, that he was simply biding his time, and he reemerged in 1966 to launch his most ambitious political campaign yet—the Great Proletarian Cultural Revolution.

The Cultural Revolution began as a way to purge China of what Mao labeled the “Four Olds”—Old Customs, Old Culture, Old Habits, and Old Ideas. Students, viewing themselves as foot soldiers of Mao, created the infamous Red Guards, militia groups with broad powers that were quick to use violence in achieving their goals. The young Red Guards were encouraged to criticize and attack their teachers, parents, and local leaders, as well as to destroy priceless cultural relics such as temples, statues, and ancient paintings. Schools were closed for several years beginning in the summer of 1966 and the Red Guards terrorized the populace, particularly in urban areas. Families dared not discuss political matters even privately, for fear that they would be turned in by one of their own.

Millions were persecuted and hundreds of thousands were executed during this violent decade when ordinary citizens, and even many government officials, fell victim to the government’s ideological warfare. It also marked the height of the personality cult of Mao, when the image of the Great Helmsman was ubiquitously plastered all over China on posters, buttons, and flags. So zealous were some of the Red Guards that they actually pinned images of Chairman

Mao to their bodies.¹⁷ From 1967–1969, the situation worsened, as the zeal of the Red Guards spiraled to untenable levels. Factions of Red Guards, who by this time had been joined by adults, evolved into armed militias battling in the streets of China’s cities and the country sank into a de facto civil war.

In response to the chaos he had created, Mao ordered many of the Red Guards and urban elites to travel to the countryside in 1969 to study his teachings and “learn from the peasants.” The generation sent to the countryside became known as the “sent-down youth.” Plays, ballets, and operas glorifying Mao were commissioned and staged in commemoration of this movement back to the rural roots of the communist revolution.

Although the violence dwindled after the massive relocation of Red Guards and other youth to the countryside in 1969, the country remained in political turmoil. In 1971, Mao’s chosen successor, Lin Biao, was caught plotting a coup and died in a plane crash while trying to flee the country. The aging Mao now had no one to succeed him, and political infighting between the radicals and moderates of the CCP was reaching unprecedented levels. These power struggles continued beyond his death in 1976 until Deng Xiaoping consolidated power in 1978. It is important to note that although historians studying this tumultuous period are in disagreement over the exact end date of the Cultural Revolution, most scholars use the year of Mao’s death in 1976 as the nominal end point of this bloody period.

One thing is clear: by the end of the Cultural Revolution, the entire country was on the brink of economic and social bankruptcy. The education system had effectively collapsed, as had any semblance of the rule of law. Human tragedies were unfolding on a daily basis and up to three million had died as a result of the violence of the previous decade.¹⁸

BREAKING AWAY:

AFTER MAO, CHINA UNDER DENG

Deng's rule was a marked departure from the failed policies of the Mao era. Proclaiming that China would pursue "socialism with Chinese characteristics," Deng opened the door to market reform, demarcating special economic zones along China's east coast where experimentation and the adoption of market-based policies were encouraged. Rather than instituting free markets all over China, Deng pursued a policy of "letting some get rich first." While cautious at first, many along the east coast eventually decided to *xia hai* or "jump into the (commercial) sea," particularly after Deng's famous 1992 Southern Tour, when he toured the special economic zones around Guangdong Province and made speeches which formed the basis for Chinese economic policy during the 1990s. Deng emphasized a pragmatic approach to China's social and economic difficulties, calling for "scientific thinking," which was seen as a welcome departure from the ideological absurdities of the Mao era.

THE DEMOCRACY WALL

In spite of the thaw in the economic arena, Deng maintained a tight stranglehold on dissent, and his tolerance for political reform was tested on two major occasions during his rule. He used both opportunities to crack down on those demanding democratic change. The first challenge to his rule came in December 1978, before he had even finished consolidating power, when activists began posting "big character posters" (*dazibao*) on a wall in the Xicheng District of Beijing (which became known as the Democracy Wall). Beijingers watched as the postings became progressively bolder and more numerous by the day. Thousands of rightists had been released from prison and politically "rehabilitated" in the early years under Deng. Meanwhile China's urban youth were returning home after years in the



Pro-democracy protests in Dalian, Liaoning Province, 1989.

MODELED ON THE SOVIET GULAG, THE LAOGAI SYSTEM WAS CREATED IN THE EARLY 1950S TO CONTROL THE CHINESE POPULATION AND STIFLE DISSENT. BETWEEN THREE AND FIVE MILLION PRISONERS ARE CURRENTLY INCARCERATED IN OVER A THOUSAND CAMPS SCATTERED THROUGHOUT CHINA, THE LARGEST OF WHICH COVER GEOGRAPHIC AREAS GREATER THAN MANY AMERICAN CITIES.



Public sentencing in Dalian, Liaoning Province, c. 1986.

countryside, and enrolling in recently reopened universities. For a brief time, there was some hope that China would indeed democratize. Freshly installed as China's new ruler, Deng allowed the political movement to grow while he set about maneuvering behind the scenes to consolidate his control over the Party and the country as a whole. As soon as his power and ruling legitimacy were assured, however, he immediately quashed what had become, by the winter of 1978, outspoken dissent.

One of Deng's targets was Wei Jingsheng, an electrician at the Beijing Zoo who had posted an essay which was a play on Deng Xiaoping's "Four Modernizations" (government policies embracing market reforms). Wei called for a Fifth Modernization,

democracy, and mercilessly criticized dictatorship in any form in China, saying, "People should have democracy. When they ask for democracy, they are only demanding what is rightfully theirs. Anyone refusing to give it to them is a shameless bandit no better than a capitalist who robs workers of their money earned with their sweat and blood. Do the people have democracy now? No. Do they want to be masters of their own destiny? Definitely yes."¹⁹ For his "crimes," Wei was sentenced to a lengthy term of eighteen years in the Laogai. Other notable contributors to the Democracy Wall, including Huang Xiang, a poet from Guizhou, and Xu Wenli, founder of the China Democracy Party, did not fare much better.

CAUTIOUS OPTIMISM

In spite of this early hiccup, multinational companies began investing in China on an unprecedented level and the early eighties witnessed the beginning of the globalization of the Chinese economy. Desperate to tap into the potential Chinese gold mine of one market containing one sixth of the world's population, international corporations, particularly those based in the United States, vociferously lobbied for increased business ties with China. The business lobby also pushed for a more cordial relationship between Western governments and the CCP in order to facilitate investment opportunities. Business leaders knew that these strong ties with the Communist government were crucial if Western companies were going to

expand into the China market, for despite market reforms, the CCP still exerted near-total control over the economy.

Chinese citizens watched as their economy began to grow, while in other parts of the world communist governments were losing their grip on power. Starting in the mid-1980s, these new developments, particularly in Eastern Europe, led to cautious optimism once again that China's political system would also change. Nascent also at that time in the West was the idea that the burgeoning economic reform would result in democratization and political liberalization in China. And in the 1980s, the West had reason to believe change was coming. Several reform-minded moderates within the Party, including Hu Yaobang and Zhao Ziyang, who had pushed for the end of collectivization, seemed to be gaining power over the hard-liners within the central government.

THE TIANANMEN MASSACRE

While many inside and outside of China felt that the economic changes in China were profound, they recognized that political reform lagged far behind. A major blow to all who had hoped for political change came in 1987 when Hu Yaobang, the general secretary of the CCP who had issued calls for democratic reforms, was purged from the Party and forced to write a damning criticism of his own actions. He died in 1989, spurring an outpouring of grief from students in Beijing, who gathered in Tiananmen Square to mourn and make renewed calls for democracy and other political reforms. The students in Beijing were later joined by students and workers from all over China, and soon other cities held their own pro-democracy rallies as well. Many of the student leaders went on hunger strike to protest the government's recalcitrant attitude, aided by local doctors and nurses. Meanwhile, the world watched on TV as the

events unfolded.²⁰ It looked as if China's equivalent of the Berlin Wall was about to come crashing down.

When the protests swelled to their height in the first few days of June, the Chinese government, led by Deng Xiaoping, initiated a crackdown. The People's Liberation Army soldiers (drawn from other parts of the country so they would be less likely to sympathize with the protestors) were brought in to quell what the government now viewed as a full-scale revolt. Thousands of unarmed citizens were massacred in the streets surrounding Tiananmen Square as they tried to prevent soldiers from reaching the students. In fact, most of the victims of the crackdown were not students but rather the workers who came to their aid. Despite the valiant efforts of the people of Beijing, the soldiers reached Tiananmen Square and quashed the democratic movement, massacring and arresting unknown numbers of citizens in the process. Scores were arrested and sent to the Laogai. Even now, some of those arrested in Tiananmen remain in jail.

The world was shocked by what they saw—the raw brutality, the cold-blooded repression. Citizens around the globe had watched as the Chinese government massacred their own unarmed citizens, simply because they had peacefully demanded democratic reform. For a time after Tiananmen (known as the Tiananmen “incident” in official government parlance), human rights became a focal point for US and western European policy toward China. With few exceptions, even the most ardent supporters of the Chinese regime condemned the government's actions. The government, recognizing the great political danger the crackdown had created, initiated a massive whitewashing campaign that took effect almost immediately. Inside China, the cover-up has been remarkably successful; for many Chinese, Tiananmen never happened.

MARKET AUTHORITARIANISM DEVELOPS

Less than five years after Tiananmen, however, much of the internationally-driven tough rhetoric on human rights had given way to an attitudinal sea change. Enthusiasm over the transformational capabilities of Chinese economic development grew as year after year China reported staggering rates of growth. The argument that increased economic openness and trade would catalyze political liberalization and democratization became de facto policy for many Western countries dealing with China. The economic liberalization mantra was pushed by the business communities in China and America, and supported by academics who had just witnessed democratic transitions in the former Soviet Union and the other Asian “tiger” economies of Taiwan and South Korea. However, the Chinese regime's market authoritarianism has not resulted in broad-based political reform. Progress in the economic arena has been used rather successfully to maintain the legitimacy of the regime and has also made the Party and government elite some of the most wealthy members of society, furthering their control over this new market economy. Moreover, technological developments, while increasing the personal freedom of those Chinese who are wealthy enough to have access to such innovations as cell phones and the Internet, have also increased the Party's capacity to spy on its own citizens and target dissidents.

Following Deng Xiaoping's death in 1997, Jiang Zemin, the political hardliner who became China's president in the wake of the Tiananmen Massacre, was finally truly in control of the country. In April 1999 he presided over the crackdown of Falun Gong practitioners who had gathered for a peaceful rally in Beijing. Falun Gong, a *qigong* meditation sect, has an unknown number of followers worldwide. Given its broad appeal, particularly among the Chinese middle

class—including some inside the CCP itself—the central government soon viewed the movement as a major threat. Even before the crackdown, members of the sect had been targeted. Over ten thousand Falun Gong practitioners gathered outside the central government compound in Beijing during the April rally, which was organized in order to protest the beating and arrest of Falun Gong practitioners in Tianjin. Police descended on the peaceful rally, and scores of people were arrested, beaten, and disappeared. Many are still unaccounted for to this day. Since the summer of 1999, the government has initiated a massive propaganda campaign against the Falun Gong while continuing its brutal crackdown on practitioners. Reports of arrests, beatings, torture, and execution are widespread.

After replacing Jiang in 2004, Hu Jintao, who as Party secretary in Tibet initiated the crackdown against demonstrators there in 1989, faced pressing socioeconomic problems resulting from China's modernization: rising income inequality, growing unemployment, the lack of a social safety net, widespread environmental degradation and rampant corruption. Growing pockets of unrest presented a serious threat to the CCP's rule, leading Hu and Prime Minister Wen Jiabao to confront these troubling developments with policies aimed at building a "harmonious society." Consequently, the 11th Five-Year Plan (2006–10) purported to shift China's declared economic development model from headlong GDP growth to balanced growth with social welfare and environmental protection.²¹ In reality, however, the implementation of this plan has veered far from these objectives.

Many China observers hoped these new leaders would bring political change as well. Both Hu and Wen seemed to favor a more pragmatic, even technocratic government, and Wen had worked closely with the

reform-minded Zhao Ziyang. Combined with promises of increased openness in the lead-up to the 2008 Beijing Olympics, there was talk both in and outside of China that change was finally at hand. Once again, these hopes were short-lived.

OLYMPIC WHITEWASH AND BLACK JAILS

Despite repeated promises that the Olympics would lead to significant human rights improvements, the Games seem to have had the opposite effect. For example, the government promised a relaxation on media censorship, as well as channels for public comment and protest. In reality however, for most Chinese the Olympics actually coincided with an increased crackdown on civil liberties, as the government's preoccupation with stability during the games led to an increased police presence on Beijing's streets, as well as the harassment and detention of dissidents leading up to the Games. The freedoms afforded to foreign journalists were sadly not extended to the domestic media, who were forced to make a choice between treading lightly or not covering sensitive subjects at all. Ordinary Chinese who had come to the designated protest areas to voice complaints over their houses being demolished to make way for the glistening new sports arenas were herded into unofficial "black jails" operating outside the criminal justice system, or given suspended sentences before being "deported" back to their hometowns.

When faced with unrest in Tibet just a few months before the Games were scheduled to begin, the government cracked down violently. The March 2008 protests and subsequent violence began when a group of 300 monks from the prestigious Drepung Monastery were stopped by Chinese security forces during a peaceful march to mark the forty-ninth anniversary of the invasion of Tibet and the exile of the Dalai Lama. The

actions of the Chinese police touched off protests and demonstrations all over Tibet, and the violence escalated quickly. Many reports and videos have emerged detailing arrests, beatings, torture, and even killings. Over one thousand people remain unaccounted for.²² Civil liberties were rolled back in other parts of China as well.

Since the Games, the world has paid even less attention to the human rights situation in China, particularly as financial and economic crises swept the globe in the fall of 2008. Within China, however, there are still voices calling for change. Perhaps one of the most hopeful developments in human rights in China within the last decade is the issuing of Charter 08, a comprehensive manifesto calling for the end of one-party rule and democratic reform within China.²³ Modeled on Charter 77, a document signed by Czechoslovakian democracy activists led by Vaclav Havel in 1977, Charter 08 was originally submitted to the Chinese government with 303 signatures representing a diverse group of intellectuals, lawyers, artists, farmers, and former CCP officials. The charter was signed by thousands of Chinese in the weeks immediately following its release and has drawn considerable international attention despite the detention of Liu Xiaobo, one of the key drafters of the charter, the government's harassment of the original signatories, and the deletion of almost all references to Charter 08 from mainland Chinese search engines.

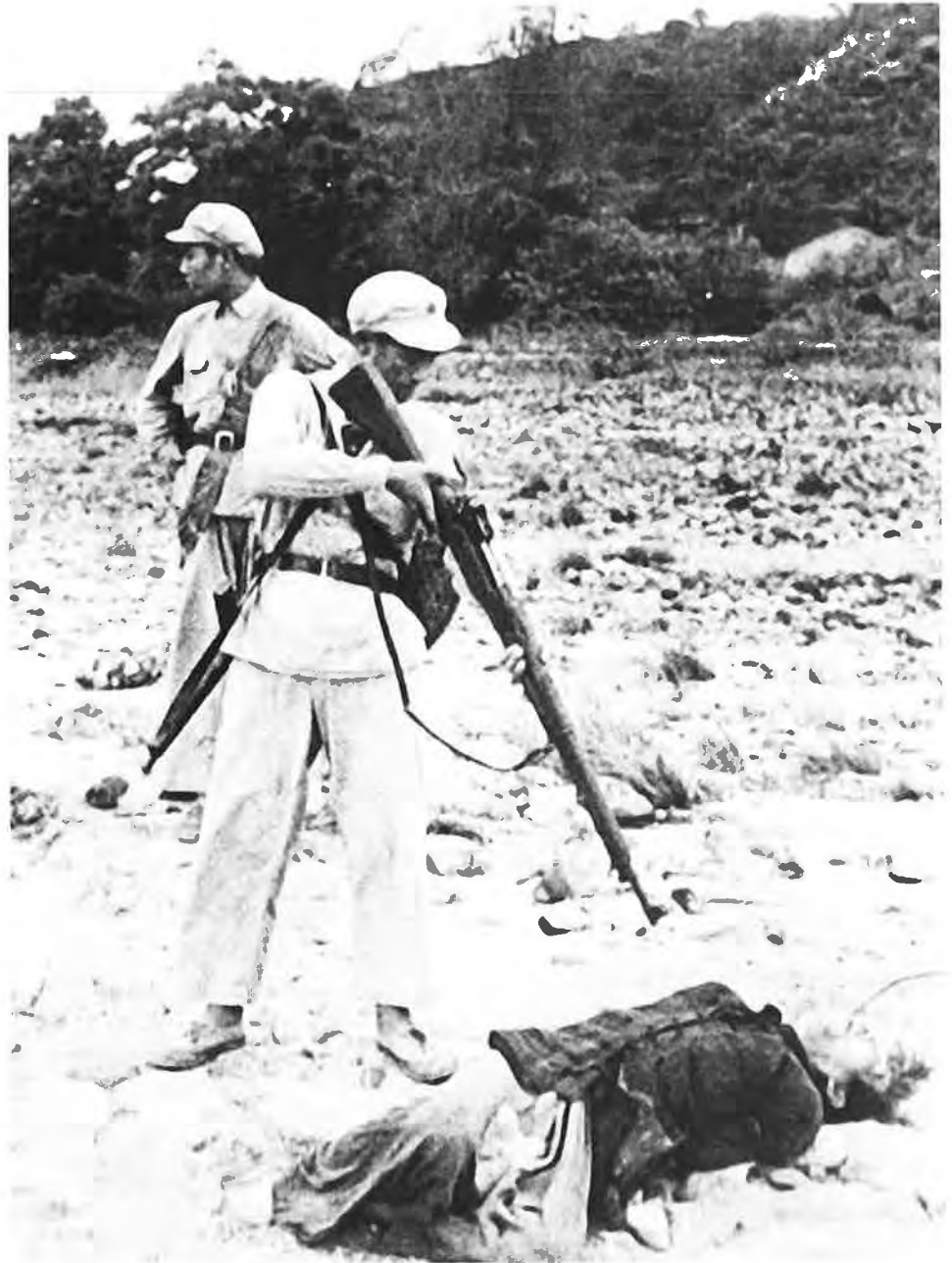
CHINA AND HUMAN RIGHTS TODAY POSITIVE DEVELOPMENTS

China has undoubtedly liberalized over the last thirty years in a number of areas, and there is no shortage of evidence to support this claim. Certainly in the areas of economic development and poverty alleviation, praise for the Chinese regime is well-deserved. There have also been improvements in

property rights, personal freedoms and civil society. But many of these developments are still in the early stages, and it is premature to say how lasting they will be.

One of the most significant areas of improvement has been in land rights. Agriculture remained tightly collectivized until the 1980s, and even after decollectivization farmers were only allowed fifteen year leases on their land. Although the government still has a long way to go in making a dent in the income discrepancy between rural and urban China, since that time there have been significant steps towards private ownership of rural land. In the 1990s, the land-use leases were extended to thirty years and farmers were given the option of buying and selling land-use rights. This has allowed farmers to acquire larger tracts of land, or to sell the rights to their land and try their luck in the cities. Previously farmers could not use their land as collateral to apply for credit, but now that appears to be changing as well. One recent development of great significance is that the Bank of China is experimenting with allowing farmers to use their land-use rights as collateral for loans. As of 2009, it is only a pilot program of 151 households in Liaoning, but given the need to boost domestic consumption in order to weather the global recession, this program is likely to be expanded to other areas of the country as well.²⁴

Economic rights in general have greatly improved since the advent of the “reform and opening up policy” in 1979. Although economic development has been very uneven, 200 million people have been lifted out of poverty in the last decade.²⁵ Whether or not the global financial and economic crisis that began in 2008 will have long-lasting effects on China’s export-driven development model remains to be seen. Even if there is some backsliding, however, it is doubtful that China would return to the



A Chinese soldier aims his gun at the corpse of a recently executed landlord, 1950.

CHINA ROUTINELY APPEARS ON ANNUAL LISTS OF THE WORLD’S MOST REPRESSIVE REGIMES.

extreme levels of poverty it experienced under Mao’s rule.

In a positive sign for China’s continued economic development, many more Chinese citizens have been given access to higher levels of education since reforms began.

As of 2006, the literacy rate for adults in China was 93 percent and 99.2 percent of youths were literate.²⁶ College enrollment inside China has increased dramatically, and the number of Chinese students studying abroad has skyrocketed in the last decade





Police target practice, Dalian, Liaoning Province.

with over 100,000 students undertaking university studies in other countries each year since 2002, according to official reports.²⁷

Another welcome change is that private spaces are much freer today than before the liberalization, and personal freedom is much more enshrined than it was in the Mao era. During the Cultural Revolution, people hid their political views even from their own family members for fear of being persecuted. Today, many Chinese freely discuss politics and other sensitive issues at home and with friends. They also grumble about the official state media, and there is a general cynicism that prevails about the official media's inability to accurately report on events. However, speaking out is only allowed at the most private level, and the regime uses its ambiguous state security laws to punish those malcontents whom it perceives to be forming any kind of well-organized group.

Nevertheless, China is seeing the beginnings of a civil society. The recent lawyers' movement is one encouraging example of this. In the early 1980s, China had just a few hundred lawyers, but today there are 600 law schools that serve 300,000 students each year.²⁸ Legal education exchanges aimed at institution building, improving governance, and strengthening the rule of law have increased rapidly, becoming one of the most favored beneficiaries of international think-tank and foundation funding in China. Government-to-government level exchanges focusing on these issues have also gained popularity in recent years.²⁹ Human rights law, specifically, remains undeveloped. China issued its first white paper mentioning human rights in 1991 in response to international outcry over the Tiananmen Massacre.³⁰ It has since focused on promoting economic and subsistence rights over political and civil liberties, which have yet to be endorsed in any meaningful fashion. Although the formation of a legal system fully respecting universal human rights is far off, improvements in

the rule of law remain one of the brightest prospects for reform.³¹

One final bright spot that deserves mention is in the area of environmental justice. The rapid development of the reform era has taken its toll on China's environment, but awareness of environmental issues is increasing, particularly in rural areas where official corruption leading to massive health and environmental hazards has been exposed in public forums like the Internet. The central government acknowledges that environmental degradation is a problem, and thus environmental NGOs have had more leeway to organize themselves independently from the government than other organizations dealing with more politically sensitive issues. From having no registered environmental NGOs in 1994,³² China is now home to over 500 grassroots-level environmental organizations.³³ Additionally, international environmental NGOs have increasingly been allowed to operate within China. Notable examples include Jane Goodall's Roots and Shoots, which focuses on engaging youth all over the world to solve problems within their communities. While they can't formally fundraise or organize on a large scale, there are new groups springing up all over the country.

LITTLE MEANINGFUL CHANGE

Although China has experienced hugely positive changes over the past thirty years, many of the reforms being touted are little more than lip-service. The government routinely enacts legislation that it has no intention of implementing, simply to give the impression, both at home and abroad, of its sincerity in pursuing reform.

One telling example is the National Human Rights Action Plan issued in April of 2009—the first such plan to come from the Chinese government. It calls for broad-based reforms in a number of areas, but focuses once again on promoting economic and social reforms at the expense of political and civil liberties.

Additionally, although it vows to take steps to minimize torture within the Chinese criminal justice system (which has become a controversial issue with the public after news of several suspicious prison deaths was leaked to the public), it makes no provisions for abolishing the system of arbitrary detention where so much of this abuse takes place.³⁴ In fact, the report largely concentrates on improving rights which already theoretically exist under Chinese law. Significantly, it does not call for an evolution towards the end of the one-party system, or an independent judiciary. However, even if the human rights plan turns out to be a completely toothless endeavor, it is promising that the government at least feels the need to pay lip-service to "human rights," a concept they have always derided as being a Western bourgeois construct in the past.

The 2003 "Sun Zhigang incident" is a prime example of how reforms in China, even those that initially promise to produce fundamental changes, often fall victim to the corrupt and arbitrary nature of the political system. China is home to a "floating population" of several hundred million migrants, who journey from their impoverished rural villages to the countryside to seek opportunities in the economically developed east coast cities. Sun Zhigang was one such migrant. The first to receive higher education in his family, Sun was a twenty-seven-year-old graphic designer who had moved from his small hometown in Hubei Province to Guangzhou to work for a clothing company. Although he had applied for, and received, the necessary permissions to transfer his residency permit to Guangzhou, he had not yet received the temporary identity card that showed he unequivocally had the right to be in Guangzhou. He was picked up by police on suspicion of being an illegal migrant and sent to a local "Custody and Repatriation" detention center in Guangzhou, where he was later beaten to death. The authorities

lied about the cause of death, but after his family posted their story on the Internet, it was picked up by the *Southern Metropolis Daily*, a Guangzhou newspaper known for pushing the limits of the censors, which ran a daring series of articles demanding answers from the authorities. Widespread public outcry came swiftly, and soon even the official media was discussing how best to react to the case. Several well-known lawyers submitted petitions to the central government questioning the legal underpinnings of the Custody and Repatriation system that allowed for Sun's detention.

Established in the 1950s, Custody and Repatriation gave local public security bureaus the power to detain internal migrants and to forcibly repatriate anyone not in possession of the correct local registration, or *hukou*. Custody and Repatriation operated outside the criminal justice system, and led to the arbitrary "administrative" detention of approximately two million Chinese citizens per year without charge.³⁵ Given the outrage over the Sun Zhigang case, which had mushroomed in part because so many Chinese had experienced some form of abuse as a result of this system, the government had to take public steps to show they were not ignoring the case. By mid-May, the guards accused of beating Sun were arrested and tried in a closed trial. In June, Wen Jiabao announced that the Custody and Repatriation system would be abolished in favor of "Measures on the Administration of Aid to Indigent Vagrants and Beggars." According to authorities, this new system aimed to put an end to the arbitrary detentions and forced repatriations of the previous system.

After the initial euphoria over the reforms, however, the government cracked down to limit further discussion and debate. They suppressed a petition challenging China's other major form of arbitrary detention, the *Laojiao*, or reeducation through labor system, through which individuals can be kept in

administrative detention without charge for up to three years, and upon which authorities continue to rely heavily even today.³⁶ The censors shut down websites containing any discussion of the Sun Zhigang case, and two editors at the *Southern Metropolis Daily* were arrested in early 2004, allegedly for “economic crimes,” although it is widely believed that they were disposed of as retribution for their brazen coverage of both the Sun Zhigang case and the SARS outbreak.³⁷ Although one was released after five months, the other was jailed for four years after originally being sentenced to twelve. Moreover, despite the end of the Custody and Repatriation system, hundreds of thousands of Chinese are still imprisoned arbitrarily each year in China.³⁸

In addition to the abolition of the Custody and Repatriation system, the Laogai as a whole has been subject to a number of changes, though most have been more cosmetic than substantive. In response to a groundswell of negative international press in the early 1990s, the word *Laogai* (with its overt connection to the gulag) was replaced by *jianyu*, meaning “prison,” in 1994. Unfortunately, these “reforms” were but an ideological sleight of hand. This gesture was designed to create the impression abroad that the Chinese penal system is now just a normal prison system, similar to those in the West. In an editorial explaining the reasons for the name change, the government highlighted the international disapproval of the Laogai system, but then noted that in spite of the name change, the system would remain exactly the same.³⁹

In yet another symbolic gesture, the updated Criminal Procedure Code abolished “counterrevolutionary” crimes in 1997. In the new law, the section from the 1979 Criminal Procedure Code that was entitled “counterrevolutionary crimes” was renamed “crimes against State security,” and the previous definition of counterrevolutionary crime

was deleted from the provisions. However, the list of political crimes remains relatively unchanged from its previous version. Far from indicating that activities previously considered “counterrevolutionary crimes” are now legal, this omission expands the scope of punishable acts to all those which fit the undefined notion of “endangering State security.” Additionally, although both the 1979 and 1997 versions of the Criminal Procedure Code included provisions for the protection of rights to due process and to appeal, in reality individuals are frequently denied these rights, and the judicial system remains corrupt and arbitrary.

REPRESSION REMAINS

Almost two decades have passed since the idea was first floated that economic development would bring political change to China. This remains the mantra of choice for many Western scholars and governments, but although economic development has leapt ahead at a breathless pace, the fundamental political landscape has changed little. In many ways, China's economic development has actually strengthened the hand of the repressive regime and its one-party rule. Far from moving steadily towards a more democratic—or at the very least more liberal—system, the government continues to infringe upon, and in many cases show flagrant disregard for the human rights of the Chinese people, particularly in the realm of civil and political rights.

STATE INTRUSION INTO THE LIVES OF INDIVIDUALS

While there is no question that Chinese people enjoy greater personal freedoms today than they did in the past, particularly under Mao, the State continues to interfere in the personal lives of its citizens in two key areas: religion and family planning.

Religious oppression has steadily tightened in recent years. Underground house

church leaders, supporters of the Dalai Lama, Uyghur Muslims, and Falun Gong practitioners are all frequently imprisoned and often tortured. Even lawyers who attempt to defend adherents to religions not sanctioned by the state often find themselves similarly oppressed. Though constitutionally recognized, religious freedom is narrowly circumscribed. All religious groups are required to register with the government, and members of unauthorized groups are frequently harassed and often imprisoned. While Secretary Clinton attended church services at the official, government-sanctioned church in Beijing during her visit in early 2009, many of the city's underground “house church” leaders and democracy activists were placed under heavy surveillance and *ruanjin*, or soft arrest.⁴⁰ Officially sanctioned religious groups are tolerated. However, they too are subjected to pervasive interference in their religious doctrines and practices.

In the Xinjiang Uyghur Autonomous Region (known to the ethnic Uyghur people who inhabit the area as East Turkestan), the government has been active both in religious oppression and in the suppression of pro-independence groups, and religious institutions in that region in particular have suffered as a result. The government uses the pretext of counterterrorism to crack down on legitimate Islamic organizations, calling them religious extremists and accusing them of “splittism;” one of the newest in the regime's arsenal of charges against ethnic minorities who push for any degree of self-determination. In addition, restrictions on Muslims' religious activity, teaching, and places of worship are “implemented forcefully,” according to the US State Department's 2008 published human rights report.⁴¹

Beyond restricting the right to worship freely, the Communist Party has, for the past thirty years, become involved in the lives of its citizens in an even more intimate



Execution site in Dalian, Liaoning Province.

way. China's one-child policy dictates when a couple can give birth and how many children they may have (one in most cases). Amazingly, despite repeated reports of forced abortions, forced sterilizations, and other abuses, this policy has become so entrenched that it is barely questioned by the outside world anymore. The majority of Chinese couples may have no more than one child, with exemptions existing for rural couples whose first child is a daughter, ethnic minority groups, and some other classes of people. The policy requires couples who have unapproved children to pay extortionate fines—often equivalent to several months' income—in order to register them, whereas couples who have only one child receive preferential treatment from the state and, often, their employers. Harrowing stories

of compulsory abortions and sterilizations abound, particularly in smaller towns and cities.⁴² Although violent enforcement of the one-child policy is now technically prohibited, forced abortions and sterilizations are still widespread as local family planning officials push to meet population quotas handed down from the central government. Frustration with the policy has engendered social tensions. In May 2007, disputes over abuses surrounding mass family planning campaigns, which included a number of late-term abortions and the imposition of unreasonably high fines on families violating the policy, led to major riots across two counties in Guangxi Province.⁴³

The one-child policy has also had some significant demographic consequences, the full extent of which are yet to be felt. A

traditional cultural preference for boys over girls has led to sex-selective abortions and a general shortage of females, exacerbating the problem of human trafficking. ninety percent of human trafficking cases in China involve women and girls.⁴⁴ Kidnapping of children has surged,⁴⁵ and harrowing stories have emerged of women, particularly North Korean refugees fleeing oppression at home, being sold as mail-order brides to an ever-increasing surplus of single Chinese men.⁴⁶

STIFLING THE DEVELOPMENT OF CIVIL SOCIETY INSTITUTIONS AND THE MEDIA

Viewing civil society as a threat to its power, the Communist Party has set out to clip the wings of China's budding nongovernmental institutions. The media no longer serves as a simple mouthpiece for the Party, but



Police bind this man's arms in preparation for his execution. Dalian, Liaoning Province.

widespread censorship still prevents journalists from serving as the watchdogs of the government, a vital role of the media in most democratic nations.

Media censorship has become increasingly important to the regime as the economy has prospered and citizens have gained increased access to information through the Internet. Even news that has massive public health implications is censored in China. In February 2003, Severe Acute Respiratory Syndrome (SARS) caused a worldwide public health scare when a Chinese doctor who had been treating SARS patients fell ill in Hong Kong. Despite knowing about the disease as early as the fall of 2002, the Chinese authorities did not alert the World Health Organization and prevented journalists from publishing stories on the growing epidemic.

By the time the epidemic subsided in the summer of 2003, 774 people had died and fear of the disease, compounded by rumors of a cover-up, touched off panic amongst travelers to the region causing tourism to drop off almost completely for a short time. Although the government eventually realized it had no choice but to allow reporting on the disease, this in no way meant it had given up on censorship. In 2004, the military doctor who blew the whistle on the SARS epidemic was placed under house arrest for submitting a letter to authorities asking the government to apologize for killing innocent civilians in Tiananmen Square.

Despite increased personal freedoms, Chinese citizens are barred from organizing any kind of political groups. Even apolitical NGOs are severely restricted. This is a

major obstacle to meaningful political participation in China. Although individuals are freer to say what they want in private, as soon as they begin to organize, even in groups as small as ten members, the government feels threatened and moves to shut them down. Authorities employ a combination of tactics including harassment, surveillance, detention, and even torture in some cases. Non-governmental organizations have blossomed in recent years, but are required to register with the government and follow strict regulatory guidelines. The constitution specifically prohibits activities that go against the "interests of the State." In most cases, groups are prevented from independently fund-raising or undertaking collective advocacy campaigns.

ABUSES WITHIN THE CRIMINAL JUSTICE SYSTEM

Those who push the limits of China's regime, be they house church leaders or investigative journalists, often find themselves at the mercy of China's law enforcement and criminal justice system. These two key components of China's authoritarian regime are the sources of some of the country's worst human rights abuses.

Cases of arbitrary detentions and arrests continue to be reported on a regular basis. Ahead of the 17th Party Congress in 2007, authorities harassed and detained those suspected of possibly wanting to draw negative attention to the regime. Additionally, lawyers who are (in the eyes of the government) overly vocal in defending the rights of their clients are frequently harassed or detained. Human rights lawyer and well-known Christian activist Gao Zhisheng disappeared after being seized by Public Security Bureau agents in February 2009 and has not been seen since. In early 2009, the Yitong Law Firm, directed by Li Jisong was shut down on the premise of "practicing without a license." This was a trumped up, politically motivated charge meant to silence the firm, which had recently called for the election of independent, rather than government-appointed, directors of the Bar Association. The firm also handled a large number of cases involving the persecution of Christians.

The Party also controls the judiciary, directing verdicts and sentencing, especially in politically sensitive cases. Despite various reforms regarding criminal proceedings, trials—often little more than sentencing hearings—are frequently closed and few defendants have access to a lawyer. Advances in this area of the legal system, such as those proscribed in the 2009–2010 National Human Rights Action Plan, are hindered by the absence of an independent judiciary. Moreover, police have the authority to conduct searches without warrants,

monitor personal communications to collect evidence against suspected dissidents, and detain individuals without charge. There are widespread reports of the use of torture, both as a coercive method to extract confessions, and as punishment inside detention centers and prisons.

The death penalty is a key tool of the criminal justice system in China, with over 1000 executions reported by officials each year, although the true number of executions is generally believed to be much higher. Some sixty-eight crimes are subject to capital punishment, including nonviolent crimes such as drug trafficking, corruption, and leaking state secrets.⁴⁷ The death penalty also serves a more macabre purpose in that each year, thousands of organs are harvested from executed prisoners without consent to meet the large demand for organ transplants.

A FUNDAMENTALLY FLAWED SYSTEM

A government's structure dictates its politics, and the abuses committed by the Chinese regime are largely the product of its authoritarian, one-party system. Chinese citizens cannot democratically change their leaders at any level of the national government. As stipulated in its constitution, the Chinese Communist Party has a monopoly on power, holding almost all top national and local posts in government, the military, and security services. China's claim to a parliament is the 3,000-member National People's Congress (NPC), which remains entirely subordinate to the Party (though it has shown some signs of independence by occasionally questioning proposed legislation before approving it). The only competitive elections are for village committees and urban residency councils, both of which are "grassroots" rather than governmental bodies. Citizens can also vote for local people's congress representatives at the county level and below, but candidates are typically handpicked by the Party.

Authorities use the vague State Secrets Law to justify the detention of anyone who engages in political activity without Party approval and any opposition groups that might form, such as the China Democracy Party, are quickly suppressed. Indeed, an analysis by the Dui Hua Foundation revealed that arrests and indictments pertaining to "state security" doubled in 2008, signaling a worrying trend towards increased authoritarianism, not liberalization.⁴⁸

With no checks on the power of government officials and little in the way of accountability to the public, it is hardly surprising that corruption is rampant throughout China. Direct economic losses due to corruption are reported to be 3 percent of GDP each year. According to the Business Anti-Corruption Portal, "in 2006, 97,260 CCP members and civil servants were prosecuted for graft, bribery, misappropriation of public funds, and dereliction of duties."⁴⁹ With no independent judiciary, the vast majority of officials escaped punishment. New regulations aimed at combating endemic corruption at the local level were quickly passed in 2007, but China was nonetheless ranked the 72nd worst country out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index.⁵⁰

EXPORTING HUMAN RIGHTS VIOLATIONS

Worryingly, China has also begun to export its denigration of human rights. The Chinese regime has formed close relationships with resource-rich nations in Africa, Latin America, and Southeast Asia, propping up some of the world's most brutal dictatorships through arms sales and increased trade. The value of China's trade with Africa exploded from \$18.5 billion in 2002–2003 to over \$73 billion in 2007.⁵¹ Much of that growth can be traced to increased trade with Sudan, where Chinese companies extract oil while simultaneously selling arms to the pariah Sudanese regime—despite a UN arms embargo.

Additionally, the Chinese have pushed for a weakening of human rights standards in international forums. At the United Nations, they have repeatedly blocked meaningful, multilateral discussions of their human rights record. The United States' lack of participation in the UN's universal periodic review process under the Bush administration left a power vacuum that China has gladly filled and used to tout a watered-down interpretation of human rights.

PERCEPTION, REALITY AND HUMAN RIGHTS

The myth of economic development leading to political pluralization may be increasingly recognized as bankrupt, but the alternatives filling the discourse are equally disturbing in many ways.

Lately, China responds to international criticism of its human rights record with a new argument: that other countries, particularly in the West, cannot properly understand China's *realpolitik* needs. Effectively, their claim is that "Only the Chinese can understand and therefore criticize the Chinese," and a popular retort of Chinese officials is that outside criticism "hurts the feelings of the Chinese people." Meanwhile, at home, the government elicits control and cooperation by constantly taking advantage of opportunities to stir nationalistic sentiment, which discourages criticism in the first place, and further silences the moderate, reform-minded voices within China who represent the "silent majority." The Chinese government's own PR efforts—such as those at the UN and the launching of a new international Chinese version of CNN—also help to bolster the cultural relativism trope.

Arguing that the Chinese understanding of human rights is somehow different from the Western version, and that human rights are not "universal," cultural relativism is used to justify any number of injustices against Chinese citizens. As a result, it is

much easier for Western businesses to reconcile their own consciences and avoid the reality that their enterprises are propping up a dictatorship that routinely abuses its own people.⁵²

The cultural relativism argument, however, ignores the fact that, not only has China been a signatory of the UN Universal Declaration of Human Rights (UDHR) for quite some time, in addition to several other core international human rights treaties, but many of the human rights abuses committed by the Chinese regime violate Chinese law as well. Article 35 of the Chinese Constitution states that "citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration." Despite being enshrined in the Constitution, none of these rights are actually enjoyed by the Chinese people. This policy of saying one thing and doing another is used by the Chinese regime to muddy the waters of the human rights debate, both at home and abroad.

Another argument that has evolved from this discussion subordinates civil and political rights to economic rights, essentially suggesting that regimes and their critics should settle for progress in one area of human rights and sacrifice the other articles in the UDHR. Thus, repression is justified as long as poverty is being alleviated at the same time. Respected academics in the US and elsewhere have begun to espouse this theory, arguing that the Chinese government should be given credit for its improvements in infrastructure, education, and its poverty alleviation projects, while further suggesting that this progress should weigh against any concerns about the many other egregious state-sponsored violations of human rights. A concomitant excuse is that protection of human rights cannot be afforded until an economy reaches a certain level of development. This argument essentially recasts fundamental rights as privileges dependent

on economic performance. Yet human rights tenets, in almost all constitutions, are not seen as having any precedence over each other—freedom of expression is not inherently more or less desirable than freedom of assembly. They must coexist. Moreover, these arguments are at best paternalistic and at worst racist: citizens of Western democracies demand *both* civil and political rights *and* economic rights; why do the Chinese people deserve anything less? Why is it that the Chinese people "aren't ready" for democracy, while Westerners have enjoyed it for centuries?

The latest trend in assessing China's human rights situation is to simply throw human rights out of the discussion altogether. When queried about corporate responsibility as it pertains to China, several mutual fund managers who were interviewed in a February 2009 issue of *Forbes* were emboldened to say that they didn't care about human rights issues—they were just there to make money. On her inaugural trip to China in 2009, Secretary Clinton actually went out of her way to diminish the importance of human rights in her discussions with officials at the highest levels of government when she stated that human rights must not be allowed to "interfere [with] the global economic crisis, the global climate change crisis and the security crisis." In other words, the human rights of the Chinese people just aren't important enough.

THE LAOGAI AS A SYMBOL OF REPRESSION

No discussion of China's human rights record can take place without returning to the most enduring and fundamental tool of government repression—the Laogai. The historic model for the Laogai was the Soviet prison system. In his work, *Gulag Archipelago*, Aleksander Solzhenitsyn, the Russian historian and novelist, revealed to the world the struggles and torment that he and

countless others had suffered in the Soviet Gulag, where millions of opponents to the Soviet regime were imprisoned for decades.

Solzhenitsyn was fortunate to live long enough to witness the end of both the Gulag that had been his prison for so many years and the totalitarian regime that put him there. The word gulag is now a historical term, leaving in its place a legacy of pain and suffering. In another parallel, Hitler's concentration camps, which functioned not only to terminate the Jews, the Roma, and others, but also to destroy the regime's political opposition, similarly became a key piece of the Nazi institutional planning that in turn propped up the economy of war. Sadly, the cruelty and inhumanity represented by these brutal institutions still persists under other names in other dictatorships, which similarly rely on fear and brute force to maintain the absolute power of their regimes and

annihilate political dissent. The Laogai is one such system, and it is the largest still in operation today.

The Chinese word *laogai* is composed of two characters, *lao* (labor), and *gai* (reform). When placed together they take on the meaning "reform through labor" and refer to a system of forced labor camps that spans China's territory—stretching from the highly industrialized prison factories of the eastern coastal cities to the isolated, fenceless farms of the West. While Chinese officials and others tout the "legal reforms" being carried out in the market economy dominating China today, these reforms have not fundamentally altered the Laogai system. In fact, just the opposite is true: the camps are now more prevalent than ever.

Recognizing that stability is paramount to maintaining its power and fulfilling its economic goals, the Chinese government

depends on the Laogai to serve as a means to both ends: it is not only an important tool of repression, but also an important source of revenue for the Chinese Communist Party (CCP). The Laogai system represents everything that is wrong about the one-party system in China today. Instead of engaging its people to utilize their gifts of intelligence, creativity, and passion in developing their nation, the Chinese regime concentrates on breaking the spirits of would-be reformers behind the iron bars of the Laogai. When judged by the treatment of its people rather than its economic output, the Chinese government is among the poorest in the world. As long as the Laogai system persists, the fragile dream of freedom and a basic respect for human rights in China will never be realized.

¹ Zhang Guoting, "The 1960 Incident," *Voices from the Laogai: 50 Years of Surviving China's Forced Labor Camps*, Washington, DC: Laogai Research Foundation & Robert F. Kennedy Memorial, 1999.

² The US State Department 2007 Human Rights Report on China cites statistics from the Chinese Ministry of Justice. See also Laogai Research Foundation's *Laogai Handbook*, 2008–2009 edition, which includes details on 1402 camps.

³ This number is based on numerical estimates of numbers imprisoned during various political campaigns since 1949. A more exact estimate is extremely difficult to attain, in part because the information is a closely guarded state secret in China, and even when classified government numbers emerge, they are only partly reliable. The Chinese government's statistical recordkeeping, particularly before 1979, is often wildly inaccurate, and for a time during the Mao period, there was no record keeping at all.

⁴ *Worst of the Worst: the World's Most Repressive Societies 2007*, Arch Paddington, ed, Washington, DC: Freedom House, 2007. For even more up to date information, see Freedom House, *Freedom in the World: 2008 edition*, Arch Paddington, ed, Washington, DC: Freedom House, 2008.

⁵ *2008 Human Rights Report: China*, Washington, DC: US State Department, 2008.

⁶ Short, Philip, *Mao: A Life*. New York: Macmillan, 2001. See also Shalom, Stephen Roskamm, *Deaths in China Due to Communism*, Tempe: Center for Asian Studies Arizona State University, 1984.

⁷ Quoted from Liu's report from the Central Committee Plenum on February 6, 1954, as cited in Zhonggong zhongyang zuzhibu bangongting 1980, pg 49. For a more extensive analysis of the literature and statistical record keeping in both English and Chinese available for the regime consolidation period, see Karlsson, Klas-Göran and

Michael Schoenhals, *Crimes against Humanity under Communist Regimes: Research review*. Stockholm: The Living History Forum, 2008.

⁸ For a breakdown of the different terms see "shuo shuo 'huai fenzi'" www.hljdaily.com.cn/ztsystem/2006/03/03/000403063.shtml

⁹ Mann, Michael, *The Dark Side of Democracy*. Cambridge: Cambridge University Press, 2005.

¹⁰ Article 7, Rome Statute, International Criminal Court, 1998, Entered into force in 2002. For full text of the Rome statute, see [http://untreaty.un.org/cod/icc/statute/english/rome_statute\(e\).pdf](http://untreaty.un.org/cod/icc/statute/english/rome_statute(e).pdf).

¹¹ Chang, Jung and Jon Halliday. *Mao: The Unknown Story*. New York: Knopf, 2005. See also Wu, Harry and Carolyn Wakeman. *Bitter Winds: A Memoir of My Years in China's Gulag*. New York: John Wiley & Sons, 1994.

¹² Li Zhisui, *The Private Life of Chairman Mao: The memoirs of Mao's personal physician*, Tai Hung-chao, trans. Anne F. Thurston, ed. New York: Random House, 1994.

¹³ Public Security Work Bulletin, vol. 71, 1959.

¹⁴ Yang Jisheng. *Mubei: Zhongguo liushi niandai dajihuang jishi* (or *Tombstones: Chronicles of China's Great Famine in the 1960s*). Hong Kong: Cosmos Books, 2008.

¹⁵ Li and Shang, *The Population of Contemporary China*, Beijing: CCP Central Propaganda Dept, 2007. Estimating the death toll resulting from the Great Leap Forward and other political campaigns in the Mao era is extremely difficult work owing to the fact that China's demographic statistics for the era are classified. Scholars from all over the world have, however, attempted to construct models to determine the amount of unnatural deaths. See Banister, Judith, *China's Changing Population*. Berkeley: Stanford University Press, 1987 and Wen Yu. *Leftist Catastrophe in China*. Hong Kong: Cosmos Books, 1994. The latter is banned in China.

¹⁶ Cases of cannibalism have been documented in a number of informative tomes chronicling the Great Leap Forward. One of the best is Becker, Jasper, *Hungry Ghosts: China's Secret Famine*. London: John Murray, 1996. Becker placed ads in local papers all over China asking for memories from the Great Leap Forward. He received hundreds of responses, some as small as a few lines, and some as long as 35 pages. All had shocking, tragic stories to tell, many of which are not allowed to be publicly shared today. Tellingly, the book is banned in China.

¹⁷ Pan, Phillip. *Out of Mao's Shadow: The Struggle for the Soul of a New China*. New York: Simon & Schuster, 2008.

¹⁸ Chang, Jung and Jon Halliday. *Mao: The Unknown Story*.

¹⁹ Wei Jingsheng, "The Fifth Modernization." Originally posted on the Democracy Wall in Xidan in Beijing, December 1978. Available online at <http://www.rjgeib.com/thoughts/china/jingshen.html>.

²⁰ Some of the best coverage on the Tiananmen massacre came from Nicholas Kristof of the *New York Times* and Jonathan Mirsky of the *London Observer*. Their writing reveals the sometimes misguided, but passionate idealism of the students, as well as the desire amongst the ordinary people of Beijing and elsewhere to see them succeed.

²¹ For a summary of the Five Year Plan in English, see <http://www.china.org.cn/english/China/148214.htm>.

²² For in-depth reports on the protests of 2008, see *A Great Mountain Burned by Fire: China's Crackdown in Tibet*. Washington, DC: International Campaign for Tibet, 2009.

²³ For the full text of Charter 08, see Link, Perry, trans. "China's Charter 08," *New York Review of Books*, 56:1 (January 15, 2009).

²⁴ For more information on the project, see <http://blogs.ft.com/dragonbeat/2009/04/24/chinas-reform-of-land-rights-is-vital-step-but-not-enough/>

CHINA FACES PRESSING SOCIOECONOMIC PROBLEMS RESULTING FROM MODERNIZATION: RISING INCOME INEQUALITY, GROWING UNEMPLOYMENT, THE LACK OF A SOCIAL SAFETY NET, WIDESPREAD ENVIRONMENTAL DEGRADATION, AND RAMPANT CORRUPTION.



Students hang posters decrying 'rightists' and supporting Mao's policies during the Anti-Rightist Movement.

²⁵ *From Poor Areas to Poor People: China's evolving poverty reduction agenda—an assessment of poverty and inequality in China*. Washington, DC: The World Bank, 2009.

²⁶ "UIS Statistics in Brief," *UNESCO Institute for Statistics*. UNESCO-UIS, 2009.

²⁷ "Over 100,000 Chinese study abroad annually," *People's Daily*, January 5, 2007.

²⁸ *China's Efforts and Achievements in Promoting the Rule of Law*. Chinese government White Paper, 2008.

²⁹ See the Norwegian Centre for Human Rights (NCHR), Raoul Wallenberg Institute for Human Rights and Humanitarian Law (RWI), and Danish Institute for Human Rights (DIHR)'s programs which provide training courses for human rights law teachers in China. See also *Norwegian Centre for Human Rights Annual Report: 2007*. Oslo: University of Oslo, 2007. For a comprehensive overview of the development of the rule of law in China over the last thirty years, see Bjornstol, Elizabeth. "Human Rights Law Education in China," *Web Journal of Current Legal Issues*, 15:1 (February 2009), and Cohen, Jerome. "China's Legal Reform at the Crossroads," *Far Eastern Economic Review*, March 2006.

³⁰ *Human Rights in China*. Chinese government White Paper, 1991.

³¹ Merle Goldman. *From Comrade to Citizen*. Cambridge, MA: Harvard University Press, 2007.

³² Wu Chenguang. "China's Environmental NGOs," *Southern Weekend*, Wang Qian, trans for China.org.cn July 13, 2002.

³³ "China's environmental NGOs' influence increases as total doubles in 3 years," *Xinhua*, October 31, 2008.

³⁴ *Human Rights Action Plan 2009-2010*. Beijing: Information Office of the State Council of the People's Republic of China, 2009. The full text of the plan is available in English at http://news.xinhuanet.com/english/2009-04/13/content_11177126.htm.

³⁵ *Not Welcome at the Party: Behind the 'Clean-Up' of Chinese Cities—A Report on Administrative Detention under Custody & Repatriation*. New York: Human Rights in China, 1999. A 2003 report by Human Rights in China indicated that in the year 2000, 3.2 million people were detained in over 800 C&R centers scattered throughout China.

³⁶ Fu Hualing. "Dismissing Laojiao," *China Rights Forum*, 1 (2009).

³⁷ For an excellent overview of the Sun Zhigang incident and its ensuing political fallout, see Hand, Keith J. "Using Law for Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People's Republic of China," *Columbia Journal of Transnational Law*, 45:114 (2006).

³⁸ Kumar, T. "Human Rights in China and UN's Universal Periodic Review." Testimony before the Tom Lantos Human Rights Commission, US House of Representatives Committee on Foreign Affairs, January 27, 2009.

³⁹ "Laogai gai ming cheng jianyu (The name laogai will change to prison)," *Fazhi ribao (Legal Daily)*, January 7, 1995. Accessible in the Laogai Research Foundation Archives.

⁴⁰ "During Secretary of State Hillary's China Visit, Many Christians and Pro-democracy Activists are Placed Under Surveillance of the Authorities," *Radio Free Asia (Chinese service)*, February 23, 2009. See also China Aid Association press release. "Many Christians and democracy activists placed under surveillance," February 26, 2009.

⁴¹ *2008 Human Rights Report: China*. Washington: US State Department, 2008.

⁴² Sheridan, Michael. "Women rebel over forced abortions," *The Times*, February 15, 2009.

⁴³ "Guangxi officials carry out mass forced abortions," *Radio Free Asia*, April 24, 2007 and Kahn, Joseph. "Birth control measures prompt riots in China," *New York Times*, May 21, 2007.

⁴⁴ *Trafficking in Persons Report: China*. Washington, DC: US State Department Office to Monitor and Combat Trafficking in Persons, 2006.

⁴⁵ Firth, Shannon. "Where are China's Stolen Children?" *Finding Dulcinea*, May 5, 2009.

⁴⁶ Tandon, Shaun. "North Korean Women Treated as 'Livestock': Women Tell US," *Agence France Presse*, April 29, 2009.

⁴⁷ *Congressional-Executive Commission on China Annual Report 2008*. Washington, DC: CECC, 2008.

⁴⁸ "Chinese State Security Arrests, Indictments Doubled in 2008," *Dui Hua Human Rights Journal*, March 25, 2009.

⁴⁹ Business Anti-Corruption Portal, Country Profile on China. See <http://www.business-anti-corruption.com>.

⁵⁰ *Global Corruption Perceptions Index*. London and Berlin: Transparency International, 2007.

⁵¹ Hanson, Stephanie, ed. *China, Africa, and Oil*. New York: Council on Foreign Relations, 2008. See also Tim Luard, "Buyers line up for China's arms," *BBC News*, June 16, 2006, and "China defends arms sales to Sudan," *BBC News*, February 22, 2008.

⁵² Mann, James. *The China Fantasy*. New York: Viking Books, 2007.

⁵³ Serchuk, David. "Can you stomach investing in China," *Forbes*, February 18, 2009.

⁵⁴ "Clinton: Chinese human rights can't interfere with other crises," *CNN*, February 22, 2009.

HARRY WU

ONE STORY

I BEGAN TO NOTICE THE SIGNS OF STARVATION AROUND ME: SWOLLEN LEGS, SWOLLEN FEET, HOLLOW FACES, DISTENDED BELLIES. MANY PRISONERS DIED.



Harry Wu in 1965 while an inmate in Tuanhe Farm, a Laojiao (reeducation through labor) camp near Beijing.

I have told my story countless times, but each time a part of me wishes it would be the last time. There are those who are able to move on from their pasts, to clear their minds of the suffering they endured, of the atrocities they witnessed, and in many ways I wish I were one of those people. When I first immigrated to the US, I attempted to be one of those people. I wanted a regular job, a house, a wife, children. I wanted to leave those ghosts and demons behind and rest. But this was not to be. I had found freedom and safety in the United States, but I had not found peace. I was haunted by the faces of those I had left behind. I could not lead a normal life with the knowledge that the Laogai system remained, unnoticed, unchallenged, and unchanged. I realized that I had to speak out about the horrors I had witnessed. The world needs to know the truth about the Laogai and other human rights abuses committed by the Communist regime. It was and remains my hope that the more people know the truth, the closer we will come to ending this brutal system. And so this old man will continue to tell his story.

THE EARLY YEARS

I was born into a wealthy family in Shanghai. My father was a banker and my mother had descended from a family of well-to-do landlords. My mother died when I was young, and I don't remember much about her, but my stepmother, who my father married when I was six, was a kind and gentle woman who treated all of her husband's children as her own. My youth was one of peace and pleasure, largely sheltered from the poverty, violence, and fear that gripped much of Shanghai, and indeed much of China in

those tumultuous years of civil war and foreign occupation.

When the Communists first came to power my family was relieved. They seemed to bring stability and order, and our daily lives remained largely unchanged at first. I still attended the same Catholic school, although now there were new political instructors teaching us about all the wonderful things the Communist Party was doing to make China wealthier and more powerful. At that time I was very optimistic about my country's future, and truly supported the Communist government.

Then one day my favorite teacher, an Italian priest named Father Capolito, did not come to school and a new Chinese priest took his place. I was told he had to return to his home country to rest. But soon all of the foreign priests, including the principal, had been expelled from China. The school was secularized and renamed, and some of the Chinese clerics working at the school were arrested.

Bigger changes were still to come. One day in 1952, Father did not come home from work. We didn't know where he was for an entire month. The servants set his place at the table every night, and every night my stepmother refused to touch her food. My siblings and I could see that she was deeply worried. When Father finally did return we were shocked to learn he had been held that whole time by the government, detained in a room at his bank and interrogated daily about his manager's alleged financial crimes. Government officials asked my father to provide false information and he refused, but his manager was nonetheless sentenced to five years in prison for embezzlement.

After his release, Father was demoted and took a pay cut. Little by little, he had to sell most of our belongings and dismiss his driver and other servants. In 1954, the Party decided they wanted my father out of banking altogether, and they transferred him to a middle school where he worked as an English teacher.

I was of course impacted by these changes—I was particularly disappointed when we had to sell our piano—but I remained largely positive about my future prospects, and about the Communist Party in general. I learned in school about the poverty in China, and thought maybe it was unfair that we had lived in such luxury. Besides, like most teenagers I was focused more on my immediate situation than anything else. I was doing very well in school and had been accepted to a prestigious university in Beijing. I also had fallen in love with my sister's friend, Meihua, and we planned to stay together even after I went to college.

In 1955 at the age of eighteen, I went to Beijing to begin my studies at the Beijing College of Geology. I was surprised by the politicized atmosphere on campus. As the son of a former banker, I was constantly under pressure to "raise the level of my political awareness." I was also angry to learn that I had been given a much smaller stipend than the other students due to my class background, despite the fact that my father was no longer a wealthy man.

Nevertheless, I was mostly happy with my situation. I enjoyed my studies and found geology to be fascinating and challenging. I particularly enjoyed our long field trips to the countryside, where politics were forgotten and my classmates and I worked together as

equals. I was captain of the men's baseball team and coach of the women's team. Meihua and I wrote each other letters twice a week, and during the summer after my freshman year we decided that we would marry after graduation.

THE TRAP IS SET

Then in February of 1957 came Chairman Mao's Hundred Flowers campaign. We were told to openly criticize the Party to help it correct mistakes and improve its policies. We were naturally cautious at first, but after months of encouragement students and teachers alike began to speak their minds, holding lively debates and writing bold criticisms of Party policy. I was reluctant to speak out; I had never been interested in politics. By April the pressure to participate in the campaign was increasing. It was announced that a series of political meetings would be held and every student was expected to contribute some sort of criticism. I still held back, even finding excuses to skip several of the meetings.

Finally, on May 2, I was told I had to attend that evening's political meeting. As soon as the meeting began I was singled out for not supporting the Hundred Flowers campaign by providing criticisms of the Party. It became clear to me that I should just give in and participate, so I listed the first criticisms that came to mind: it was unfair that those of us with "bad class backgrounds" were treated as inferior; the 1955 movement to eliminate counterrevolutionaries had been too harsh and innocent people had been targeted. The Party should not have supported the 1956 Soviet invasion of Hungary. By the time I was done speaking

I had raised ten criticisms of the Party, surprising even myself. It was immensely satisfying to voice my opinions, and now I could no longer be accused of shirking my duties to the Party.

The Hundred Flowers campaign continued to gain momentum throughout May. Classes were canceled so that everyone could devote their time to the movement. We were encouraged to attend massive rallies, study Party documents and attend countless political meetings. I found it all to be very tedious, and I had larger concerns: I had stopped receiving letters from my girlfriend.

When a letter finally did arrive, she coldly told me to forget everything that had happened between us. Worried, hurt and confused, I took a seventeen-hour train ride to visit Meihua at her school. She was surprised to see me and claimed everything was fine, but refused to give me any explanation for her letter. I persisted, but she avoided me. After several days I returned to school, but my situation only grew worse. The political winds had changed and a counterattack against the Party's critics was underway.

HARRY WU THE COUNTERREVOLUTIONARY RIGHTIST

The day after I returned to campus, a meeting was called. The topic of the meeting, I was dismayed to learn, was Wu Hongda.¹ Throughout the three-hour meeting I was accused of being bourgeois, of leaving campus to escape criticism, and told that the opinions I had voiced during the May 2 meeting were "poisonous." I attempted to defend myself but to no avail. In the end, I was told to write a self-criticism. I reluctantly agreed. Not long afterwards we were dismissed for summer vacation. Back in Shanghai, my parents urged me to cooperate and stay out of trouble.

I returned to school in the fall to find the political atmosphere even more oppressive. More and more classmates and teachers

were being labeled as rightists.² I was told my previous self-criticism was unacceptable and ordered to rewrite it. I was also ordered to hand over my personal diary. Then on October 20 a banner appeared outside the cafeteria. It read: "Wu Hongda's Counter-revolutionary Crimes" and went on to list a series of supposed offenses. My name was crossed out with a large red X.

So now I, too, had been labeled a rightist. I still attended class, but my free time was consumed by mandatory political classes and writing summaries of my thoughts. Those of us who had been labeled rightists were unsure of our fates, but could sense that harsher punishments were still to come. So could our friends and classmates; hardly anyone was willing to speak to me anymore. Even if I'd had the time for baseball practice in between writing thought summaries, my teammates—my closest friends at school—made it clear I was no longer welcome.

In February of 1958, the rightists were given their punishments. I was called into a room with ten of my rightist classmates. We knew one classmate had been sentenced to a term in the Laogai; he had already been escorted off campus. Of the group I was with, five were expelled from school and assigned to hard labor in the countryside. The rest of us were allowed to stay in school but would be "under the supervision of the masses."

From then on, I was under constant surveillance. Two classmates were assigned to follow me everywhere, even to the restroom. The strict schedule of political classes and thought summaries continued, and now I had to perform various other tasks as well, such as catching flies and rats. I was shunned by everyone; no one wanted to risk being seen as sympathetic to a rightist. I grew despondent. My prospects were bleak; rightists were generally given difficult work assignments in remote areas. Nor would anyone want to marry me, and the Party would not permit such a marriage anyway. I would forever

be an outcast, spurned by society and yet under constant surveillance. I lost interest in my studies. I began secretly dating a young woman, a local nurse, sneaking off campus frequently to visit her. I was repeatedly admonished for leaving campus but no longer cared.

Then on April 27, 1960, I was summoned to a meeting, one of many group criticism sessions I had attended since being labeled a rightist. Scrawled on the blackboard were the words "Meeting to Criticize Rightist Wu Hongda." I sat quietly, head down, as my classmates took turns criticizing and denouncing me. After twenty minutes I was told to stand, and the leader of the meeting announced I was to be expelled for refusing to reform myself. Suddenly, a uniformed Public Security officer appeared in the doorway. He walked to the front of the room and spoke: "Representing the people's government of Beijing, I sentence the counterrevolutionary rightist Wu Hongda to reeducation through labor." My head was swimming—how could this be happening? He held out my sentencing document and instructed me to sign. His hand was blocking the part of the document listing the charges against me. "I want to see the accusation against me," I said to the officer. "It is my right to be informed of my crimes." He told me the government had placed me under arrest, whether I signed the document or not didn't matter. I looked around the room, hoping someone would come to my defense, but no one said a word. Not knowing what else to do, I signed the paper. I was escorted to my dormitory to collect my belongings, put in a jeep and taken to the Beiyuan Detention center. I was twenty-three years old. But the nightmare was just beginning.

INSIDE THE LAOGAI

The Beiyuan Detention center was dirty and intensely crowded. We woke at 5:30 every morning, splashed our faces with one



Harry Wu visits the Terezin concentration camp in the Czech Republic.

ON OCTOBER 20TH A BANNER APPEARED OUTSIDE THE CAFETERIA. IT READ: “WU HONGDA’S COUNTERREVOLUTIONARY CRIMES” AND WENT ON TO LIST A SERIES OF SUPPOSED OFFENSES. MY NAME WAS CROSSED OUT WITH A LARGE RED X.

handful of dirty water from a shared bucket, then sat through hours of political education. We received two meals a day consisting of two steamed buns made of chaff and sorghum, and a ladleful of weak soup. Prisoners were perpetually hungry. At night, we slept in tents in the prison yard because the dormitories were all full. It was so cramped in the tent that we had to sleep on our sides pressed up against one another. Twice during the night, the duty prisoner³ would call out for everyone to roll over. Conditions were so crowded that

the only way to turn over was for everyone to do it at once.

I quickly learned my first lesson of the Laogai: labor is simultaneously an obligation, a punishment, and a reward. It was only after I had confessed my “crimes” and proven myself to be obedient that I was allowed to labor in the Beiyuan Chemical Factory. Prisoners who labored were given three meals a day instead of two, and the work, although tiring, was better than the monotony of the political study sessions. Easier jobs were

given to prisoners who were well behaved or ingratiated themselves with the guards. Later I would experience the punishing side of labor, but initially I was happy to be given work.

Being assigned to labor also meant I was allowed to write to my family, who for an entire month had known nothing of my whereabouts. They didn’t even know I had been arrested. I crafted my letter to them very carefully, saying I was being treated well and telling them not to worry. I received no



Wu secretly videotaping Shashi No. 3 Prison in Hubei Province in 1994.

reply. A month later my brother visited me. He was furious. He scolded me for hurting our family, the Party, and the country. He said the whole family had denounced me. I was stunned by his words, not knowing what to say. He told me to study Mao and reform myself, then gave me a package containing a towel, and a few hard candies. I asked how our parents were doing, and he began shouting at me, saying I should be ashamed to even ask about them and that he hoped I died in prison. Then he left. At the time I was bewildered by his anger. Only after my release nineteen years later would I learn that upon receiving my letter from Beiyuan Detention Center, our stepmother had committed suicide. My father had instructed my brother not to tell me of our stepmother's death so as not to burden me. My brother complied with our father's wishes, but still blamed me for her death.

The detention center continued to fill up. There was also a shortage of water so we were unable to bathe—we couldn't even wash our faces with dirty water anymore. When a recruiter from another Laogai camp came looking for workers, I took off my glasses to look like more of a commoner, and told the recruiter I had been an athlete

in school and was eager to work. It paid off, and I was transferred to the Yanqing Steel Factory, a Laogai camp that included not only the steel factory, but also a brickyard and two small iron mines.

FAMINE IN THE PRISON CAMPS

I had hoped the change of location would mean improved living conditions, but this was not to be. Due to the failures of the Great Leap Forward,⁴ all production at the camp had stopped. The prison did not have enough space for the new arrivals, but Beijing had ordered all camps to take on additional inmates to ease the overcrowding in the detention centers in the cities.

The food shortage at Yanqing was even more severe. Our diet consisted of thin corn gruel and a few steamed buns made mostly of corn chaff with a little sorghum. No one labored here, as everyone was too weak from hunger. Even the guards were hungry. I survived by stealing small bits of the cabbage I harvested from the guards' vegetable garden. I had never stolen before, but all my previous notions of morality made no sense in my new circumstances.

I had only been in this new camp for three months when the camp was closed and we

were transferred to yet another camp, this time the Xihongsan Mine labor camp. Conditions in this new camp were similar to those in the previous camp. The security captain at this camp took a liking to me for some reason, and I worked in his office for most of my time there. Although there was a severe shortage of food at this camp as well, my rations were increased due to my friendship with the security captain. I was embarrassed by this special treatment. The other prisoners resented me and I felt I had lost my self-respect, that I was nothing but a running dog for the captain. Still, I didn't know how to get out of this situation, and in retrospect, those extra rations, though still meager, may have meant the difference between life and death, for by this time prisoners had begun dying of starvation all around me.

Soon I was transferred again, this time to Qinghe Farm, an enormous prison complex outside of Beijing that still exists today. By this time all of the prisoners, myself included, were very thin and weak after months of malnutrition. Our rations at this new prison were even worse: each meal consisted of a ladleful of weak soup and one steamed bun that was 20 percent corn flour and 80 percent ground, fermented corncob. The buns were so lacking in substance they barely held together. I began to notice the signs of starvation around me: swollen legs, swollen feet, hollow faces, distended bellies. Many prisoners died. Initially, those of us still fit enough to work labored in the fields, although the work was not too strenuous as none of us was strong enough for very hard labor. Prisoners who could labor stole any food they could find out in the fields. One day a man in my work team called me over to help him dig up a rat's tunnel, as he knew the rat could have buried food inside. I helped him to dig up the tunnel, then told him to leave. At this point I had been promoted to squad leader so I was technically his superior. He protested, knowing I was

going to steal his food, but I punched him in the nose, took the food—about two pounds of corn and a pound of rice—and walked away. I'm not proud of this act of selfishness, and I did feel remorse at the time—but not enough to share my food. Hunger had made monsters of us all.

The famine continued to worsen. Prisoners who had the strength often fought over the meager rations we were given. All around us people were dying of starvation. One day the prison officials said all the prisoners were to receive medical examinations. When my turn came, I was shocked to learn that I weighed only eighty-five pounds. After the examinations, the weaker prisoners, myself included, were transferred to another barracks down the road. The prisoners here were in even worse shape. Supposedly we had been sent here to rest and recover, but soon I began to suspect we had been sent here to die, so that the healthier prisoners would not have to watch. As the cold winter set in, no one labored anymore, and we rarely got out of bed. We lay on our bunks, drifting in and out of sleep. Twice a day we were brought our pitiful meals. When someone didn't sit up for mealtime, we knew he was dead, and the cook who brought our meals would summon the guards to take him away. I'm not sure how many people died around me. Dead prisoners were carried out and new prisoners arrived on a daily basis. I was too weak to keep track. I barely spoke to anyone, I barely even thought. I wasn't in much pain. In fact, by this time I didn't even feel hungry. Just weak, and utterly numb, both physically and mentally.

THE DARKEST DAYS

Eventually the famine passed. Our rations slowly increased, and we began taking short walks outside to regain our strength. As soon as a few prisoners were strong enough we went to work in the guards' vegetable garden. This gave us an added advantage, as the

guards let us eat some of the vegetables. I grew stronger and stronger, and was soon sent to another barracks with other healthy inmates. As the prisoners grew stronger our workload increased and we fell into a more normal routine.

In April 1962, after months of rumors that those of us arrested as rightists were to be rehabilitated, a few of the other rightists in my prison camp were released. A few months later all of the other rightists were told we were being sent back to Beijing. We hoped that this meant we were to be released as well. Instead, we were simply transferred to yet another camp, this time to Tuanhe Farm, a large prison facility on the southern outskirts of Beijing. Life here was an improvement over the previous camps. As the nation recovered from famine, we continued to receive increases in our rations. We worked in the fields of Tuanhe during the day and sat through political study sessions in our barracks at night.

Initially we expected to be released on the third anniversary of our imprisonment, as we had been told three years was the maximum sentence for rightists, but that day came and went with no word from prison officials. Months passed and still no one knew when to expect release. As our strength returned so did our tempers, and with our hopes of release dashed fights were a frequent occurrence. I had learned early on how to fight, and typically had little trouble defending myself.

In September of 1965, four other prisoners and I, outraged that our imprisonment was to continue indefinitely, composed a letter to the government. We asked why rightists were being held for so long and when we could expect to be released. There was a mailbox on a road not far from one of the fields we worked in, and one day I distracted the duty prisoner while two of my friends snuck away to post the letter.

The next day, three of us were summoned separately by prison officials. They had intercepted our letter immediately. Knowing that the punishment for acting as a group would be significantly harsher than that for any individual act, we quickly decided that I would assume responsibility. When it was my turn to speak with the guards I quickly confessed, and said the other two knew nothing of what I had done. I was immediately taken to solitary confinement.

The solitary confinement cell was six feet long, three feet wide, and three feet high. The walls and floor were cold, damp concrete, and the room smelled of mildew. The door was made of iron bars, but a wall opposite the door blocked my view of the sky. For the first three days I had no food, no water and no human contact. There was no toilet, so I had to relieve myself in the cell. On the 4th day I was allowed out of the cell for a few minutes to drink some water and eat a bowl of corn gruel. I tried to confess to the prison captain, but he scoffed at my confession and left. I received one more bowl of corn gruel later that day.

On the sixth day, weak from hunger and thirst and starved of human contact, I began to hallucinate. Visions of my family and Meihua came and went. On the seventh day I tried again to make an acceptable confession, but the captain insisted I implicate others and I refused. When the captain walked away that evening, leaving me in the cell, I began to despair. There was no end in sight to this torment, and even if I were released I would still be a prisoner, maybe for the rest of my life. This was my lowest point in all my years in the Laogai. I decided I wanted to die. I refused to eat what little food they brought me. As the guards would be admonished for any suicides on their watch, on my ninth day of solitary confinement I was held down by several prisoners while the guards shoved a tube into my nose and down my throat. In this way they force-fed me, depriving

me of even that final freedom of choosing death. They force-fed me again the next day, but this time one of the prisoners assigned to hold me down placed a small note in my hand. Alone in the cell, I read the note: "Go ahead and confess, only [implicate] Guo and Chen. No need for sacrifice." It turned out the other two had also confessed when interrogated, so the prison officials knew they were involved. The next day I confessed and named Guo and Chen as my coconspirators. I was released from solitary confinement and given five days to recover before being sent back to labor in the fields.

After that I fell back into the usual routine. Labor in the fields during the day, political study sessions at night, seven days a week. It seemed endless. Prisoners came and went. My family stopped sending me letters in 1966 out of fear that they would be persecuted for contacting a counterrevolutionary. In 1967, I was transferred back to Qinghe Farm. It was just as I had left it, only now there was enough food to eat. The routine of labor and study sessions was the same at Qinghe Farm. The monotony was only broken up by the occasional fights or struggle sessions, when prisoners were encouraged to go after one another in hopes of decreasing their own sentences.

FORCED JOB PLACEMENT

In December of 1969, with no warning or explanation, I was "released" from prison and assigned to forced job placement at the Shanxi No. 4 Independent Laogai camp, also known as Wangzhuang Coal Mine. Forced job placement meant I was technically no longer a prisoner. I received one day off every two weeks. I could eat in a regular workers' canteen, chat with friends at meal-times, write letters, receive visitors, request an annual trip home, interact with the female workers and even apply for permission to marry. But I couldn't leave. I had no work permit and no ration coupons from the

government, so even if I had bothered to escape I wouldn't have been able to eat. Although the additional freedom was initially exciting, I soon realized this new life was a larger cage, but a cage nonetheless. And I would be held here indefinitely.

Life at the mine was difficult. The work was grueling and there were many accidents. I myself almost died when I was struck by a runaway cart deep within the mine, breaking two vertebrae and my left shoulder. I watched a fellow worker as he was crushed in another cave-in. There was a shortage of water so we were rarely able to thoroughly clean ourselves, despite the fact that we were covered in sweat and coal dust.

Eventually, I married another forced labor inmate. She was older than me, and we did not marry for love, rather we married because our living situation would be improved. We were able to make a small home for ourselves in a cave in one of the hillsides near the mine. I was happy to be out of the prisoners' dormitory, and to have some personal space for the first time in a decade.

In 1974 I was allowed to briefly visit my family in Shanghai to make arrangements for the burial of my stepmother's ashes. It was the first time I had been home since being labeled a rightist in 1957. When I arrived unannounced at my sister's home, she went into a panic, asking if I had permission to be there. My other sister reported my visit to the local police immediately. Only after the police officer looked through my papers and confirmed that I was visiting legally did my family members relax. Even then the atmosphere was strained and awkward. No one asked about my ordeal, nor did I ask much about their lives. Although the worst violence of the Cultural Revolution had passed, everyone still lived in a near constant state of fear and we had all suffered too much to care about the suffering of others. There was nothing to be done anyway, no way to reverse the tragedies that had befallen us.

Mao died in 1976 and after two years of political turmoil Deng Xiaoping came to power in 1978. He gave orders that large numbers of those persecuted as counter-revolutionaries and rightists during Mao's political campaigns were to be "rehabilitated," meaning our names would be cleared and we would be released. My release notice finally came in January of 1979. By February I had been assigned to a teaching position at the Shanxi College of Economics and Finance, and moved into the teacher's dormitory with my wife. I was a free man for the first time in nineteen years, and took great pleasure in simple things like grocery shopping and listening to music. Even so, I knew I wasn't totally free. I noticed that the other faculty members kept their distance from me. I still had a bad political background, and was careful not to let down my guard.

I visited my family again a few times. With the political tensions of the Cultural Revolution lifted, I learned of the hardships they had suffered while I had been in prison. I learned of my stepmother's suicide, and that my youngest brother had been severely beaten after he was accused of defacing a portrait of Mao, leaving him mentally disabled. After many long and painful discussions with my father, he told me his greatest regret was that he had not taken us out of the country when given the chance in 1949. He told me I could never truly be free in China, and that I should try to leave. I knew he was right.

I applied for permission to leave in 1982, and finally got the chance in 1985, when I was given the opportunity to teach in San Francisco. My wife did not want to leave the country, and our relationship, which had never been close, had deteriorated in the years since we had been freed. We divorced, and I came to the US with \$40 in my pocket, thrilled at the thought of finally being free. I slept on my desk at the university and worked nights in a doughnut shop saving up the money to get an apartment.

THE BIRTH OF AN ACTIVIST

In 1986 I gave a talk at the University of California, Santa Cruz, where I told my story for the first time. By the end I was in tears, crying for the first time in years. In the Laogai I had been treated like a dog, but now I finally felt like a human being again. Seeing the faces of the audience, their shock at my awful story and the sympathy in their eyes as they asked me afterwards what they could do to help, I realized that maybe people really would care about what was happening in China, if they knew. I decided that night to continue telling my story, and, more importantly, to gather as much information as I could on the Laogai so I could expose this cruel system. Maybe someday, if people made enough noise and the Laogai became enough of an embarrassment for the Chinese government, we might even get them to shut the camps down for good.

In 1988 I became a visiting scholar at Stanford University's Hoover Institution and began conducting research on China's Laogai system. I felt that no one in the West truly understood how the system worked or how brutal it really was, so I wanted to expose the truth and to get past the lies and propaganda coming out of Beijing. I was growing impatient with the pace of my research and with the Americans' ignorance of the Laogai. I finally made the decision that my best option was to return to my homeland and document the Laogai system for myself. In 1991, not long after marrying my Taiwanese wife Chinglee, the two of us made the first of several trips back to China to collect information on the Laogai. I took photographs of prisons. I posed as a businessman and was given tours of factories, secretly carrying a small video camera in my bag and filming everything. At one point I even posed as a prison guard so I could enter a prison. I saw prisoners working naked in vats of chemicals and handling battery acid with no gloves. Prison officials bragged of how much profit

their factories made and told me they were exporting their products to foreign countries, even to Europe and the United States. I returned to the US and reported my findings to Congress and the American media.

My reports attracted the attention of a producer at CBS who provided me with two cameras so I could return to China and film more camps. When I returned, the producer said the footage was so good he wanted me to go back, this time with Ed Bradley from *60 Minutes*. I returned again, and we were able to obtain clear evidence, including admissions from factory managers in China and a middleman in Hong Kong, that products made with forced labor in the Laogai were being exported worldwide, including to the United States. The episode of *60 Minutes* on the Laogai aired September 15, 1991, and led to coverage in *Newsweek*, *The Washington Post*, *Business Week*, and the Chinese-language *World Journal*, read by Chinese-Americans nationwide. I was even told that the *60 Minutes* report had been aired in Chinese hotels that catered to Westerners and thus circumvented the censors. So perhaps a few Chinese people were able to see the truth about what their government was doing, too.

The Chinese government certainly knew about me now, but I wanted to make more trips back to China, as my research was finally paying off and the Laogai system was gaining international attention. I was denied an entry visa in 1993, but was able to return in 1994 with Sue Lloyd-Roberts of the BBC, and together we filmed prison camps in the remote province of Xinjiang (known to the local Uyghur people as East Turkestan), and also uncovered evidence of the harvesting of organs from executed prisoners.

After this trip, my wife, my friends, and even the State Department encouraged me not to return to China. "You've done enough," they said, "Use your contacts inside China, it's too much of a risk." But

I suppose I am just a stubborn old man, because I still wanted to return. My previous trips had been so successful, and I was finally beginning to understand the realities of the Laogai in this new, "reformed" China. The Laogai of capitalist China was just as important as it had been for communist China, but now the focus had changed from indoctrinating and breaking the prisoners to unabashedly exploiting them for material gain. Prison wardens were now doubling as factory managers. They had to cover all the costs of running the prison, but if they could make the Laogai enterprises profitable then they could get rich. The information I had uncovered on organ harvesting had only driven home the point that the government would stop at nothing to make money off these poor souls in the Laogai. I wanted to keep up the pressure and keep digging up the dirty little secrets of the Chinese regime. I also wanted to show the Americans that their ideas about China's development were wrong: capitalism was not the same thing as democracy, and just because some Chinese were getting rich it didn't mean the Chinese were free.

THE LAST TRIP HOME

So in 1995 my associate, an American woman named Sue Howell, and I attempted to enter China from Kazakhstan at a border crossing in Xinjiang. We were detained at the border. By that time I had made China's list of "troublemakers," but from the beginning it seemed they weren't sure what to do with me. I was a prisoner again, but this time I was an American citizen. My associate and I were held together in a hotel near the border in the same room for several days, then she was expelled from China. I remained in custody, but continued to receive special treatment. I was detained in a villa, not a prison, given three decent meals a day, and interrogated but never mistreated. I knew if I had not been an American citizen I would

have been beaten and tortured, but instead I was kept in decent hotels and treated with some degree of respect, even by my interrogators. On July 8, I was officially charged with numerous crimes, including stealing documents and using false names to enter China.

Back in the US, Chinglee and my friend Jeff Fiedler were visiting politicians and staging protests, demanding that the Chinese government let me return to the US. Chinglee met Newt Gingrich and Bob Dole, and even met with Margaret Thatcher in London. She was brilliant with the media, keeping my story in the news and keeping the pressure on the US government to try to get me out of China. Back in China, I received a few visits from American diplomatic officials. They had to choose their words carefully, but were able to inform me that my case had attracted media attention. They read me letters from Chinglee, and using code words she informed me she was working with the US government for my freedom. They also advised me to be cooperative, and I sensed that if I could give my captors some face they would be more willing to let me go. After these visits I was more relaxed, knowing that I was not alone, that others, including my new government, were fighting for my freedom.

My detention continued, but acting on the advice of the American diplomats I became more cooperative in the interrogation sessions, and eventually signed a confession. My captors and I both knew the confession was rubbish, but neither of us cared.

On August 23, I attended my show trial. I had asked my court-appointed lawyer (who charged me \$750) to fax my wife to obtain evidence from the US in support of my claim that I had not acted as a spy, only as a journalist, but he sheepishly told me he couldn't for fear of retribution from the authorities. I was not told of the evidence or witnesses to be used against me in the trial.

The proceedings lasted only three hours, although my lawyer, to my surprise, did make a few decent points in his closing arguments. I was also given a chance to speak, and an American official had been allowed to sit in on the proceedings, although he could not participate. The next day I was pronounced guilty and sentenced to fifteen years and expulsion from the country. I was also given the right to appeal. I spoke to the judge after the trial, saying I wanted to appeal, and this time I wanted it to be a fair trial. "Harry Wu, you are very stubborn," the judge said. "They have already decided to deport you first, but if you want to appeal then we can apply the other sentence first." I was shocked—expulsion first? So the government had found its way to save face: sentence me to fifteen years *and* expulsion, then apply the latter sentence first. They got their show trial and sentencing, which could be used to demonize me in the Chinese press, and avoided further international embarrassment by sending me home. I agreed to be deported. After sixty-six days the ordeal was over and I was back in the US in the arms of Chinglee, who had fought so hard on my behalf.

Since that time I have continued to raise awareness of the Laogai and other atrocities committed by China's Communist regime. I cannot return to China, so it has been difficult to continue my research. Many brave men and women have risked their own freedom to smuggle out documents, photographs, and other information to help me expose the ongoing human rights abuses in China. Some of them have been harassed by police, and some of them are in the Laogai today. This makes me sad, but mostly it makes me angry. The same government that sent me to prison for nineteen years for expressing my opinion, despite its claims of "reform and opening up," is still imprisoning those who seek the truth. My former compatriots can watch *Friends* on the

Internet, but they cannot argue for democracy in their blogs without the fear of punishment. I know some people think the Communist Party can change, that if we are patient enough they will eventually loosen their grip on power. I don't believe it for a second. China's leaders opened up the economy out of necessity, because Mao's policies had clearly failed. But now, as a result of this opening up, China's leaders have gotten rich. They have gotten rich through corruption, by telling the banks—which they control—to give them loans, and ordering the police—who they also control—to lock up journalists who try to expose their corruption. They are even profiting from the Laogai, forcing millions of people to work for free while they buy foreign cars with the profits. The leaders of China have gotten rich, and only stand to lose by loosening political controls. If they were to allow a free press, or an independent judiciary, or competitive elections, their crimes of corruption would be exposed, and they would be run out of office. They fear they could end up in the Laogai themselves.

I have been working in the human rights field now for two decades, and in this time I have met many wonderful people, Westerners and Chinese, who are passionate about improving human rights in China. They have come to this field from disparate backgrounds and for various reasons. For me, my work is very personal. I am still haunted by what I experienced during those nineteen dark years in the Laogai. This is why, despite my age, I cannot retire. I cannot relax, take up a soothing hobby and read novels. As long as there are people suffering in the Laogai, I will feel this urgency, this desperate need to expose the atrocities occurring within those prison walls, with the hope, however dim, that ultimately the Laogai system will end. When you read this book, you will see the faces of those who have suffered, many of whom are still suffering, in the Laogai.



Two of Wu's former prison mates, also imprisoned for being "rightists."

You will read facts about export laws and statistics on political prisoners. I am of course glad that such a book finally exists, and hope that many people will read it and better understand what the communist regime is doing every day to suppress the people of China. But when I look through this book, I do not see random faces and numbers. I see myself, broken, reduced to the level of an animal. And I see all those who were not as lucky as I was to survive, to regain their humanity, to know what it is to be free.

I AM STILL HAUNTED BY WHAT I EXPERIENCED DURING THOSE NINETEEN DARK YEARS IN THE LAOGAI... WHEN I LOOK THROUGH THIS BOOK, I DO NOT SEE RANDOM FACES AND NUMBERS. I SEE MYSELF, BROKEN, REDUCED TO THE LEVEL OF AN ANIMAL.

¹ Harry Wu is my English name. In Chinese, my surname is Wu and my given name is Hongda, meaning grandeur and prosperity.

² The term rightist means a reactionary, and was a class label used mostly for intellectuals who opposed the Party. As class status was a determinant of everything from food rations to job assignments, to be labeled a rightist could have severe consequences. Rightists were also subjected to greater scrutiny by authorities.

³ Prisoners who earned the trust of prison officials could become duty prisoners, meaning they performed the duties of low-level guards. They received better food in exchange for keeping the other prisoners in line and pushing them to increase production.

⁴ Mao's radical economic policy, initiated in 1958, that aimed to increase both agricultural and industrial production. Private land ownership, which had already declined greatly in the years following the revolution,

was now completely abolished, and China's peasants were organized into a system of People's Communes. Unscientific agricultural methods, in conjunction with false reporting and the diversion of resources from agriculture to inefficient industries led to a nationwide famine. It is estimated that anywhere from 30 to 50 million people died.

TIMELINE: HUMAN RIGHTS AND THE



Land reform—Huang Jinji kneeling before a “People’s Tribunal,” accused of being a landlord for owning two-thirds of an acre of land. Both his property and his life are at stake in this trial. Early 1950s, Guangdong Province. © Corbis/Bettmann Archive



A motorcade in the early days of the Communist regime celebrating Mao Zedong and General Zhu De.



A parade during the Anti-Rightist Campaign. Participants carry signs reading “Oppose the rightists forever.”

October 1, 1949

People’s Republic of China established

1950s

Laogai system established with assistance of Soviet Union

1956

Hundred Flowers Movement: CCP (Chinese Communist Party) encourages, and at times even forces, people to voice criticisms of CCP and its economic and social reform programs

1957

Anti-Rightist Campaign begins: many of those who criticized CCP during Hundred Flowers campaign are targeted. 550,000 are officially labeled “rightists,” but true figure is believed to be much higher

1958–1960

Great Leap Forward: last of private land ownership abolished and system of People’s Communes instituted nationwide. Unscientific agricultural methods and export of grain lead to dramatic shortage of food

1959–1961

Nationwide famine, tens of millions die

1959

Suppression of revolt in Tibet, Dalai Lama goes into exile

PEOPLE'S REPUBLIC OF CHINA



The 10th Panchen Lama undergoing a struggle session in Lhasa in 1964. © International Campaign for Tibet



Local residents make their way through the crowds to read the pro-democracy writings posted on a the Democracy Wall in Beijing in 1979.



The portrait of Mao Zedong that hangs in Tiananmen Square was defaced with ink by three men from Hunan during the 1989 pro-democracy demonstrations. All three men were arrested.

1966–1976

Cultural Revolution: period of hyper-politicization targeting intellectuals, party cadres, and remnants of traditional culture, leading to violence and mob rule in China's cities from 1966–1969, followed by continued political turmoil over who would succeed Mao

1972

Nixon visits China

1976

Deaths of Chairman Mao and Premier Zhou Enlai

1977

Deng Xiaoping rises to power for the third time

1978–1979

Democracy Wall Movement: students and young people in China's cities put up large wall posters, publish pamphlets, and stage demonstrations advocating democracy and political reform

1979

Normalization of US-China relations

1979

Deng starts China on its economic path of "Reform and Opening-up"

1989

Tiananmen Square Protests: pro-democracy protests erupt in Beijing and other cities throughout China, followed by a brutal crackdown in which thousands are killed by government troops



Anti-American protests erupted in 1999 in response to the NATO bombing of the Chinese Embassy in Belgrade.

laogai

/laʊˈɡɑɪ/ ● n. (the laogai) (in China) a system of labour camps, many of whose inmates are political dissidents.

– ORIGIN Chin., ‘reform through labour’.

s sit | t top | v voice | w we | z zoo | f she | 3 decis

lank | lap of honour

The word “Laogai” entered the Oxford-English Dictionary in 2003.

1989

Jiang Zemin named CCP Secretary General

1991

China officially bans export of forced labor products, but Laogai products continue to find their way into foreign markets

1994

Chinese government officially replaces term “laogai” with “jianyu” (prison) in response to international criticism, however the system continues to operate unchanged

1997

Deng dies, Hong Kong reverts to Chinese rule

1999

Falun Gong movement outlawed, Macau reverts to Chinese rule

2001

China joins WTO

2002

Hu Jintao named leader of CCP

2003

“Laogai” added to the Oxford English Dictionary

March 2008

Peaceful protests followed by riots and military crackdown in Lhasa, reports of over 100 killed

August 2008

China hosts Olympic Games

A woman in Beijing pleads with People's Liberation Army soldiers not to attack the students demonstrating in Tiananmen Square in 1989. © David Turnley



劳
改

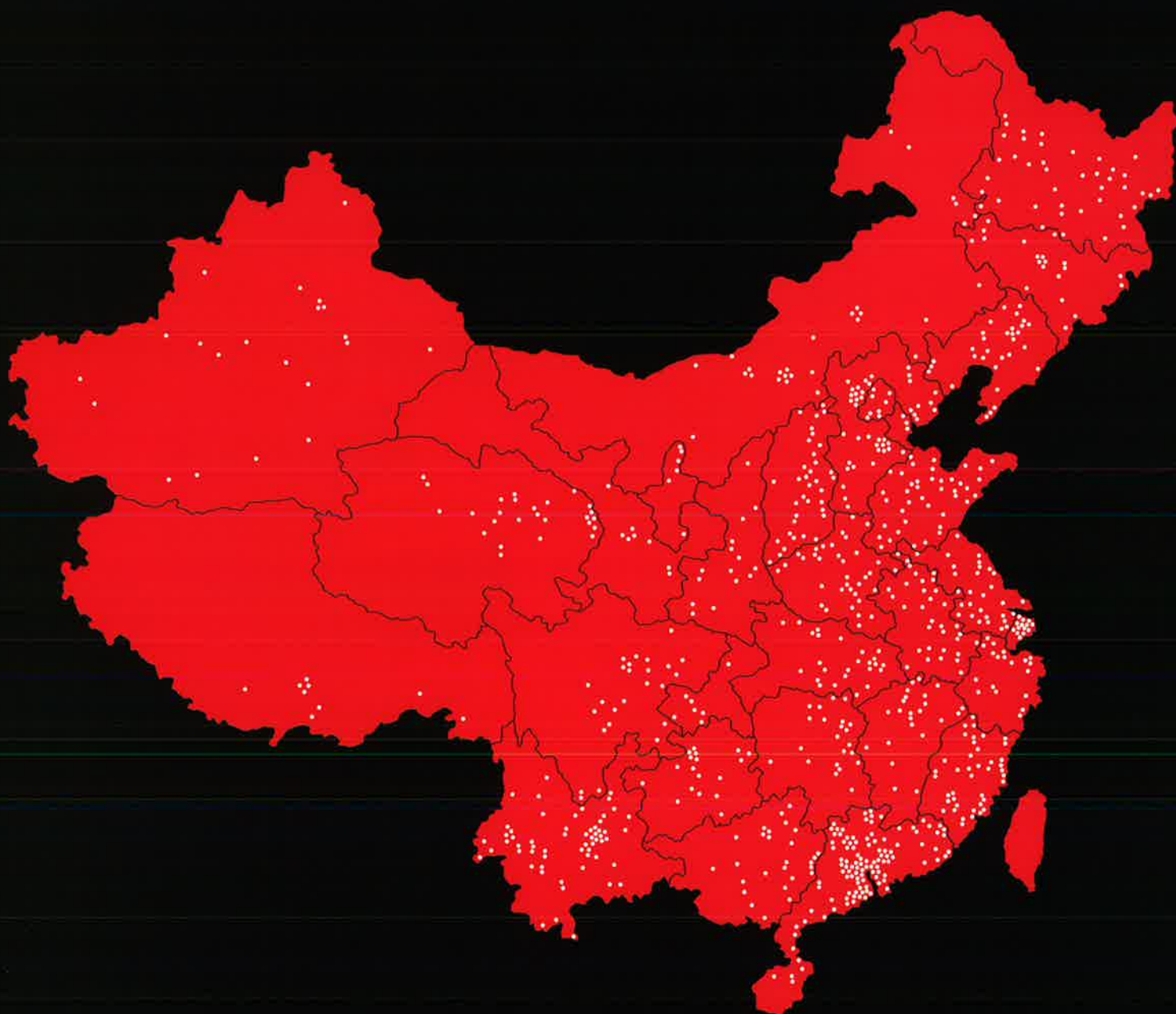
THE LAO

THE SYMBOL OF THE ABROGATION OF HUMAN

GAI

RIGHTS IN CHINA





White dots indicate location of Laogai camps in China.

LAOGAI INDEX

909

NUMBER OF LAOGAI CAMPS VERIFIED BY THE LAOGAI RESEARCH FOUNDATION TO BE CURRENTLY IN OPERATION; THE TRUE NUMBER IS LIKELY TO BE MUCH HIGHER

3-5 MILLION

ESTIMATED NUMBER OF PEOPLE CURRENTLY IMPRISONED IN THESE CAMPS

40-50 MILLION

NUMBER OF PEOPLE JAILED IN THE LAOGAI SINCE 1949

99

PERCENTAGE OF THOSE CHARGED WITH "ENDANGERING STATE SECURITY" FOUND GUILTY

314

NUMBER OF BUSINESSES LISTED IN DUN & BRADSTREET DATABASES CLEARLY LINKED TO LAOGAI CAMPS

1,300

NUMBER OF INDIVIDUALS INDICTED FOR "ENDANGERING STATE SECURITY" IN 2008, DOUBLE THE NUMBER FROM 2007

500,000

NUMBER OF PEOPLE BELIEVED TO BE IN ARBITRARY DETENTION AT ANY GIVEN TIME IN CHINA

5,000

ESTIMATED NUMBER OF EXECUTIONS CARRIED OUT IN 2007, ALTHOUGH THE TRUE NUMBER COULD BE MUCH HIGHER

68

NUMBER OF CAPITAL OFFENSES IN CHINA TODAY, INCLUDING ECONOMIC AND OTHER NONVIOLENT CRIMES

40

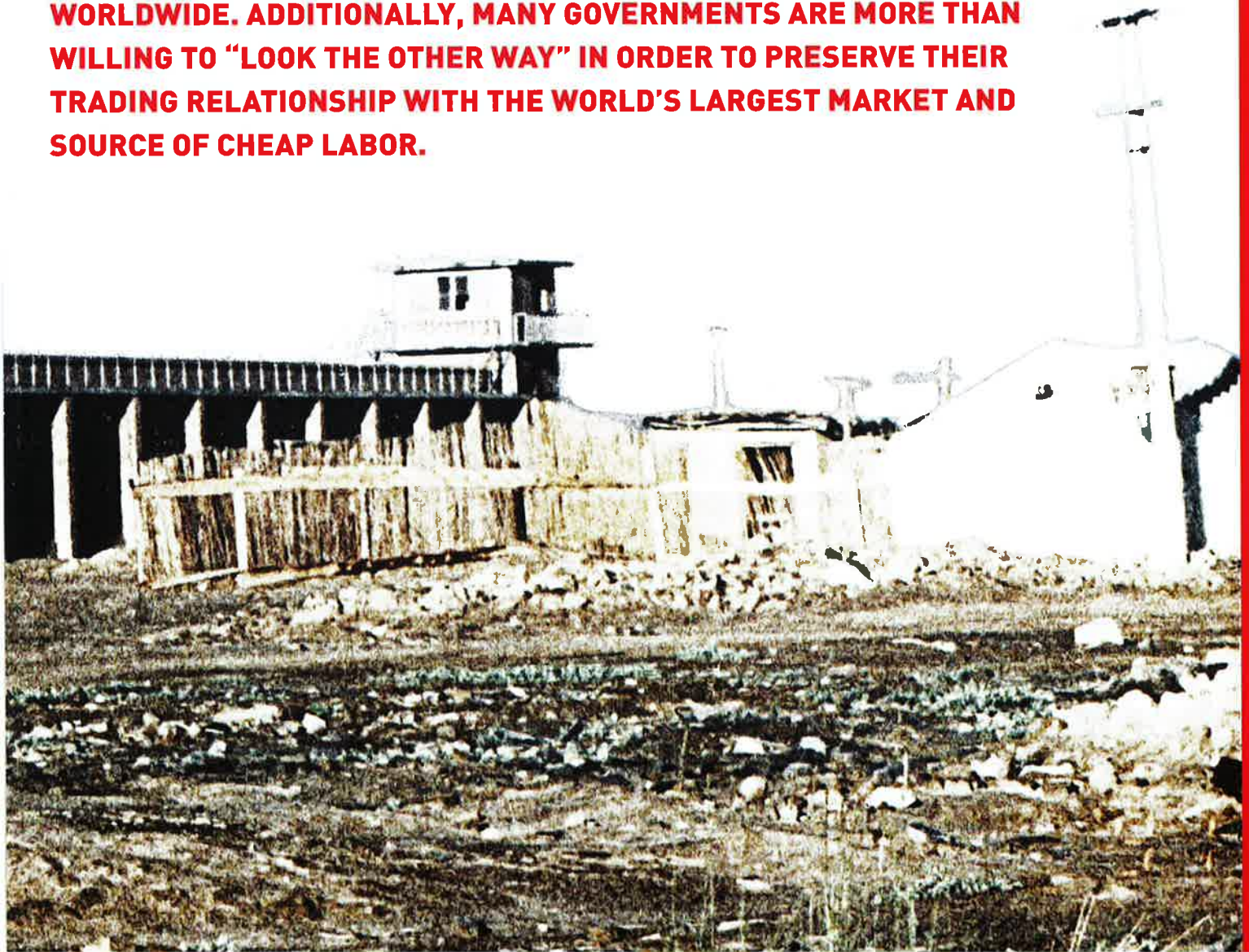
PERCENTAGE OF LAOGAI PRISONERS SENTENCED TO MORE THAN FIVE YEARS IMPRISONMENT, LIFE IMPRISONMENT, OR DEATH



FUELING THE CHINESE TIGER

FORCED LABOR AND THE PRISONS

THE LAOGAI DOES MORE THAN DETAIN AND “REFORM” CONVICTS AND DISSIDENTS; THE CHINESE GOVERNMENT PROFITS HANDSOMELY FROM THE SYSTEM. PRISONERS, WHO ARE TYPICALLY UNPAID, PROVIDE A FREE SOURCE OF LABOR IN PRISON-RUN FACTORIES, FARMS, WORKSHOPS, AND MINES, ENABLING THESE “BUSINESSES” TO REAP HUGE PROFITS. UNFORTUNATELY, DUE TO INTENTIONAL DECEPTION ON THE PART OF THE CHINESE GOVERNMENT, LAX INTERNATIONAL LABELING REQUIREMENTS, AND RELIANCE ON MIDDLEMAN EXPORTERS, LAOGAI PRODUCTS ARE DIFFICULT TO IDENTIFY AND CONTINUE TO FIND THEIR WAY ONTO STORE SHELVES WORLDWIDE. ADDITIONALLY, MANY GOVERNMENTS ARE MORE THAN WILLING TO “LOOK THE OTHER WAY” IN ORDER TO PRESERVE THEIR TRADING RELATIONSHIP WITH THE WORLD’S LARGEST MARKET AND SOURCE OF CHEAP LABOR.



Tanggemu Farm, also known as Tanghe Prison, Qinghai Province, 1994. Photo taken covertly by Harry Wu.

FUELING THE CHINESE TIGER

FORCED LABOR AND THE PRISONS



Junshan Quarry, Hubei Province.

**PRISONERS WERE UNDERFED, RECEIVING NOTHING BUT “COARSE RICE AND ROTTEN VEGETABLE LEAVES” AT MEALTIMES... MANY INMATES WERE INJURED, THEIR HANDS OR FEET CRUSHED BY STONES
—CHEN POKONG, GUANGZHOU NO. 1 LAOJIAO CAMP**

I am thrown into this hell because the Guangdong authorities want to crush me spiritually and physically. This is political retaliation and persecution.

Being in this critical situation, I have no choice but to appeal to you. I strongly urge the progressive forces the world over to pay close attention to human rights conditions in China, and to extend their assistance to the Chinese people who are in an abyss of misery. I strongly appeal to the international progressive organizations to urge the Guangdong authorities to cease persecuting me politically.

I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed. But I have no choice! —Chen Pokong ¹

Chen Pokong was a young teacher in the economics department of Zhongshan University in Guangzhou, the capital of Guangdong province,² when he became involved in the pro-democracy movement that swept across China in 1989. Following the massacre in Tiananmen Square, the government conducted a massive crackdown, arresting scores of people—to this day no one knows for sure exactly how many—who had taken part in the democratic movement. Chen was caught in August of that year. He was released in 1992, but continued his political activities and was arrested again in September of 1993.³ At the Guangzhou No. 1 Laojiao camp (Laojiao is a form of administrative detention that allows individuals to be held without charge for up to three years. For a detailed explanation of the structure of China's Laogai system and the different forms of detention that comprise this system, please see pages 138–153 of this book), he and the other inmates labored fourteen hours a day, seven days a week, carrying stones from the labor camp's quarry to the nearby wharf and loading them onto ships. After a long day of grueling physical labor, the inmates spent their evening assembling artificial flowers. The inmates received three days of rest a year during Chinese New Year. Prisoners who could not meet their production quotas saw their sentences extended. Prisoners who worked too slowly were beaten (Chen himself suffered several beatings).

In addition to the strenuous work schedule, prisoners were underfed, receiving nothing but “coarse rice and rotten vegetable leaves” at mealtimes. Given the long hours and difficult work in the quarry, many inmates were injured, their hands or feet crushed by stones. But the prison guards denied them

medical treatment and expected them to continue working despite their injuries.

While assembling artificial flowers at night, Chen noticed something odd. The tags the prisoners attached to the flowers had trademarks written in English, and the prices of the flowers were in US dollars. Chen learned from the prison official in charge of his unit that the flowers were being made in cooperation with a Hong Kong company, and that the Hong Kong company was exporting the flowers to the United States.

Chen realized he had an opportunity. He knew that it was illegal under both Chinese and American law to export prison-made goods to the US. He also thought that perhaps, if the international community heard of his suffering and understood that he, as a political prisoner, was being exploited to produce goods for export to the West, someone might take action. Chen knew that trying to contact the outside world was extremely risky, but he was desperate. The daily torment of life in the Laogai meant he had nothing to lose. He wrote a letter, addressed the United Nations International Human Rights Organization [*sic*], Voice of America, and Asian Watch [*sic*]. He described the conditions of his prison camp, the brutal schedule of hard labor with no rest, and the abuse he and other prisoners suffered. Then he detailed what he knew of the export of the artificial flowers he and the other prisoners made. As proof, he affixed three labels to the letter. The labels bore the names of two American companies.

MORE THAN JUST A PRISON SYSTEM

Understanding the Laogai requires exploring the connection between China's prisons and the economy. Since the earliest days of CCP

rule, the Laogai has played an essential role in fueling that economy. In the Mao era, prisoners were forced to work on massive infrastructure projects, building roads, canals, and dams—projects that the government could not afford to undertake without legions of forced laborers.⁴ As early as 1954, the government declared its function: “Laogai production must serve the economic construction of the state and be a part of the general plan of production and construction of the state.”⁵

With the ascendancy of Deng Xiaoping and the introduction of massive economic reforms in the late seventies and early eighties, the emphasis on production and wealth-generation in the Laogai system became even more pronounced. Instead of merely saving money on public works projects, the government set out deliberately to earn a profit by exploiting the labor of its prisoners. *The Criminal Reform Handbook* (issued by the Ministry of Justice in 1988) explicitly states: “[the Laogai] organizes criminals in labor and production, thus creating wealth for society.”⁶

Not only are prisoners forced to work for little or no pay, numerous Laogai survivors report being forced to work ten to fourteen hours a day—or more—in unsafe conditions.⁷ The Laogai Research Foundation has confirmed the existence of sites where asbestos is mined without protective gear, where battery acid is handled without gloves,⁸ and where prisoners stand naked in vats of chemicals for tanning hides three feet deep, mixing the solution with their bodies.⁹ As recently as 2009, two Burmese women imprisoned in the Yunnan No. 2 Women's Prison in Kunming, a city in southwest China, complained of being forced to work

from six in morning until ten at night, and sometimes later. These women reported that they were always hungry, as they were only fed twice a day, and that working conditions were extremely unsafe, with many prisoners suffering from work-related injuries.¹⁰ There have of course been numerous reports of problems regarding safe working conditions in China generally, as evidenced by the high number of accidental workplace deaths.¹¹ It is not difficult to imagine then that conditions for forced prison laborers, who have no legal protections and cannot quit if conditions are too risky, are even more dangerous.

FORCED LABOR AND GOVERNMENT PROFITS

With prisoners forced to work exceedingly long hours for little or no pay, and little spent to ensure workers' safety, many Laogai enterprises are able to turn large profits. So how does the government profit from the labor of those in the Laogai? To understand this, some explanation of the structure of the system is required.

Most Laogai and Laojiao camps have at least two names: one name is the prison name used internally by the government, and the other is the commercial enterprise name meant for public or external use.¹² In addition, many prisons, especially the large scale prisons with thousands of prisoners, operate multiple enterprises, each with its own name, but all managed by the prison and all employing forced prison labor.

Throughout the 1990s, Laogai enterprises were directly managed by the Laogai camps' officials, and the camps were expected to meet all their own costs with the profits from their enterprises, including the costs of feeding the prisoners and paying prison staff. The idea was to provide incentives for prison wardens to operate at a profit, as their income would be directly linked to the productivity of the prisoners they managed.¹³ Although some prison enterprises were profitable

enough to cover these costs, others were poorly managed—prison officials do not necessarily have the training to be good businessmen—and struggled to stay afloat. In 1998, the government addressed this reality by implementing a new value-added tax policy that was effectively a tax cut for these prison enterprises, “in order to support the development of prison enterprises and Laojiao facilities.”¹⁴ Even these additional benefits were not enough to make all Laogai enterprises profitable, so in 2003 the Ministry of Justice implemented new prison policies. Since that time, the state has offered financial support to prisons in the form of subsidies for operating expenses.

Moreover, the Laogai enterprises are now, to some extent, separated from the prisons in which they operate. The fundamental relationship remains, but now the enterprises are bound to the prisons by contracts, rather than being directly managed by an individual prison's officials. However, the law stipulates that those Laogai enterprises that are state owned, as most are, are still to be overseen by the State Prison Administration Bureau.¹⁵ Essentially, the Laogai enterprises are still managed by prison officials; the law has merely made them answerable to higher-level officials in the hopes that they will be more efficiently run, and thus more profitable. It is useful to bear in mind that the evolution of the management of these state-owned prison enterprises has mirrored the evolution of the management of China's state-owned enterprises (SOEs) in general, as the government has, in fits and starts, tried to improve the efficiency of these Mao-era economic dinosaurs.

However, the connection between the prisons and their enterprises remains. A Radio Free Asia reporter trying to contact prison officials at the Yunnan No. 2 Women's Prison in Kunming found the telephone number of the prison's Supervisory Office on the Internet, but calls to that number

were directed to a message for the “Yunnan Kunyu Garment Factory, with thirty years of history in garment production.”¹⁶ This demonstrates just how closely the Laogai camps and their enterprises are linked. It also shows how easy it is for businesses worldwide to inadvertently trade with these forced labor camps as they may have no way of knowing a particular factory uses forced labor without sending representatives to investigate in person.

The structure of Laogai enterprises seems to have remained stable since the 2003 law. State-owned Laogai enterprises, which are managed by the State Prison Administration Bureau, benefit the government directly, as profits go straight to the government. In addition, many private enterprises form joint ventures with Laogai enterprises. These joint ventures benefit the companies, as they see increased profit margins, but also benefit the local and national government, as the private enterprises pay taxes on this increased revenue.¹⁷ The most successful Laogai enterprises, such as those in Liaoning and Shandong provinces that produce high-tech goods like semi-conductors and optical instruments, earn hundreds of millions of RMB (tens of millions of USD) in profits and pay millions of RMB in taxes to the government.¹⁸

Thus, the Laogai system creates an incentive for the Chinese government to imprison its own citizens. Not only is the national government earning profits and increased tax revenues from the Laogai enterprises, but local government and prison officials receive a share of the profits as well. The recently released Burmese prisoners remarked that: “[the prisons] make a lot of profit. The women wardens and all the junior wardens have cars of their own,”¹⁹ which is rare in China, particularly in Yunnan, one of China's poorer provinces.



Prisoners work in the textile factory of the Shayang Laojiao (reeducation through labor) camp in Zhongxiang City, Hubei Province.

CONTRABAND TRADE

Surprisingly, most countries have yet to address the issue of forced labor in China in their trade laws. The major exception is the United States, where the importation of goods made with forced and/or prison labor is illegal under Section 307 of the Smoot-Hawley Tariff Act of 1930 (19 U.S.C. § 1307). Further, Section 1761 of Title 18 of US Code makes it a criminal offense to knowingly import goods made with prison labor.²⁰ In fact, it is actually illegal under Chinese law to export Laogai products to any country. In an attempt to better enforce US trade laws regarding prison-made goods, the US and China have signed two bilateral agreements: a Memorandum of Understanding (MOU) in 1992, and a Statement of Cooperation (SOC) in 1994.²¹

EVEN IF THERE IS SUBSTANTIAL EVIDENCE THAT A PARTICULAR FRONT COMPANY OR MIDDLEMAN IS SELLING PRISON-MADE GOODS, IT CAN STILL BE EXCEEDINGLY DIFFICULT TO PROVE IN COURTS, PARTICULARLY WHEN THE MOST CONCLUSIVE EVIDENCE WOULD TYPICALLY NEED TO COME FROM CHINESE WITNESSES WHO MAY FACE RETRIBUTION FROM THEIR GOVERNMENT IF THEY COOPERATE.

QINGHE FARM—TIANJIN



This page:

Satellite images of the individual prisons that make up Qinghe Farm, a vast prison complex outside of Beijing. All images found using Google Earth, 2008.

Right:

Images of Qinghe Farm taken clandestinely by Harry Wu in 1991.

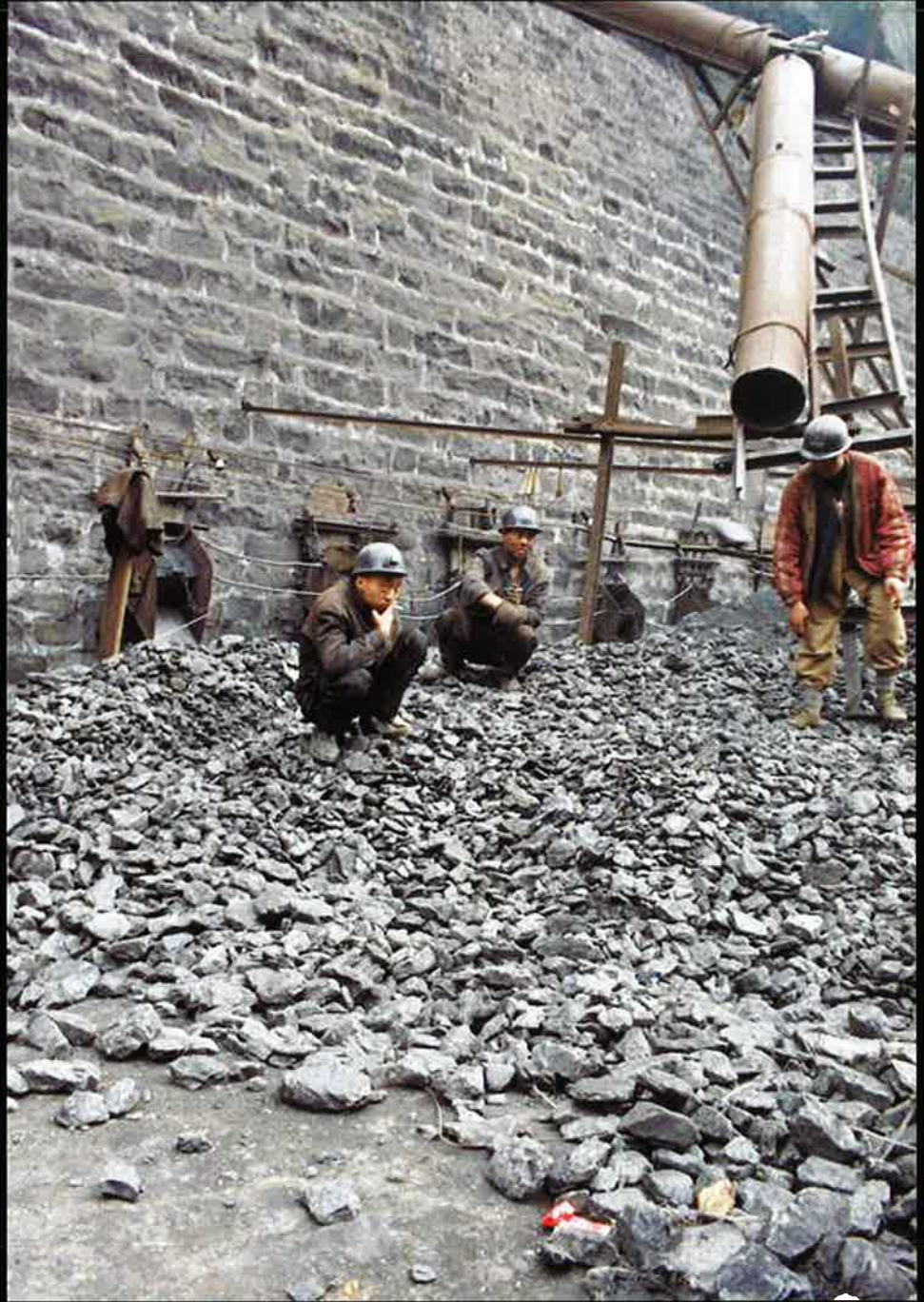


XINYUAN PRISON—SICHUAN

Clockwise from left (all photos from 2006):

Reception room of Xinyuan Coal Mine, one of the prison's enterprises;
A building of Ward 4; Ward 4 Prisoner's Dormitory; One of Xinyuan Coal Mine's
mine entrances; Another building of Ward 4; Ward 4 Prisoner's Dormitory.





Clockwise from top left (all photos from 2006):

Coal mine entrance of Ward 11; An inmate takes a break from mining coal to smoke a cigarette given to him by the photographer; The sign at an old entrance to the mine reads: "More sweat, no blood. Without safety there can be no production." Due to accidents, this pit is now closed; Prisoners mining coal—the man in the forefront, also an inmate, is the team leader. He has been wearing the same prison-issued coat since his arrest in 1986.



The sign outside this prison in Xinjiang Province reads: "Labor is the means, reform is the goal," Photo taken by Harry Wu in 1994.

Since 2005, it has been the responsibility of the US Immigration and Customs Enforcement (ICE) to enforce import laws and regulations and investigate violations. Under the aforementioned MOU and SOC, ICE can request that the Chinese government investigate prison labor allegations pertaining to the US and can also request that US Embassy officials be allowed to visit prisons suspected

of producing goods for export to the US. China is supposed to grant these visits within sixty days of a request.²²

If there is reasonable, but not conclusive, evidence that a certain product entering the US was in fact made with prison labor, US Customs and Border Protection (CBP) can issue a "Withhold Release Order," more commonly referred to as a "detention order,"

meaning that the product in question will be held at the border. Detention orders are typically followed by an investigation. If the investigation produces probable cause to believe the product in question was made with prison labor, then CBP can issue a "finding," which imposes a permanent ban on importing merchandise from the facility of origin.²³



Despite the laws in both the US and China, and the MOU and SOC, Laogai products continue to make their way into the international market, and many of them end up on store shelves worldwide. Indeed, there is evidence to suggest that many Laogai enterprises are actively trying to sell their goods abroad. In a report released in 2008, the Laogai Research Foundation reported

that it had searched two US Dun & Bradstreet business databases—databases that allow businesses to find information on other businesses they may wish to work with—and found 314 separate entries that had the same name or address as a known Laogai enterprise. These 314 entries represented 256 Laogai camps in 28 provinces—and 65 of the entries actually had the word “prison”

in the name. These enterprises sold a range of products, including coal, cotton, shoes, bedding, auto parts, tea, rice, and paper.²⁴ The fact that these Laogai enterprises were listed on the Dun & Bradstreet databases does not in itself prove these companies have exported their products abroad, but it demonstrates how readily these enterprises present themselves as perfectly legitimate businesses. Moreover, the fact that their information appears on these internationally available databases in English strongly implies at the very least the intention to export their products.

FROM THE PRISON TO THE CONSUMER

There have been numerous instances of suspected or known Laogai products entering the United States. The US government has pursued these cases with mixed results. In the case of Chen Pokong at the beginning of this chapter, Mr. Chen’s letter eventually reached the Laogai Research Foundation, whose staff was able to purchase flowers with price tags identical to those from Mr. Chen’s letter in two separate Ben Franklin Crafts stores. This was reported to US authorities, who issued a detention order on December 21, 1994.²⁵

Diesel engines made by Yunnan Machinery, also known as the Golden Horse (Jinma) Diesel Factory, or the Yunnan No. 1 Prison, were blocked from entering the US by a detention order on November 14, 1991, and a subsequent finding issued on March 18, 1992.²⁶ Although it is positive that the US was able to keep this particular Laogai product out of the US market, it is worth noting that stopping these products from entering the US seems to bear little remediation of the suffering of prisoners in those camps; the diesel engines came from the same prison mentioned earlier in this chapter, where female prisoners were reportedly forced to work fourteen hours a day or longer as recently as February 2009.²⁷



Shayang Guandang Prison, Shayang Huangtupo Farm, Jungmen City, Hubei Province, 1994 (photo by Harry Wu).

A third case involves the importation of binder clips by AIMCO, a New Jersey office supplies company. A competitor, Peter Levy, believed AIMCO was selling binder clips at impossibly low prices, but was unable to prove they were using forced labor (as they were importing the clips through a front company). In 1996, Mr. Levy informally contacted both the State Department and US Customs regarding his suspicions. State Department employees told Mr. Levy that they did not feel that the Chinese government was honoring its obligations under the MOU, and also informed him that Customs was not allowed to make unscheduled inspections of prison camps. At this point, Mr. Levy decided to investigate the matter himself. In March of 1996, he visited the front company in Nanjing, China. He videotaped a truck loaded with unassembled binder clips leaving the front company, and followed the truck as it drove to a nearby prison. He then taped a second truck, this one loaded with assembled binder clips, leaving the prison, and followed it back to the front company's

offices.²⁸ As a result of Mr. Levy's investigations, AIMCO was forced to stop importing the binder clips, and was fined \$500,000.²⁹

A more recent and more troubling case is that of Gary G. Marck, the owner of Marck & Associates, a company that imports ceramic products for distribution in the US. Mr. Marck also became suspicious of some of his competitors when he saw they were able to sell ceramic mugs at much lower prices than he thought possible. As Mr. Marck looked into the matter, he learned that the mugs were made by a Chinese company, the Zibo Maolong Ceramic Factory (Maolong). Mr. Marck decided to visit this company himself. After seeing the facility, which contained only one kiln, Mr. Marck knew it was impossible that Maolong could be producing the high volume of mugs they claimed.³⁰ Maolong, however, was located just outside the main gate of Luzhong Prison, known to have several ceramic production lines,³¹ where Mr. Marck believes the mugs sold by Maolong are actually made. Marck testified in a hearing before the US-China Economic

and Security Review Commission in 2008 that he "has knowledge, from a variety of sources, including eye-witness evidence, that ceramic coffee mugs produced at the Luzhong Prison of Shandong Province are being exported to the US" using Maolong as a front company.³² Marck also testified that "a number of [American] importers are importing mugs made at Luzhong and exported by Maolong. Most of these importers are aware of the Luzhong-Maolong relationship but choose to ignore the fact that prison labor was used to make their mugs because of the price advantage they receive."³³

In 2005, Marck & Associates filed suit against one of its competitors. Although Marck was awarded over \$1.5 million in damages, and sanctions were imposed on the competitor for other unfair trade practices, the court decided that Marck & Associates had not met its burden of proof to show that the ceramic mugs had actually come from Luzhong Prison. Despite all the evidence, it was nearly impossible for Marck to obtain concrete proof. The Chinese gov-



Junshan Quarry, Hubei Province.

ernment had labeled evidence that would connect Maolong to Luzhong prison as a “state secret,” which meant that any Chinese witnesses who could testify to the connection would be criminally prosecuted in their home country for doing so.³⁴ In a troubling development, Mr. Marck says that since he began his investigation several years ago, it “appears that trading companies located in China are intentionally mislabeling ceramic products so that Maolong is no longer identified as the manufacturer.”³⁵

WHY HAVE THE LAWS FAILED?

As these cases show, despite Chinese law, US law, and two bilateral agreements, Laogai products continue to enter the US, and in many cases it is very difficult to obtain enough evidence to stop their importation. So why are the laws ineffective? There are three major reasons: the use of front companies and middlemen; intentional deception and noncompliance on the part of the Chinese government; and the apparent lack of political will on the part of the American

government to enforce the existing laws and agreements.

One of the easiest ways for Chinese companies—and American importers—to get around both Chinese and American laws regarding Laogai products is to use middlemen and import-export companies so that it is difficult to trace the true origin of the products being traded. Under current US laws, a trading company can be listed on customs documents as the exporter, making it impossible to know where the goods were actually made.³⁶ As the case with the ceramic mugs shows, even if there is substantial evidence that a particular front company or middleman is selling prison-made goods, it can still be exceedingly difficult to prove in US courts, particularly when the most conclusive evidence would typically need to come from Chinese witnesses who may face retribution from their government if they cooperate. When Harry Wu made his first trip back to China in 1991 to investigate the Laogai, he posed as an American businessman and spoke with the manager of a Laogai

enterprise, Lu Weimen of the Laodong Machinery Plant in Shanghai. Lu freely admitted that because the US Congress had “recently made quite a fuss about the special nature of our kind of enterprise... we always go through the import-export company system.”³⁷

Another major problem in enforcing the existing bilateral agreements has been intentional delay and deception on the part of Chinese officials. According to a report from the US Department of Homeland Security, as of 2005 there were fifteen outstanding requests for site visits for Embassy officials to investigate the possible use of prison labor, all of which had, of course, far exceeded the sixty-day period agreed to under the SOC. The most recent visit documented in that report was in April of 2005, to the Fuyang General Machinery Factory. Embassy officials first requested this site visit in 1995—ten years earlier. Not surprisingly, when officials were finally granted the site visit, no evidence of prison labor products was found. As US-China Economic and Security Commissioner Jeffrey Fiedler pointed out in testi-



An inmate works at the textile factory in Shayang Laojiao (reeducation through labor) camp in Hubei Province.

mony he gave in 1997,³⁸ the SOC and MOU are “premised on the notion that the Chinese will incriminate themselves.” The fact that tax incentives for exporters are extended to Laogai enterprises³⁹ indicates that the Chinese government is not genuinely serious about enforcing its bilateral agreements, or even its own law banning the export of Laogai products.

The Chinese government also says that prisoners in Laojiao camps are not considered convicted criminals under Chinese law and, therefore, that the goods these inmates

produce do not count as prison labor goods for the purposes of bilateral agreements.⁴⁰ When contacted regarding the case of Chen Pokong and the artificial flowers, Chinese officials responded that “the kind of reeducation camp where Mr. Chen was an inmate did not qualify as a prison camp under US law.”⁴¹ As Laojiao is a form of administrative detention, it is true that many Laojiao inmates are not convicted criminals; they have been denied trials and in many cases have never even been charged with crimes. As Chen Pokong’s case clearly illustrates however,

Laojiao inmates are detained for long periods of time against their will and forced to labor. Even if these products are not technically covered by the MOU and SOC—which is debatable—they are absolutely covered by US law, which forbids the import of goods made with forced labor of any kind.

It should not be terribly surprising that the Chinese government is employing delay tactics and deliberate deception in its attempts to avoid its obligations under the MOU and SOC. What is surprising, or at the very least disappointing, is that the

United States government is not pressuring China to live up to these agreements, and has not made any significant changes to US law since the SOC was signed in 1994. It indicates a lack of political will on the part of the US government in enforcing its own laws, and a lack of resolve in holding the Chinese government to account for its repeated flouting of these bilateral agreements.

In 1997, Congressman Chris Smith declared the MOU and SOC to have failed in their purpose to stop the flow of Laogai products into the US. In a hearing before the Subcommittee on International Operations and Human Rights, the Congressman stated: "It seems increasingly clear that these agreements have failed. The law on the books does not keep slave-made Chinese products off our shelves. Beijing continues to resist compliance with the MOU. It is slow in responding to US requests for information. What responses it does provide lack sufficient detail."⁴² Twelve years later, his remarks remain just as true.

The apathy on the part of the US government regarding the use of prison labor is made even clearer when one considers that the US government has, in stark contrast, been willing to exert some pressure on the regime regarding intellectual property rights and currency manipulation. Congress considered sanctions on China for the former in 1996, and the latter in 2007.⁴⁴ Sanctions have never even been considered regarding forced labor products.

Indeed, there seems to be a lack of political will globally regarding the issue of forced labor products; aside from a British law passed in 1897 that is never enforced and so poorly worded it does not even define the term "prison," no European countries have laws comparable to those in the US banning the import of forced labor products,⁴⁵ and the same can be said for much of the rest of the world as well.



The above images are stills from a video taken by Harry Wu in 1991 showing the working conditions of the Qinghai Fur and Garment Factory, a Laogai enterprise in Qinghai Province. The bottom photograph shows how prisoners are forced to work naked in a vat of harsh chemicals.

WHO PAYS THE PRICE?

Since China began the process of opening up its economy, nations the world over have seen their markets flooded with products from China. Despite the fact that it is illegal under Chinese law to export Laogai products, and illegal under US law to import them, evidence has shown time and again that these products do make their way to stores throughout the world. The ubiquitous use of middlemen and trading companies means there is no way of knowing how many of the products labeled "Made in China" were in fact made by prisoners in China. Deliberate deception on the part of the Chinese government, coupled with a lack of political will in the US means that even when a

product is suspected to have been made with prison labor, it is extremely difficult to prove. Even those who do go to China and investigate themselves have had trouble using this evidence in the courts.

The result is that Laogai products continue to enter the US. This is unfair for businesses who play by the rules, as they are forced to compete with the impossibly low prices of goods made with prison labor. As Mr. Marck said in his 2008 testimony: "Many foreign exporters and some US importers ignore US laws to gain a competitive advantage, albeit an unlawful one. The law abiding companies must choose to exit the business because the price in which the product is sold cannot be matched by lawful means, or join in the

unlawful importation of products from prison factories... Ultimately, without the assistance and intervention of the responsible Chinese and US governmental agencies, law-abiding companies both in the US and in China will continue to go out of business."⁴⁶

More importantly, the more consumers the world over continue to purchase Laogai products, the more the Chinese government will continue to profit from the imprisonment and ill-treatment of its people, and the brutal Laogai system will remain in place. Consumers may benefit from cheaper goods, but the prisoners in the Laogai, many of them political prisoners, are the ones who pay the ultimate price for these cheap goods.

**OUR FAILURE TO STOP THE IMPORT OF LAOGAI-MADE PRODUCTS DOESN'T MERELY SHOW OUR INDIFFERENCE TO THE REPRESSION IN THE PEOPLE'S REPUBLIC OF CHINA, BUT AMOUNTS TO ACTIVE SUPPORT OF SUCH REPRESSION.
—CONGRESSMAN CHRIS SMITH, REPUBLICAN FROM NEW JERSEY, USA**

¹ Chen Pokong's original letter, as well as an English translation, can be accessed in the archives of the Laogai Research Foundation.

² Also known as Canton.

³ *Bloodstained Flowers*. Washington, DC: Laogai Research Foundation, September 15, 1994.

⁴ Numerous first-hand accounts of life in the Laogai from Laogai survivors are on file at the Laogai Research Foundation.

⁵ *People's Republic of China Regulations on Reform Through Labor*, Ch. 4 "Reform-Through-Labor Production" Article 30. Adopted by Government Administration Council on August 26, 1954. Formally announced September 7, 1954 (Translation of the original Chinese document can be found on p543-4 of *Laogai Handbook 2007-2008*.)

⁶ *Laogai Handbook 2007-2008*. Washington, DC: The Laogai Research Foundation, October 2008.

⁷ "Foreign Labor in Chinese Prisons." *Radio Free Asia*, February 5, 2009. In his letter, Chen Pokong also reports working similar hours.

⁸ *Laogai Handbook 2007-2008*.

⁹ Wu, Harry with George Vecsey. *Troublemaker*. NewsMax Media, Inc. 2002.

¹⁰ "Foreign Labor in Chinese Prisons."

¹¹ "China to tackle workplace deaths." *BBC News*, August 29, 2006.

¹² *Laogai Handbook 2007-2008*.

¹³ *Laogai Handbook 2007-2008*.

¹⁴ *Notice Issued by Ministry of Finance and National Revenue Board Regarding Value-added Tax Collection Policy for prison enterprises and Laojiao*, issued April 20, 1998, effective as of April 20, 1998 (translation of the original Chinese document can be found on p552 of *Laogai Handbook 2007-2008*).

¹⁵ Full Chinese text of the new law is available at <http://www.southcn.com/news/community/shzt/prison/outline/200405101067.htm>.

¹⁶ "Foreign Labor in Chinese Prisons."

¹⁷ *Laogai Handbook 2007-2008*.

¹⁸ *Laogai Handbook 2007-2008*.

¹⁹ "Foreign Labor in Chinese Prisons."

²⁰ US Code Title 19, Chapter 4, Subtitle II, Part I, § 1307.

²¹ Full text of the MOU and SOC can be found on the Congressional-Executive Commission on China website: <http://www.cecc.gov/pages/roundtables/062305/Fiedler.php>.

²² Ibid.

²³ *Annual Report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor from the People's Republic of China*. Washington, DC: US Department of Homeland Security, 2005.



A group of Uyghur immigrants in Germany protesting the importation of toys made in China, many of which are made with prison labor.

²⁴ *Laogai Forced Labor Camps Listed in Dun & Bradstreet Databases*. Washington, DC: Laogai Research Foundation, June 19, 2008.

²⁵ *Laogai Handbook 2007–2008*.

²⁶ The Laogai Research Foundation took the lead in reporting this violation to U.S. Customs. *Laogai Handbook 2007–2008*.

²⁷ "Foreign Labor in Chinese Prisons."

²⁸ Testimony of Peter Levy before the Subcommittee on International Operations and Human Rights of the Committee on International Relations, US House of Representatives, May 22, 1997.

²⁹ *Laogai Handbook 2007–2008*.

³⁰ Testimony of Daniel T. Ellis before the US-China Economic and Security Review Commission, June 19, 2008.

³¹ *Laogai Handbook 2007–2008*.

³² Testimony of Gary G. Marck before the US-China Economic and Security Review Commission, June 19, 2008.

³³ *Ibid.*

³⁴ Testimony of Daniel T. Ellis.

³⁵ Testimony of Gary G. Marck.

³⁶ *Ibid.*

³⁷ Wu, Harry with George Vecsey. *Troublemaker*.

³⁸ Testimony of Jeffrey Fiedler, Hearing Before the Subcommittee on International Operations and Human Rights of the Committee on International Relations, House of Representatives, May 22, 1997.

³⁹ *Laogai Handbook 2007–2008*.

⁴⁰ *Laogai Handbook 2007–2008*.

⁴¹ Beck, Simon. "Ban on artificial flower imports." *South China Morning Post*, 1995.

⁴² Congressman Chris Smith opening remarks, Hearing Before the Subcommittee on International Operations and Human Rights of the Committee on International Relations, House of Representatives, May 22, 1997.

⁴³ Zeng, Ka. *Trade Threats, Trade Wars: Bargaining, retaliation, and American coercive diplomacy*. University of Michigan Press, 2004.

⁴⁴ Elliott, Larry. "Senators demand US impose protectionist sanctions against China's 'unfair' competition." *The Guardian*, June 14, 2007.

⁴⁵ Forgeron, Jean-Luc. "Slaves of China Who Make the Cup that Cheers the West." *The Observer*, October 30, 1994, News Section.

⁴⁶ Testimony of Gary G. Marck.

LAOGAI PRODUCTS

All of the products pictured here are known to have been produced with forced prison labor, and are suspected of having been exported to foreign markets, including the European Union and the United States. As it is illegal under Chinese law to export Laogai products, and it is illegal under US law to import any products made with forced or prison labor, great lengths are taken by Laogai enterprises to cover their tracks when exporting their products. Front companies, middlemen, and export-import companies are all frequently employed to make the true source of products stamped "Made in China" difficult if not impossible to determine. US Customs has issued detention orders on a range of products it suspected of being produced with prison labor, including several types of tea, rubber boots, wrenches, socks, and even sulfuric acid, but more often than not there was insufficient evidence to press charges against the American company that imported these goods, and many of the detention orders were subsequently revoked.



A crafts store in California that was found to be importing plastic flowers from China made with prison labor.



One of the many fields of Tuanhe Farm, taken by Harry Wu in 1991. This Laojiao (reeducation through labor) facility is now called the Beijing Xinhe Laojiao.

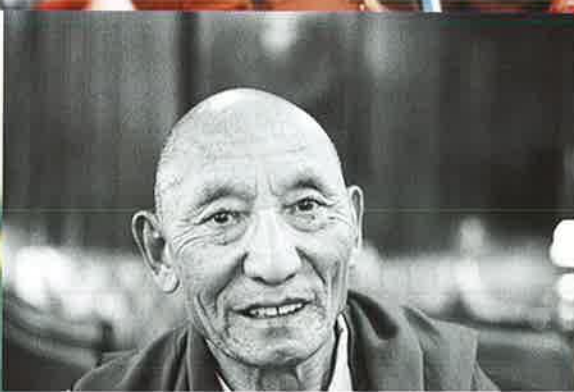
These laogai products were made in the Zhejiang No. 5 Prison in Zhejiang Province in 1994. The lack of Chinese characters on the packaging strongly suggests these products were made for export.



The entrance to the Guangzhou No. 1 Laojiao (reeducation through labor) camp where Chen Pokong made plastic flowers for export to America.







THE HUMAN COST

STORIES FROM THE LAOGAI

IT IS ESTIMATED THAT ANYWHERE FROM 40 TO 50 MILLION CHINESE HAVE SUFFERED IN THE LAOGAI SINCE THE FOUNDING OF THE PEOPLE'S REPUBLIC OF CHINA. THE VICTIMS OF THIS INHUMANE SYSTEM HAVE ENDURED LONG HOURS OF FORCED LABOR, BEATINGS, STARVATION, PHYSICAL TORTURE AND MENTAL TORMENT. MANY OF THEM DID NOT SURVIVE. THEIRS ARE STORIES OF TRAGEDY, CRUELTY, AND DESPAIR, BUT ALSO OF DIGNITY, COURAGE, AND DEFIANCE.

THE HUMAN COST

STORIES FROM THE LAOGAI



AMA ADHE TAPONTSANG

DATE(S) OF ARREST

October 16, 1958

SENTENCING DATE(S)

1959

PRISON TERM

27 years

CHARGES

Counterrevolutionary, rebelling against the State

LOCATION OF PRISON(S)

Gothang Gyalgo



BAO TONG

DATE(S) OF ARREST

May 28, 1989

SENTENCING DATE(S)

1992

PRISON TERM

7 years

CHARGES

Revealing State secrets, counterrevolutionary propaganda

LOCATION OF PRISON(S)

Qincheng Prison in Beijing

“Ama Adhe brings to life the spirit there that China tried to wipe out.” –Lodi Gyari, Special Envoy of his Holiness the Dalai Lama

An ordinary Tibetan woman, Ama Adhe Tapontsang was arrested in October 1958 for participating in the Tibetan resistance movement following the Chinese invasion of Tibet. She was sentenced to sixteen years in prison, charged as a “counterrevolutionary” and a “rebel.”

Throughout her years of imprisonment, Tapontsang suffered through various forms of humiliation and physical torture, including “thought reform” (brainwashing), forced labor, rape, starvation, and malnutrition.

Upon completion of her sentence in 1974, she was not released, but transferred to a forced job placement camp, where she labored for eleven more years under constant surveillance.

Finally released in 1985, she was threatened by Chinese officials not to utter a word to anyone about her life in prison. Several months later, she escaped to Dharamsala, India, where she met the exiled Dalai Lama. In April of 1989, Ama Adhe testified before an international hearing in Germany, and since that time, she has testified in many international forums on the human rights situation in Tibet. She currently lives in Dharamsala, working for the Tibetan Government in Exile to assist Tibetan refugees when they arrive in India. Her memoir, *The Voice that Remembers*, was published by the Laogai Research Foundation in 2006.

Before his arrest, Bao Tong was a member of the Central Committee of the Chinese Communist Party (CCP) and Director of the CCP Political Reform Research Center. He also served as top aide and chief of staff to the reformist General Secretary of the CCP, Zhao Ziyang.

Shortly before the Tiananmen massacre in 1989, Bao escorted Zhao Ziyang to Tiananmen Square to observe the student protests. Bao was arrested soon afterward, and sentenced to seven years in the Laogai on charges of “revealing State secrets” and “making counterrevolutionary propaganda.” He was the highest-ranking official to be arrested in relation to the Tiananmen Square protests.

Bao was released upon completion of his prison term in 1996. Although he remains under virtual house arrest in Beijing, closely watched by authorities, since his release Bao has worked tirelessly to promote democratic reforms in China. He publicly appealed for the civil and political rights of Zhao Ziyang, his former boss, in 1998. He was one of forty-two intellectuals to write an open letter to the Communist Party in 2007, demanding that they respect human rights and allow public scrutiny of funds being used to prepare for the Olympics. In 2008 he helped draft Charter 08, an open letter now signed by thousands of Chinese calling for political reform in China. He also released a series of essays through Radio Free Asia questioning the motivations and accomplishments of the CCP.



CAI ZHONGXIAN

DATE(S) OF ARREST

1953; 1956; 1981

SENTENCING DATE(S)

1960 and 1981

PRISON TERM

35 years

CHARGES

Counterrevolutionary

LOCATION OF PRISON(S)

Shanghai Municipality and
Jiangxi Province

In 1953, the Chinese government launched its campaign against Catholicism, severing Chinese ties with the Vatican. Cai Zhongxian, born Cai Shifang, was a parish priest in the Xuhui District of Shanghai at the time. He refused to heed the government's calls to denounce the Catholic Church, and was thus arrested in 1953. The government released Cai in 1956, hoping that by showing lenience they could convince him to encourage other Catholics to join the officially sanctioned "Patriotic Catholic Church." Cai refused, and was arrested again and held without charge in the Shanghai No. 1 Detention Center.

In 1960, he was finally charged as a "counterrevolutionary" and sentenced to fifteen years in prison. Although his term was later shortened, he was not released when it expired in 1969. Instead, he was sent to a forced job placement camp in Jiangxi Province to continue laboring in the Laogai system. In 1981, Cai, who was still being held in the forced job placement camp, was visited by a priest from Shanghai. As a result of this visit, the priest was arrested, and Cai was arrested for a second time. Both were sentenced to ten years imprisonment. Due to the Philippine Archbishop's visit to China in 1988, Cai was finally released from prison, and in 1989 he immigrated to the United States. He passed away in 1997.



CHEN WENLI

DATE(S) OF ARREST

1969

SENTENCING DATE(S)

1970

PRISON TERM

10 years

CHARGES

Counterrevolutionary

A Roman Catholic, Chen Wenli was born into a wealthy Westernized family. After graduating from high school, he joined the Communist People's Liberation Army. He served briefly as an executioner, and was admitted to Shanghai Tongji University upon completion of his military service. In 1968, at the height of the Cultural Revolution, Chen was arrested and interrogated for listening to the "enemy's radio programs." He was sentenced to a fifteen-year prison term in 1969. While in prison, he was forced to make false confessions in order to avoid execution.

In 1975, he was transferred to a Laogai camp in Qinghai Province, China's equivalent of Siberia. Released and officially pardoned in 1979, Chen later moved to the United States. His autobiography, *A Glimpse of the Sorrowful Years*, was published by the Laogai Research Foundation in 2002.



YU ZHIJIAN, YU DONGYUE AND LU DECHENG

DATE(S) OF ARREST
1989

SENTENCING DATE(S)
August 1989

PRISON TERM
9 years, 16 years, 17 years

CHARGES
Counterrevolutionary
propaganda and incitement

LOCATION OF PRISON(S)
Hunan

In 1989, three friends from Hunan Province, Lu Decheng, Yu Zhijian, and Yu Dongyue, heard of the events unfolding in Tiananmen Square and decided to travel to Beijing and support the students. On May 23, 1989, the young men defaced the massive portrait of Mao hanging in Tiananmen Square by pelting it with dye-filled eggs. They also hung banners reading "Five thousand years of dictatorship has come to an end" and "The personality cult is now put to rest." The men were seized by students and turned over to authorities. In August 1989, they were charged with "counterrevolutionary sabotage" and "counterrevolutionary propaganda and incitement."

Lu Decheng was sentenced to sixteen years in prison. In 1998 he was released on parole. In 2004, Lu fled to Thailand, and in 2006 he was granted asylum in Canada. Yu Zhijian was sentenced to life in prison. He was released on parole in 2005. Yu Dongyue was sentenced to 16 years in prison. In 1992, after having written "Down with Deng Xiaoping" and other "reactionary" slogans, Yu was severely beaten, left exposed to the elements for a number of days, and then kept in solitary confinement for several months. As a result of this inhumane treatment, Yu has acquired a mental disorder and is unable to care for himself. Released on parole in 2006, he fled to Thailand in 2008, together with his sister, Yu Zhijian, and Yu Zhijian's wife. All four were granted asylum in the US in 2009.



CHENG ZHONGHE

DATE(S) OF ARREST
June 25, 1954

SENTENCING DATE(S)
1954, October 1957,
April 1959

PRISON TERM
32 years

CHARGES
Historical counterrevolutionary,
organizing a counterrevolutionary
clique, defaming political leaders

LOCATION OF PRISON(S)
Shanghai Municipality and Anhui
Province

A 1937 graduate of Whampoa Military Academia, Cheng Zhonghe joined the Kuomintang (Nationalist) army in WWII, and remained in the army throughout the Chinese civil war. In 1951, after the Communists came to power, he was betrayed by a relative and forced to confess his "counterrevolutionary history" to the local Public Security Bureau. Cheng was arrested on June 25, 1954, in Shanghai and sentenced in a closed trial to ten years' imprisonment. After two years in the Shanghai Municipal Prison, he was transferred to a camp for labor reform in Anhui Province.

In 1957, Cheng was sentenced to death with a two-year reprieve for calling Khrushchev a "war monger." Two years later, after the Sino-Soviet split, his sentence was commuted to ten additional years in prison.

Upon completion of his sentence in 1974, Cheng was not released, but was instead sent to a forced job placement camp in rural Anhui Province known as the Anhui Forestry Farm where he labored for an additional two years. In 1976, having spent a total of thirty-two years in various labor camps, he was finally released. Cheng immigrated to the United States in 1992, and his autobiography, *Forty Years in China's Inferno*, was published by the Laogai Research Foundation in 2002.



HADA

DATE(S) OF ARREST

December 11, 1995

SENTENCING DATE(S)

November 11, 1996

PRISON TERM

15 years

CHARGES

Espionage and "splittism"

LOCATION OF PRISON(S)

Inner Mongolia No. 4 Prison
in Inner Mongolia

In 1989, Hada (Southern Mongolians have only one name), along with other Mongolian democracy activists, established the Mongolian Cultural Aid Organization, later renamed the Southern Mongolian Democratic Alliance. In addition to serving as chair of this organization, Hada published a pro-democracy journal, *The Voice of Southern Mongolia*, and authored a book, *The Way Out for Southern Mongols*, that detailed the abuses that occurred under Chinese rule and encouraged Southern Mongolians to stand up for the rights guaranteed them in the Chinese constitution.

After organizing a demonstration and teacher's strike in Hohhot in 1995, Hada and many other Mongols, including Hada's wife, were arrested in 1995. Hada was sentenced to fifteen years in the Laogai in 1996 on charges of "splittism" and "espionage." His wife was released from prison but the couple's bookstore was shut down and his wife has been unable to find employment due to her political background, making it difficult to support herself and the couple's young son. Both Hada's wife and son were detained for several days in 1997 during the celebration of the 50th anniversary of CCP rule in Southern Mongolia (known to the Chinese as Inner Mongolia). Hada is currently serving his sentence in Inner Mongolia No. 4 Prison. His family says he suffers from rheumatoid arthritis, coronary heart disease, and a stomach ulcer, and claim that he has not received proper medical care while in prison.



NEW YOUTH STUDY GROUP

DATE(S) OF ARREST

March 13, 2001

SENTENCING DATE(S)

May 28, 2003

PRISON TERM

8-10 years

CHARGES

Subversion of the state

LOCATION OF PRISON(S)

Beijing, Zhejiang

In the summer of 2000, a group of eight students and recent college graduates formed an informal study group to debate political and social reform in China. They called themselves the "New Youth Study Group." They discussed government corruption, China's rural poverty, political reform, and worried about what they saw as the indifference of China's younger generations. They had no agreed upon political platform, no funding, no website, and only held one meeting with full attendance—someone was always too busy with school or work to come to the meetings. Nevertheless, Chinese authorities took notice of their activities, and convinced one member of the group to betray his friends.

On March 13, 2001, the State Security Bureau of Beijing detained every member of the group except the informant. After intense interrogation, three members were released. The remaining four, Xu Wei, Jin Haike, Yang Zili, and Zhang Honghai remained in custody. On May 28, 2003, the four were convicted of subversion in a one-day trial. Yang and Zhong were sentenced to eight years, while Xu and Jin were sentenced to ten years' imprisonment. The men had no legal representation, and were convicted based on the statements of other New Youth members, who maintain they were coerced into making the statements (which they later retracted), and have since appealed to the government on behalf of their friends. The men were granted an appeal in November of 2003, but the other members of the group were barred from participating, and the men's sentences were upheld. Yang and Zhang were released on March 13, 2009. Xu and Jin remain in prison.



LI GUIREN

DATE(S) OF ARREST

June 26, 1989

SENTENCING DATE(S)

March 11, 1991

PRISON TERM

5 years

CHARGES

Counterrevolutionary
propaganda and incitement

LOCATION OF PRISON(S)

Shaanxi

Li Guiren worked as the editor-in-chief of the Hua Yue Literature and Art Publishing House in Shaanxi Province, and participated in the 1989 Democracy Movement. After the Tiananmen massacre, He attempted to organize a strike at his publishing house to protest the crackdown. He was arrested soon after and sentenced to a five-year prison term in the Laogai, charged with “making counter-revolutionary propaganda.”

Li was released on medical parole in 1993 but immediately imprisoned again due to his pro-democracy activities. Li was finally released upon completion of his prison term in June 1994, by then in very poor health. His book, *China's Bastille*, was published by the Laogai Research Foundation in 2007, and includes an account of his prison experiences, as well as literary essays and social commentaries.



LIAO YIWU

DATE(S) OF ARREST

1990

PRISON TERM

4 years

The morning of June 4, 1989, Liao Yiwu, an author, poet, and musician from Sichuan Province, wrote an epic poem entitled “Massacre,” condemning the killings that had occurred the night before in Tiananmen Square. Soon after, he and several other poets created a movie, *Soul Pacification*, intended to be a sequel to Liao’s poem. For these reasons, Liao was arrested in 1990 and spent four years in the Laogai. After his release from prison, Liao continued his writing, and has even gained a reputation for being one of China’s most censored authors. Many of his works are compiled from interviews he conducted during his travels throughout China. *Tortured Souls: Stories of Lost Happiness*, published by the Laogai Research Foundation in 2005, consists of two volumes of interviews with political prisoners in China. His book, *The Corpse Walker: Real Life Stories, China from the Bottom Up*, published in English by Pantheon in 2008, is a compilation of interviews with those living at the margins of Chinese society: a professional mourner, a leper, a delusional peasant who thinks he is an emperor, and many others. His two-volume work *The Last of China's Landlords*, published by the Laogai Research Foundation in 2008, is the culmination of two years’ travel throughout China’s remote southwest interviewing the few surviving members of China’s landlord class, who were among the most severely persecuted victims of the CCP’s land reform policies of the 1950s.



LIN ZHAO

DATE(S) OF ARREST

October 1960,
December 1962

SENTENCING DATE(S)

May 31, 1965 and
April 29, 1968

PRISON TERM

20 years, death sentence

CHARGES

Counterrevolutionary

LOCATION OF PRISON(S)

Shanghai

“History will proclaim my innocence.” –Lin Zhao

As a teenager, Lin Zhao (born Peng Linzhao) ran away from home and enrolled in a journalist school run by the Communist Party. After the Communists came to power in 1949, she was an ardent supporter, participating in the often violent land reform campaigns of the early 1950s. Then in the fall of 1957, Lin was labeled a “rightist”—a term similar to “reactionary” that was often applied to intellectuals during Mao’s rule—for making public remarks expressing sympathy for a rightist classmate. As a result, she was forced to undergo reeducation through labor for three years, although she was not formally arrested or charged with any crime.

After her release, Lin wrote articles critical of Mao’s political campaigns for an unofficial publication, and also sent a petition to Mao regarding the case of Peng Dehuai, an army commander who had been purged from the government for daring to criticize Mao’s economic policies, which at that time were generally regarded as the cause of the mass-scale famine sweeping the country. These actions quickly led to her arrest in October of 1960. Charged as a counterrevolutionary, Lin was sentenced to twenty years in prison in 1965. While incarcerated, Lin continued to write numerous essays. After guards took away her pen, she used her own blood to continue writing on the prison walls and her clothing, producing hundreds of thousands of words during her tenure in prison.

In April of 1968, Lin was sentenced to death and executed in Shanghai at the age of thirty-six. Her family was never allowed to claim her remains, and after her execution, a police officer arrived at her family’s home to demand five cents for the bullet they used to kill her.



LIU XIAOBO

DATE(S) OF ARREST

1989, 1996,
December 8, 2008

PRISON TERM

5 years, not yet sentenced

Liu Xiaobo, a well-known writer and literary critic, was first arrested for his involvement in the Tiananmen Square protests of 1989, for which he spent twenty months in prison. He was arrested again in 1996 for criticizing the government and spent three years in the Laogai. Nevertheless, Liu remained a well-known and outspoken critic of the Chinese government. A collection of his essays, which covered political, economic, and social issues, was published by the Laogai Research Foundation in 2005.

In 2008, Liu worked with other dissidents and intellectuals to draft Charter 08. Issued on December 10, 2008 to mark the sixtieth anniversary of the Universal Declaration of Human Rights, Charter 08 was an open letter initially signed by 303 Chinese citizens from all walks of life calling for broad legal and political reform, increased protection of human rights, and genuine democracy in China. As of February 2009, Charter 08 had been signed by over 8,000 people from both inside and outside China. On the evening of December 8, 2008, two days before the official release of Charter 08, Liu Xiaobo was taken from his home in Beijing by the police. His home was searched and three computers, a cell phone, and some documents were confiscated. Liu remains in custody, but has not yet been charged with any crime. Since the release of Charter 08, over one hundred of the original signatories have been detained or harassed by police.



LIU ZHUANGHUAN AND LIU XINHU

DATE(S) OF ARREST
1958

SENTENCING DATE(S)
1964 and 1974

PRISON TERM
25 years

CHARGES
Counterrevolutionary

LOCATION OF PRISON(S)
Baimaoling Farm in Anhui
Province

Liu Zhuanghuan was a former accountant for the Kuomintang (Nationalist) government. In 1958, Liu was arrested, falsely charged with embezzlement. He was sent to Baimaoling Farm, a massive prison in Anhui Province capable of housing 50,000 prisoners. At the age of thirteen, Liu's eldest son, Liu Xinhui, was also arrested and sent to Baimaoling Farm in 1958. According to Liu Xinhui, he was arrested simply because he was the son of a counterrevolutionary. Despite being held in the same camp for a decade, father and son were not allowed to see each other.

In 1973, Liu Zhuanghuan was told that although his prison term had technically expired, he would remain in the Laogai system for *jiuye*, or Forced Job Placement, meaning his circumstances would remain unchanged but his term would be indefinite. After learning he would not be freed, Liu Zhuanghuan committed suicide at the age of fifty-eight. Liu Xinhui, still a prisoner in the Laogai, was allowed to see his father's body and collect his clothing, then sent back to work.

In 1974, Liu Xinhui, still working in the reeducation through labor camp, was again labeled a counterrevolutionary due to his political views. As a result, he was put under even stricter surveillance. Liu claims that throughout his twenty-five years in the Laogai he suffered "innumerable beatings and torments." Liu Zhuanghuan was officially pardoned in 1980, and his son was finally released from the Laogai in 1983. He later immigrated to the US.



NGAWANG SANGDROL

DATE(S) OF ARREST
1990, 1992

SENTENCING DATE(S)
1992, 1993, 1996, 1998

PRISON TERM
11 years

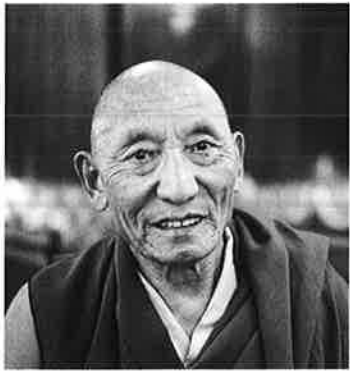
LOCATION OF PRISON(S)
Tibet

"Withering in the sun the fragrant lotus, scorched by the sun are Tibet's snow-covered mountains. But made of stone is the everlasting hope, bless and protect the youths, who will fight to the last drop of blood for independence." –Ngawang Sangdrol

Ngawang Sangdrol, a Tibetan Buddhist nun, was first arrested at the age of twelve for participating in a peaceful, pro-independence demonstration in Lhasa in 1990. She was detained for nine months. Two years later, she was arrested again for staging a pro-independence demonstration in central Lhasa. This time, she was sentenced to three years in prison. In 1993, her sentence was extended to nine years after she and fourteen other nuns were caught composing and recording pro-independence songs while inside the Laogai. In 1996, her prison term was extended once again to seventeen years for refusing to stand when Party officials entered her work area.

In May of 1998, officials added a further six years to her sentence after a protest erupted in the prison, despite the fact that she had been locked in her cell at the time.

Due to international pressure, and in particular the diligent advocacy of the Dui Hua Foundation, Sangdrol was granted medical parole by the Chinese authorities and came to the United States on March 28, 2003 after spending eleven years behind bars.



PALDEN GYATSO

DATE(S) OF ARREST

1959, 1983

PRISON TERM

33 years

CHARGES

Reactionary element

LOCATION OF PRISON(S)

Tibet

“Oppressors will always deny that they are oppressors. All I can do is bear witness and set down what I saw and heard and what the strange journey of my life has been. Suffering is written now in the valleys and mountains of Tibet. Every village and monastery in the Land of Snow has its own stories of the cruelty inflicted on our people. And that suffering will go on until the day Tibet is free.” –Palden Gyatso, *The Autobiography of a Tibetan Monk*

When China invaded Tibet in 1959, Palden Gyatso, a Tibetan monk, was arrested, charged as a “reactionary element,” and sentenced to seven years in the Laogai. Gyatso escaped in 1962, but was caught and had his sentence extended by nine years. In 1975, Gyatso’s sentence expired, but he was not released. Rather, he was sent to a forced job placement camp near Lhasa, where he secretly continued his struggle for Tibetan independence.

In 1983, he was arrested again for sneaking out of the labor camp to post pro-Independence posters and sentenced to another nine years. After his release in 1992, Gyatso left Tibet for Nepal, bringing with him a collection of torture tools he had managed to smuggle out of the prison. In 1995, Gyatso testified before the UN Commission on Human Rights and the US House International Relations Committee. His book, *The Autobiography of a Tibetan Monk*, was published by Grove Press in 1998.



QI ZUNZHOU AND QI JIAZHEN

DATE(S) OF ARREST

1951, 1961/1961

SENTENCING DATE(S)

1951, 1963/1963

PRISON TERM

18 years/ 10 years

Qi Zunzhou served as director of the transportation administration of Chongqing Railway Bureau and was a faculty member of Chongqing University. In 1951, he was arrested and sentenced to three years in the Laogai for being an “historical counterrevolutionary,” meaning his family had historically belonged to a so-called “bad class.”

Qi Zunzhou’s daughter, Qi Jiazhen, also suffered in the Laogai. After graduating from high school, Qi Jiazhen traveled to Guangzhou on two separate occasions seeking ways to travel abroad. After being denied permission, she was arrested in Chongqing in 1961 and sentenced in 1963 to thirteen years for “treason and surrendering to the enemy.”

In 1961, Qi Zunzhou was arrested for a second time, this time for supporting his daughter in her attempts to study abroad. In 1963, he was sentenced to fifteen years in the Laogai for being an “active counterrevolutionary.”

After serving ten years in the Laogai, Qi Jiazhen was released in 1971. In 1983, charges against her were officially dropped. She immigrated to Australia in 1987, and authored an account of her story entitled *Tears of Freedom*.

Qi Zunzhou was finally released in 1974. He moved to the United States in 1985 and passed away in 1998.



REBIYA KADEER

DATE(S) OF ARREST

August 13, 1999

SENTENCING DATE(S)

March 10, 2000

PRISON TERM

6 years

CHARGES

Leaking State secrets to foreigners

Before her arrest, Rebiya Kadeer, mother to eleven children, was a successful businesswoman and entrepreneur in the northwestern province of Xinjiang. A member of the ethnically Turkic minority known as the Uyghurs, Kadeer started out as a laundress and eventually was able to set up a large trading company. She used her newfound wealth to provide fellow Uyghurs with employment and job training, and also started the 1,000 Families Mothers' Project, to help other Uyghur women start their own businesses. The Chinese authorities initially accepted Kadeer, appointing her to the Chinese People's Political Consultative Conference (CPPCC), and sending her as a delegate to the United Nations World Conference on Women in 1995.

Kadeer's political fortunes began to change in 1996, when her husband, a Uyghur and former political prisoner, fled China to seek asylum in the US. At this time, Kadeer's appointment to the CPPCC was revoked and her passport was seized. She was detained in August of 1999, on her way to meet with a delegation from the US Congressional Research Service. Charged with "unlawfully supplying State secrets or intelligence to entities outside China" for sending newspaper clippings to her husband in the US, she was sentenced to eight years in prison. She was released, nominally for medical reasons, in March of 2005 and exiled to the US. She has since established the International Uyghur Human Rights and Democracy Foundation. In 2006, Kadeer was nominated for the Nobel Peace Prize.



SHI TAO

DATE(S) OF DETENTION

November 24, 2004

DATE(S) OF ARREST

December 14, 2004

SENTENCING DATE(S)

April 27, 2005

PRISON TERM

Sentenced to 10 years

CHARGES

Revealing State secrets to overseas organizations

LOCATION OF PRISON(S)

Hunan

Before his arrest, Shi Tao was a journalist and editor of the news division of the *Dangdai Shangbao* (*Contemporary Trade News*) in Changsha, Hunan Province. He had also written numerous essays for overseas Internet forums. In one such essay, entitled "The Most Disgusting Day," Shi criticized the detention of Ding Zilin, one of the Tiananmen Mothers whose seventeen-year-old son was killed in the Tiananmen Square crackdown. On April 20, 2004, Shi attended a staff meeting at his paper during which the staff was briefed on the contents of a CCP Central Propaganda Bureau document instructing the media to downplay the upcoming fifteenth anniversary of the Tiananmen Square Massacre. Later that evening, Shi used his personal Yahoo! e-mail account to forward notes from the meeting to the New York-based website *Democracy Forum*.

China's National Security Bureau contacted Yahoo!'s Hong Kong office and requested Shi's e-mail records. Yahoo! complied, revealing both Shi's identity and the overseas recipients of Shi's e-mail. Consequently, Shi was arrested on November 24, 2004 and sentenced to ten years in the Laogai in 2005 on charges of "providing State secrets to overseas organizations." Shi was awarded the International Press Freedom Prize by the Committee to Protect Journalists in 2005, and both the Vasyl Stus Award and the Golden Pen of Freedom Award by the World Association of Newspapers in 2006. Shi is currently serving his sentence in Chishan Prison in Hunan Province.



TOTHI TUNYAZ

DATE(S) OF DETENTION

February 11, 1998

DATE(S) OF ARREST

April 1, 1998

SENTENCING DATE(S)

March 10, 1999

PRISON TERM

11 years

CHARGES

Illegally obtaining State secrets, inciting splittism

LOCATION OF PRISON(S)

Xinjiang

Tothi Tunyaz is an ethnic Uyghur from Xinjiang Province (known to Uyghurs as East Turkestan) in northwestern China, a province with a large population of the Muslim Uyghur minority, and a history of resistance to Chinese rule. He received a degree in history from the Central Institute of Nationalities in 1984, and then worked for the Standing Committee of the National People's Congress, part of the legislative branch of China's government. In 1994, Tunyaz moved to Japan with his wife and children to pursue a doctorate at the University of Tokyo. His research focused on the history of China's policies towards ethnic minorities in the nineteenth and twentieth centuries. During his time at the University of Tokyo, he published several papers and a book on Uyghur history, all under his pen name, Muzart.

Tunyaz returned to Xinjiang in 1998 to conduct research for his doctoral thesis. On February 11, 1998, he was arrested by the State Security Bureau. On March 10, 1999, he was sentenced to eleven years for "stealing State secrets" and "inciting separatism." He appealed the decision, but on February 15, 2000, his appeal was rejected and his sentence upheld. Authorities did, however, downgrade his "crime" from "unlawfully supplying state secrets outside China" to "illegally acquiring State secrets." The UN Working Group on Arbitrary Detention reviewed Tunyaz's case in 2001, and concluded that he was arbitrarily imprisoned. After serving his sentence in Xinjiang No. 3 Prison, he was released to the US in the spring of 2009, where he has taken a position as a broadcaster at Radio Free Asia.



WANG BINGZHANG

DATE(S) OF ARREST

July 7, 2002

SENTENCING DATE(S)

February 10, 2003

PRISON TERM

Life sentence

CHARGES

Espionage, organizing terrorist activities

LOCATION OF PRISON(S)

Guangdong

Wang Bingzhang has been active in promoting democracy in China for decades. He first spoke out during the Cultural Revolution and was subsequently imprisoned in 1966 and 1967. In the late 1970s, he moved to Canada for medical school and later moved to New York after obtaining his degree. Although his children are American citizens, Wang intentionally maintained his Chinese citizenship in hopes of being more effective in his fight for democratic reforms. In 1982, he began publishing *China Spring*, an overseas publication by Chinese students that was distributed through underground channels in China throughout the 1980s. In 1983, he founded the Chinese Alliance for Democracy, the first overseas organization to champion democracy in China.

In 1998, Wang returned to China to organize an opposition political party, the Chinese Democracy and Justice Party, and push for political reforms. He was quickly caught by authorities and sent back to the US. Then in June of 2002, Wang was kidnapped by Chinese agents in Vietnam and taken to China, where he was charged with espionage and terrorist activities. Wang was sentenced to life imprisonment in February of 2003, and is currently being held in Guangdong Shaoguan Prison. In protest of his solitary confinement, Wang went on a hunger strike, which caused a stroke. Due to his stroke, as well as reported mental deterioration resulting from abuse, Wang is thought to be in very poor health.



WANG DAN

DATE(S) OF ARREST

1990, 1995

SENTENCING DATE(S)

January 25, 1991 and
October 30, 1996

PRISON TERM

3 years, sentenced to
11 years

CHARGES

Counterrevolutionary
propaganda and incitation,
plotting against the State,
subversion

In 1989, Wang Dan was a student at Peking University and chair of the Beijing College Students' Autonomous Union. He was a key leader in the democratic movement that developed in Tiananmen Square in the spring of that year. Wang went into hiding when the government began its harsh crackdown on the protesters, but was arrested in 1990. On January 25, 1991, he was sentenced to a four-year prison term by Beijing Municipal Intermediate People's Court on fourteen separate charges. He was released on parole in 1993 with twenty other political prisoners during China's first bid to host the Olympics. Wang was arrested again in 1995. On October 30, 1996, he was sentenced to eleven years in prison.

In 1998, Wang was released, ostensibly for medical reasons, and exiled to the United States. In the US, Wang continued to speak out for human rights in China, and received a doctoral degree in East Asian studies at Harvard University.



WANG SHENYONG

DATE(S) OF ARREST

1966, September 7, 1976

SENTENCING DATE(S)

1966 and April 27, 1977

PRISON TERM

2 years and death sentence

CHARGES

Maliciously attacked the
Great Leap Forward movement,
People's Communes, and
the Anti-Rightist movement;
maliciously attacked the
Cultural Revolution and
Chairman Mao; appealed on
behalf of Peng Dehuai and
Deng Xiaoping

When the Cultural Revolution began, Wang Shenyong was a physics student at East China Normal University. One day in June of 1966, he wrote in his diary: "the Cultural Revolution will cause an enormous recession in the country." This line was discovered, and Wang was sentenced to a two-year prison term. Upon his release, he was denied a real job, and was instead forced to continue working at the labor camp under constant surveillance.

In 1976, Wang was once again imprisoned, this time for commenting on social issues and criticizing Mao's political campaigns in a letter to a friend. Wang refused to admit any wrongdoing, and was thus sentenced to death. On April 27, 1977, a public trial was held in the Shanghai Putuo District Stadium. After the trial, Wang was executed. He was thirty-one years old.



WEI JINGSHENG

DATE(S) OF ARREST

March 29, 1979, 1993

PRISON TERM

18 years

CHARGES

Counterrevolutionary propaganda and agitation; counterrevolutionary; revealing State secrets to a foreigner

LOCATION OF PRISON(S)

Qinghai Province

Born in Beijing in 1950, Wei Jingsheng is the son of two Communist Party cadres. As a child, he attended prestigious Party schools. Like many urban Chinese his age, Wei was "sent down" to the countryside during the Cultural Revolution to live and work among peasants. Upon his return to Beijing, Wei became an electrician at the Beijing Zoo. Soon, he became involved in the democratic movement known as the Democracy Wall Movement, which began in 1978 with local residents plastering large pro-democracy posters on a wall in Beijing. At this time, Wei composed an essay called "The Fifth Modernization." The title was a play on Deng Xiaoping's "Four Modernizations" political campaign, and the essay argued that for China to become truly modernized, it must adopt democracy.

Wei also published an underground magazine, *Exploration*, with a few friends. In its final edition, Wei authored another essay, "Democracy or a New Dictatorship?" in which he called Deng Xiaoping a dictator. Three days later, Wei was arrested. He was sentenced to fifteen years in prison, charged with "counterrevolution propaganda and agitation."

Wei was released in 1993, but was arrested again six months later, charged with "counterrevolution" and sentenced to a further fourteen years. Due to pressure from the US government, in 1997 Wei was released from prison and exiled to the US. He founded the Overseas Chinese Democracy Coalition and the Wei Jingsheng Foundation in 1998.



WENCHE HE'EN

DATE(S) OF ARREST

March 11, 1958

SENTENCING DATE(S)

1958

PRISON TERM

20 years

CHARGES

Counterrevolutionary rightist

A prominent descendant of the imperial Qing Dynasty, Wenche He'en participated in student protests against the Kuomintang (Nationalist) government in 1947. He went on to join the Communist People's Liberation Army in 1949. After graduating from the Shanghai Drama Arts Academy in 1957, he was branded an ultra-rightist despite his support of the Communists.

Wenche was arrested on March 11, 1958, and spent twenty years and nine months in jail. He was officially pardoned and released in 1978. Since his release, Wenche has directed and performed in numerous operas, plays, and movies. In 1982, he moved to the United States, and his autobiography, *Difficult Years*, was published by the Laogai Research Foundation in 2003.



XU WENLI

DATE(S) OF ARREST

April 9, 1981,
November 30, 1998

SENTENCING DATE(S)

1982

PRISON TERM

16 years

LOCATION OF PRISON(S)

Beijing

Xu Wenli was a prominent activist in the 1978-1981 Democracy Wall movement. He also published the pro-democracy journal *April Fifth Forum*. First arrested in 1981, he was sentenced to fifteen years in the Laogai after a closed trial. Xu secretly wrote a memoir while in prison, but it was discovered and he was thrown into solitary confinement until his release in 1993. Throughout his twelve years in prison, Xu was rarely allowed to see his wife and daughter.

Xu's time in the Laogai did not deter him from fighting for democracy in China. After establishing independent labor unions and other pro-democracy groups, Xu and some fellow activists founded the China Democracy Party in 1998. Later that same year, he was arrested yet again and sentenced to thirteen years for "incitement to overthrow the State."

The Laogai Research Foundation published a collection of Xu's prison poetry and political essays in 2001. In 2002, in response to intense international pressure, Xu was released from prison for medical reasons. He immediately came to the United States with his wife and daughter, where he was granted political asylum in 2003. Xu quickly established the Caring for China Center that same year. He has been teaching modern Chinese history at Brown University since 2004.



YU LUOKE

DATE(S) OF ARREST

January 5, 1968

SENTENCING DATE(S)

March 5, 1970

PRISON TERM

Death sentence

CHARGES

Making counterrevolutionary propaganda, organizing counterrevolutionary cliques

Yu Luo was barred from attending university due to his class background—his parents had been capitalists under the previous government. During the Cultural Revolution in 1966, Yu published an influential essay entitled "On Family Origin." His essay attacked the Communist Party's policy of determining a person's class based on the class background of his or her family and called for democratic reform in China.

In 1967, the "Central Cultural Revolutionary Group" called Yu's essay a "poisonous herb." Yu was arrested in 1968 on the charge of "making counterrevolutionary propaganda" and "organizing counterrevolutionary cliques." In 1970, Yu was sentenced to death in a public trial and immediately executed, at the age of twenty-seven. He was officially pardoned in 1979. A memorial statue has recently been commissioned in his name by his surviving family members who have since immigrated to the United States.



ZHANG YIDONG

DATE(S) OF ARREST

1969

SENTENCING DATE(S)

1970

PRISON TERM

10 years

CHARGES

Counterrevolutionary

During the Anti-Rightist Campaign in 1958, Zhang Yidong was a young and promising student at the University of Leningrad in the Soviet Union and had just married a Russian girl whom he loved. Even while out of the country, he was not spared from the political campaign raging in his homeland. He was forced to abandon his studies and his wife and return to China for not being passionate enough about the Communist revolution. As Sino-Soviet relations deteriorated, he was also made to divorce his wife.

In 1970, after teaching Russian for ten years at a high school, Zhang was sentenced to a twenty-year prison term on the charge of being a counterrevolutionary. He was pardoned and released in 1979. In 1981, he became a member of the faculty at Suihua Normal College in Heilongjiang Province, teaching Russian and English. Zhang's autobiography, *My Fall from Leningrad University to Xinzha Prison*, was published by the Laogai Research Foundation in 2007.



ZHANG ZHIXIN

DATE(S) OF ARREST

September 1969

PRISON TERM

6 years, executed in 1975

Zhang Zhixin was a cadre in the Liaoning Provincial government. At the height of the Cultural Revolution in 1969, she was jailed for expressing her disapproval of the violent political campaign. After her arrest, no family members, not even her children, were allowed to visit Zhang. She was later transferred to an all-male prison, where the male prisoners were told to torture and rape her in order to reduce their own sentences. She was also forced to divorce her husband.

In 1975, without any legal proceedings, Zhang was executed in Liaoning Province. To prevent her from crying out before her death, the police slit her throat and inserted a metal pipe into her trachea without anesthetics. At the time of her execution, Party officials forced Zhang's husband and two children to attend a "study session" during which they were made to denounce Zhang. Party officials had the children sign a document stating: "We resolutely oppose her [Zhang], and agree she should be put to death to rid the people of this poison." Zhang's seventeen-year-old daughter was also made to sign a document that read: "After studying and raising my political awareness, I realized that even a mother-daughter relationship has a class nature. Even though she gave birth to me and is my mother, she is a counterrevolutionary and is my enemy."

In 1979, Zhang was posthumously pardoned.



WHAT PRICE A HUMAN LIFE?

EXECUTIONS AND ORGAN HARVESTING

MORE PEOPLE ARE EXECUTED IN CHINA EACH YEAR THAN IN THE REST OF THE WORLD COMBINED. ALTHOUGH THE TRUE NUMBER OF EXECUTIONS PER YEAR IN CHINA IS A CLOSELY GUARDED STATE SECRET, MOST HUMAN RIGHTS ORGANIZATIONS AGREE THE NUMBER IS IN THE THOUSANDS, AND SOME ESTIMATE IT COULD BE AS HIGH AS 16,000. BEGINNING IN THE 1980S, THE GOVERNMENT BEGAN HARVESTING THE ORGANS OF PRISONERS, TYPICALLY FOR A PROFIT. THIS MACABRE PRACTICE HAS SINCE BECOME COMMONPLACE, PROVIDING THE STATE WITH YET ANOTHER MEANS OF EXPLOITING PRISONERS, EVEN AFTER THEIR DEATHS.



WHAT PRICE A HUMAN LIFE?

EXECUTIONS AND ORGAN HARVESTING



A young woman's photo is taken prior to her execution. The sign reads: "Execution by shooting, Murderer" and below this, her name, Ren Xue, is crossed out.

CHINA STILL EXECUTES MORE PEOPLE THAN ALL OTHER COUNTRIES COMBINED.

Since the founding of the PRC in 1949, the Communist regime has used executions to instill fear in the population, or as the Chinese say, "Kill the chicken to scare the monkey." Although the scale of executions has decreased since Mao's death in 1976, China still executes more people each year than all other countries combined.¹ Additionally, many of those who receive the death penalty were convicted of nonviolent crimes. Of the sixty-eight offenses that carry the death penalty in China, more than half are for nonviolent crimes such as drug trafficking, tax evasion, and other economic offenses.²

It is extremely difficult to ascertain the number of executions carried out in China, as the government classifies such figures as "State secrets." Amnesty International was able to document over 19,500 executions between 1990 and 2000, but they believe the true number to be much higher.³ This claim is supported by scholar Andrew J. Nathan, who was able to analyze secret Communist Party documents for his book, *China's New Rulers*, and estimates that 60,000 were executed between 1998 and 2001 alone.⁴ Compared with that figure, the number of executions in recent years seems to have fallen somewhat, but estimates continue to vary wildly. The Dui Hua Foundation, using a combination of published and anecdotal evidence, estimates that 5,000 people were executed in 2007.⁵ Human Rights Watch, on the other hand, estimated in 2006 that China executes over 10,000 people every year,⁶ while other groups' estimates vary from 6,000 to 15,000. The fact that China's execution figures are so closely guarded by the government suggests that whatever the

real number is, it is large enough to be potentially embarrassing for the regime. With reports emerging of the macabre practice of harvesting organs from executed prisoners for profit, the government has all the more reason to keep executions in China behind a veil of secrecy.

EXECUTION BY THE STATE

Execution has been a tool of fear and repression wielded by the Communist regime since its very first days in power. Just as it is difficult to know how many executions are carried out in China today, it is nearly impossible to say with any certainty how many Chinese citizens have been put to death by their government over the sixty-year course of Communist rule. Only a few historical documents have been released that shed some light on the scale of executions. Michael Schoenhals says in his research review for the Living History Forum, "The best Chinese historians now view colleagues as naïve who accept the state-issued statistics and do not use them as the basis of a more sophisticated line of reasoning on why a given figure for a specific period of time may need to be multiplied by a factor of *x*."⁷ Indeed, given the likelihood that statistics from that time period were intentionally misleading, and that record-keeping in general was not very thorough throughout much of the Mao period in particular, we may never know how many people the government executed in the first thirty years of Communist rule.

However, records that are available paint a grim picture. Throughout the Mao period, the number of executions always increased during political campaigns. Mao's first

campaign, the "Suppression of Counter-revolutionaries," which began in 1950 and aimed to consolidate Communist power by wiping out potential adversaries, saw executions on a massive scale. Liu Shaoqi, who was second in command at the time of the campaign, declared in a report to a Central Committee Plenum on February 6, 1954 that the state had executed 710,000 people.⁸ It is important to take into consideration the fact that many of the executions in these early years were actually carried out by small work teams tasked with traveling the country and violently enforcing land reform—essentially state-sanctioned vigilantes.⁹ Although these executions were encouraged by the top Party leadership, most of them occurred far from major cities and there is no way of knowing how many of these deaths went unreported. This illustrates another difficulty in determining the number of executions during Mao's rule: the line between "execution" and politically-motivated "murder" was blurred. What laws did exist at the time were not terribly strong; and then, too, the country was not ruled by laws but by men, and thus if an individual was loyal to the Party, that was qualification enough to serve as judge, jury, and in many cases, executioner.

The distinction between execution and murder was particularly nebulous during the Cultural Revolution. After the hyper-violence of the early years, the pace of executions dropped, but increased again dramatically with the start of Mao's Great Proletarian Cultural Revolution.¹⁰ This period is perhaps the most difficult in contemporary Chinese History for which to find accurate data, as the official in charge of the Bureau

of Statistics was purged at the start of the campaign,¹¹ and Mao in large part relied on the Red Guards to mete out justice in the streets of China's cities—and they certainly did not keep records of their rampages. Interestingly, Deng Xiaoping made some attempts to document the number of people persecuted and killed during this time in an effort to consolidate his own power by prosecuting the Gang of Four, whom Deng proclaimed were responsible for the excesses of the Cultural Revolution. Pinning the blame on the Gang of Four not only strengthened Deng's power, but also allowed the Communist Party as a whole to escape much of the blame for the violence which characterized this period. Released in 1980 and 1981, the Deng statistics are probably incomplete and do not distinguish between those who were executed or simply beaten to death, but they are nonetheless quite telling. For example, the statistics state that 14,000 were killed in Yunnan Province, and 16,222 were killed in the province of Inner Mongolia during this ten-year period.¹²

The cycle of political campaigns and executions did not end with Mao's death. Deng and his successors have been somewhat more sparing in the use of the death penalty, and, significantly, have instituted a system of laws to govern the use of the death penalty (although the rule of law remains weak in China even today). Still, post-Mao leaders have not hesitated to make use of the death penalty, particularly during so-called "Strike Hard" (*yanda*) campaigns. Deng initiated the first Strike Hard campaign in 1983 to combat the rising crime that accompanied the relaxation of Mao-era controls and increased economic development. Jiang



A series of photographs from an execution in Chengdu, Sichuan Province. During pro-democracy riots in 1989 in this area, a car was overturned by a group of students. The men pictured here gave the students matches and the students then set fire to the car. The men were charged with arson—and executed. An official took these photos and smuggled them out of the country. Top: A press conference is held where judicial officials announce the sentences. Bottom: Local police bind this man's arms behind his back in preparation for his execution.



Top: The men are led into a field. Note the white medical vans parked next to the execution site, Organ extraction will most likely take place in those waiting vans. Bottom: The executioners are military police.



Top: Photographs are taken for documentation. Bottom: Executions involve many different parts of government. The men in dark green uniforms are military police, the men with tan shirts and black pants are local police, and the men in grey uniforms are judiciary officials. The man in the red shirt is secret police, but his attendance is unusual, and probably due to the political nature of the men's crimes.



Top & Bottom: The prosecutor makes sure the prisoners are dead.



Public execution in Chengdu, Sichuan Province

Zemin, Deng's successor, instituted his own Strike Hard campaign in 1996 in response to rising crime and corruption. During these campaigns, legal institutions were required to speed up legal procedures to meet the quotas imposed for solved crimes. Executions handed down during these campaigns were carried out swiftly and often publicly in locations such as stadiums.¹³

From Mao's time until very recently, executions carried out during political campaigns were frequently public in order to instill fear in the population. Prisoners were paraded through stadiums or parks prior to the execution. Signs were hung from each prisoner's neck, stating the prisoner's crime and name, and the name was crossed out with a large red X. After this public humiliation, prisoners were either immediately shot in the stadium or park, or taken to a second outdoor location, which was also often in public view, and thereupon shot.

EXECUTIONS IN CHINA TODAY

Speaking before the American Chamber of Commerce in Hong Kong, John Kamm, an entrepreneur and founder of the Dui Hua Foundation (*dui hua* means "dialogue" in

Mandarin), said he believed the rate of prisoner executions had dropped 45% since 2001, based on his Foundation's estimates that there had been 13,500 executions in 2001 compared to only 7,500 in 2006. Kamm attributed this decrease to China's attempts to improve its image in the run-up to the 2008 Olympics.¹⁴ Perhaps for similar reasons, China has stopped the practice of public executions almost entirely.

It remains to be seen whether these improvements will be long-lasting, but the case of three men in the northwestern province of Xinjiang demonstrates that the government has not completely abandoned the practice of public executions. On the morning of July 9, 2008, the government bused several thousand students and office workers to a public square where the men, members of the Uyghur minority charged with having connections to terrorist plots, were shot at point blank range.¹⁵ This was the only documented public execution that year. Why risk the international embarrassment of a public execution one month before the Opening Ceremonies? As many Uyghurs continue to resist Chinese rule, there is speculation that this rare public execution was intended as

a stern warning to deter further unrest in the region during the Olympic Games. This event also suggests that the government's political calculus has changed: the Communist regime seems to be more sensitive to the international embarrassment public executions can create, or at least aware that such public acts of violence are less likely to go unnoticed than in the past, and thus may resort to such punishments only when it feels truly threatened. It is also possible the government gambled that few in the outside world would notice a public execution in a distant place like Yengishahar, Xinjiang—and they were right. The execution attracted little press and drew little international censure.

China's laws governing the death penalty continue to evolve, and the year 2007 saw one significant change. In the past, most executions were carried out by the country's 404 Intermediate People's Courts,¹⁶ but as of January 2007, the Supreme People's Court (SPC) was required to review all death penalty cases.¹⁷ A spokesman for the SPC argues that "the lower courts have to be more prudent now. If a case is sent back for retrial by the highest court, it not only means the first judgment is wrong, but [it is] also a matter of shame for the lower court."¹⁸ The passage of this new regulation was followed by a call from China's four major law enforcement agencies for more caution when handling death penalty cases in March of the same year,¹⁹ and gave many in the human rights community reason to hope for real change. Indeed, the new regulation did have the desired effect—initially. One report estimated that there were 30 percent fewer death sentences handed down in 2007 than in 2006,²⁰ and, according to the *China Daily*, an English-language newspaper produced by the Chinese government, in the first half of 2008 the SPC overturned 15 percent of all death sentences.²¹

There are still huge numbers of death sentences, as evidenced by the fact that

the SPC has had to hire hundreds of new judges to manage the influx of death penalty cases.²² Even with these new hires, one Chinese scholar writes that the SPC is overwhelmed, with death penalty cases now making up some 90 percent of all the cases that come before the court.²³ Not only is the SPC scrambling to keep up with the volume of cases, it seems the initially positive effects were short-lived—Amnesty International estimates that China executed four times as many people in 2008 as it did in 2007.²⁴ The government may already be reversing one of the few positive steps it had taken to improve human rights in the lead up to the Olympics.

A MORE CIVILIZED WAY OF KILLING

Another recent development in the practice of executions in China is a gradual switch to lethal injection as the preferred means of execution. Historically, China executed its prisoners with a shot to the head or chest at point-blank range, but an amendment to China's Criminal Procedure Law in 1997 made execution by lethal injection an option. This method was first used in the city of Kunming, followed by Wuhan, Shanghai, Chengdu, and Hangzhou,²⁵ and more regions are adopting this method all the time. China uses the same three-drug cocktail as the United States: sodium thiopental to induce unconsciousness; pancuronium bromide to stop breathing; and potassium chloride, which stops the heart.²⁶ The government says its goal is for all executions to be carried out using lethal injections. To facilitate this goal, the SPC plans to allocate the drug cocktail to local courts under strict supervision. As of January 2008 court officials had to physically travel to Beijing to retrieve the cocktail.²⁷ The government is well on its way to achieving its stated goal; as early as 2006 a death penalty researcher at the Central Academy of Social Sciences estimated that up to 40 percent of all executions may now be carried out using lethal injection.²⁸

Around 2004, the government began to deploy a fleet of “death vans”—vehicles that are specially equipped with restraining devices and medical equipment so that they may serve as mobile execution chambers.²⁹ The manufacturers of these so-called death vans view them as a marked improvement over execution by gunshot. Kang Zhongwen, who designed the Jingguan Automobile brand death van, went so far as to say the switch from gunshot to lethal injection was a sign that China “promotes human rights now.”³⁰ Many human rights groups, on the other hand, suspect the death vans and the switch to lethal injection have more to do with profit than human rights. They say lethal injection facilitates a practice that has become commonplace in the past twenty years, one which has led to huge revenues for state-run hospitals: the harvesting of organs from executed prisoners.³¹

WORTH MORE DEAD THAN ALIVE

There is no question that China harvests organs from executed prisoners on a massive scale. According to figures from the Ministry of Health, between 2000 and 2004, China carried out 34,726 organ transplants.³² Voluntary organ donation, however, is almost unheard of in China, due to traditional beliefs that the body must remain intact after death. Huang Jiefu, the former Vice Minister of Health, admitted that “most of the organs from cadavers are from executed prisoners.”³³

He went on to claim that the government had obtained consent from the prisoners or their families in all cases, but there are several reasons to doubt this claim. First and foremost, if organ donation is such a taboo in Chinese culture, why would death row prisoners (and only death row prisoners) consent to having their organs harvested? Further fueling suspicions that the government is harvesting prisoners' organs without consent, relatives of executed prisoners

are typically denied access to the bodies of their loved ones following an execution. The government does return the remains of the deceased to their loved ones, but only after cremation has destroyed any evidence of possible abuse.³⁴

Moreover, even if prison officials produce proof that the prisoners consented to donate their organs, the possibility that the signature was forged by officials, that the prisoner was coerced into signing, or that the prisoner was in such a state of mental distress as to be unable to make an informed decision, renders such proof of consent dubious at best. It is ethical considerations such as these that have led the United Network for Organ Sharing, a nonprofit organization tasked with administering the US government's Organ Procurement and Transplantation Network, to denounce outright the use of organs from executed prisoners for transplantation whether money is involved or not.³⁵

Many former prisoners can personally attest to the practice of organ harvesting. Testifying before the International Relations Committee and Government Reform and Oversight Committee of the US Congress, dissident Wei Jingsheng (see page 97) shared evidence of organ harvesting from his time on death row. He said that he often heard screams and “unusual sounds of struggle” coming from the cells of prisoners who were to be executed. He had heard rumors of the practice of organ harvesting—although at the time Wei was imprisoned in the early 1980s, the organs were more often used in medical research than for sale as transplants on the global market—and so asked one of the guards he trusted if the rumors were true. The guard confided in Wei that not only were they removing prisoners' organs, they were doing so *before* the official executions, and then bringing the dead bodies wrapped in sheets to the execution grounds.³⁶

Still wanting further proof, Wei made an agreement with his cellmate, a twenty-year-old man from Beijing whose execution date was only days away. Upon being taken to the execution grounds, if the man saw anyone in white clothing with medical equipment, he was to cry out, "I'm not sick, I don't need a doctor!" If no medical personnel were present at the execution site, he would cry out as a normal prisoner would.

The very next day, prison officials came for Wei's cellmate. Wei describes the tense moments as he listened for his friend's voice:

I listened for a long time, and when I didn't hear any sounds of a struggle, then I became disappointed. Just at that moment, I heard a loud and clear voice coming from the end of the corridor of death row: "I'm not sick, I don't need a doctor." At the second yell, there were the sounds of a scuffle. At the third yell, I could only hear half of his phrase as if someone had muzzled him. My first feeling was of satisfaction, knowing that this evidence finally proved this practice. But this feeling was quickly replaced by another. My second feeling was of heaviness, knowing that this young man used his life to record an unbelievable crime.³⁷

More recently, Wang Xiaohua, a Falun Gong practitioner and former Laogai inmate who now resides in Canada, tells the story of being taken along with about twenty other males to a medical center. The men gave blood and urine samples, were given electrocardiograms, abdominal x-rays, and eye exams. It seems this was not an ordinary check up, however. Wang and his fellow inmates had to work long hours in harsh sunlight, and at the time of the exam Wang had a festering infection on his forehead that head developed from an untreated sunburn. He pointed this infection out to the doctor examining him, but the doctor refused to check it, saying it was normal. Why, wondered Wang, did he receive a thorough

examination but did not receive treatment for his only ailment? Author Ethan Gutmann, who has been researching the organ trade in China for years, says Wang and his fellow prisoners were being examined for one reason: to determine if they were good candidates for organ harvesting.³⁸

Wang was not a death row inmate, so his story raises the worrying possibility that prisoners are being executed exclusively for their organs. The Laogai Research Foundation reported that, in the 1990s, it was common practice for young, healthy prisoners on death row to be given blood tests, and those who matched waiting donors were executed first.³⁹ These accusations remain controversial, and are exceedingly difficult to prove, namely because those who could provide the most conclusive evidence are the executed prisoners themselves.

Whether or not China has, or does, execute prisoners exclusively for their organs, the accusation is worth considering if only because it is an example of the kinds of abuses that can arise from a system in which government officials stand to profit from selling the organs of executed prisoners. And there is little question that, until very recently, the government was making large profits. In 2001, a New York doctor spoke publicly of treating six patients who had purchased the organs of executed prisoners in China. The doctor said that "several patients were very up-front and candid about it, that they bought an organ taken from an executed convict for about \$10,000."⁴⁰ Given that the prisoners' families were not compensated for their organs, and hospitals in China are typically state-run, the profit margins for the government are substantial.

In 2006, the BBC reported it had confirmed with one Chinese hospital that a liver could be purchased for \$94,400, and that the liver would come from an executed prisoner. As part of the investigation, a BBC reporter visited the No. 1 Central Hospital

in Tianjin, claiming to be need a liver for his father. Officials told him they could find him a matching liver in three weeks. One hospital official went on to say they currently had a surplus of organs "because of an increase in executions ahead of the 1 October National Day."⁴¹

EXECUTED PRISONERS ON DISPLAY

Not all prisoners' cadavers are harvested for the sale of their organs. On February 15, 2008, ABC News alleged that a popular anatomy exhibit touring the US and Europe might be displaying the bodies of executed Chinese prisoners, also for a profit. The exhibit, run by a company called Premier Exhibitions, Inc., displays cadavers and body parts that have been preserved using a process called plastination.⁴² At the time of ABC's investigation, all of the bodies in Premier's exhibits came from China. Premier's suppliers were able to avoid laws regulating the importation of human remains by declaring on customs documents that the bodies were plastic models for medical teaching.⁴³ ABC News went to China to investigate the company that supplies all of Premier's exhibits, the Dalian Medical University Plastination Company, Ltd.⁴⁴ The company was originally a joint venture between Dalian Medical University in China and one of the university's medical professors and his business partners, but has since become an entirely private enterprise and been re-incorporated in the British Virgin Islands as the Dalian Hoffen Bio Technique Company Ltd. All of the bodies this company used were "unclaimed," and had been collected by the Chinese Bureau of Police.⁴⁵ ABC News interviewed a former employee of the Dalian Medical University Plastination Company, who now works for a competitor. The man said it was his job to pick up the bodies to be plastinated, and he estimated that nearly one third of the bodies he picked up were those of executed prisoners.⁴⁶



Site of an execution in Dalian, Liaoning Province, c. 1986. These individuals were executed for robbery.

OF THE SIXTY-EIGHT CAPITAL OFFENSES IN CHINA, MORE THAN HALF ARE FOR NONVIOLENT CRIMES SUCH AS DRUG TRAFFICKING, TAX EVASION AND OTHER ECONOMIC FELONIES

After ABC News aired its findings, the Attorney General of New York, Andrew Cuomo, began his own investigation of the anatomy exhibit Premier was running in New York. He found that “all of the full body cadavers and body parts in Premier’s exhibit in New York are, or belonged to, citizens or residents of China”⁴⁷ and that despite Premier’s assertions that none of these bodies were those of Chinese prisoners, Premier could not “independently confirm the provenance of the full body cadavers and body parts that it displays in New York and

elsewhere.”⁴⁸ Rather, the Attorney General found that Premier had relied solely on the statements made by its supplier that none of the bodies were those of prisoners.⁴⁹ The Attorney General and Premier Exhibitions reached an agreement, detailed in an Assurance of Discontinuance issued May 23, 2008. The State of New York allowed Premier to keep its exhibit open, provided that Premier disclosed to customers in the lobby of its exhibition and on its website that it could not independently confirm that the bodies in its exhibit were not those of

executed Chinese prisoners. Premier was also forced to refund the tickets of those who had previously viewed the exhibit but would not have attended had they known Premier could not confirm the provenance of the bodies on display.⁵⁰

The controversy surrounding these so-called “bodies exhibits” has brought unwanted attention to the Chinese practice of organ harvesting. Still, the participation in this lurid and illicit trade by foreigners, both individuals in need of organs and companies such as Premier, may help to sustain these



Public execution, location unknown.

disturbing practices. Indeed, the sale of bodies and organs is certainly rendered even more lucrative than if the organs were only for sale on the local Chinese market.

CHINA RESPONDS

According to the state-run *China Daily* newspaper, China had “no clear laws on human organ transplants”⁵¹ until recently. In April of 2006, China finally issued regulations to govern organ transplants in general, although these regulations did not mention transplants from prisoners specifically. These new regulations were issued partly in response to public outcry within China over the fact that the wealthy, both foreigners and

Chinese, were able to easily obtain organs while many average Chinese, who also needed transplants, died waiting for them. The case of Chinese actor Fu Biao in particular was cited as a reason for regulating the trade. Fu had two liver transplants in the course of his battle with cancer, but died anyway. Later, doctors admitted that the second transplant had been an unnecessary waste of an organ.⁵² The April 2006 regulations mandates that only qualified hospitals can perform transplants, forbids organ trading, and stipulates that every transplant operation must be approved by a hospital ethics committee composed of medical and legal experts to ensure the necessity of the

operation and that consent was obtained.⁵³

In May of 2007, another law governing organ transplants went into effect.⁵⁴ This law explicitly bans organ transplants without the consent of the donor or the donor’s family; like the previous regulations, the law again bans the trade of organs; it bans live organ transplants without the donors’ consent; and it bans all live organ transplants from persons under eighteen. The law also stipulates new procedures for applying for transplants and for verifying the authorization of the donors.⁵⁵

There is some evidence that China is enforcing its new laws, at least insofar as it is trying to ensure that foreigners can no longer come to China as “medical tourists” seeking



organ transplants. Reuters reported that in 2009 the government was investigating the case of seventeen Japanese who entered China as tourists but then received organ transplants, and that in 2008, three hospitals were penalized for illegally selling organs to foreigners.⁵⁶

While these new regulations represent a welcome development, the problem remains that as long as it is legal for authorities to harvest the organs of executed prisoners, there is a potential for abuse. Proving the validity of consent from death row prisoners remains problematic. Moreover, the potential for profits combined with the rampant corruption in China does not bode well

for reigning in abuses of the system. Mark Allison of Amnesty International's Hong Kong office predicts that, "given the high commercial value of organs, it is doubtful the new regulations will have an effect."⁵⁷

WITHOUT INCREASED TRANSPARENCY, LITTLE HOPE FOR REFORM

In 2008, the *Dui Hua Human Rights Journal* reported that "many Chinese legal experts believe that China should end—not just curb—its use of execution. Officially, the Supreme People's Court appears to share this aspiration."⁵⁵ While serving as Chief Justice of the SPC, Xiao Yang said that the abolition of the death penalty was a global

trend and that "China is also working toward that direction."⁵⁹ Xiao, however, no longer heads the SPC, and it is as of yet unclear if his successor will take such a progressive stance on the death penalty. If the government's response to its recent Peer Review before the United Nations Human Rights Council is any indication, China does not intend to move towards eliminating the death penalty any time soon. Although China did agree to "examine" proposals from Australia and Canada for reducing the number of capital crimes, China rejected all of Mexico's proposals on the subject, which called for curbs on the death penalty and extrajudicial executions.⁶⁰

Many supporters of the death penalty in China say that popular opinion is in favor of it. Even former Chief Justice Xiao Yang argued that abolition of the death penalty would not happen “overnight” and that the Chinese people strongly supported the traditional notion of “an eye for an eye.”⁶¹ Those who make this cultural argument often fail to mention that Hong Kong abolished the death penalty and has not reinstated it,⁶² despite the fact that it could have done so

after being returned to China in 1997. Also, as speakers at a press conference for the World Coalition Against the Death Penalty pointed out in 2008, the Chinese public may be less inclined to support the death penalty if it had access to accurate information regarding just how many of their fellow citizens were executed every year.⁶³ Amnesty International has alleged that the lucrative organ trade could be a major factor in the Chinese government's refusal to abolish the

death penalty.⁶⁴ The truth is impossible to know, and it may be that a variety of factors contribute to the government's decision to continue executing its prisoners.

The most likely explanation may also be the simplest: China continues to use the death penalty because the Communist Party views it as a necessary tool to control the citizens of China and maintain its position of power.

CHINA HARVESTS ORGANS FROM EXECUTED PRISONERS ON A LARGE SCALE. ACCORDING TO THE MINISTRY OF HEALTH, BETWEEN 2000–2004, CHINA CARRIED OUT 34,726 ORGAN TRANSPLANTS. VOLUNTARY ORGAN DONATION IS ALMOST UNHEARD OF IN CHINA, DUE TO THE TRADITIONAL BELIEFS THAT THE BODY MUST REMAIN INTACT AFTER DEATH. HUANG JIEFU, FORMER VICE MINISTER OF HEALTH, ADMITTED, “MOST OF THE ORGANS FROM CADAVERS ARE FROM EXECUTED PRISONERS.”

¹ “Welcome Reduction in Use of Capital Punishment in China,” *Dui Hua Human Rights Journal*, June 27, 2008.

² MacLeod, Calum. “China makes ultimate punishment mobile,” *USA Today*, June 15, 2006.

³ Bezlova, Antoaneta. “Death penalty under the gun in China,” *Asia Times Online*, January 15, 2003.

⁴ *Ibid.*

⁵ “Welcome Reduction in Use of Capital Punishment in China.”

⁶ “China: Beijing Must Disclose Execution Numbers,” *Human Rights Watch News*, October 31, 2006.

⁷ Karlsson, Klas-Göran and Michael Schoenhals. *Crimes against Humanity under Communist Regimes: Research review*. Stockholm: The Living History Forum, 2008.

⁸ *Ibid.*

⁹ Pan, Philip. *Out of Mao's Shadow*. New York: Simon & Schuster, 2008.

¹⁰ Karlsson, Klas-Göran and Michael Schoenhals. *Crimes against Humanity under Communist Regimes: Research review*.

¹¹ Becker, Jasper. *Hungry Ghosts*. London: John Murrar (Publishers) Ltd, 1996.

¹² Karlsson, Klas-Göran and Michael Schoenhals. *Crimes against Humanity under Communist Regimes: Research review*.

¹³ Bezlova, Antoaneta. “Death penalty under the gun in China.”

¹⁴ Kingsbury, Kathleen. “An Olympic Reprieve for China's Convicts,” *Time*, June 11, 2007.

¹⁵ Cody, Edward. “Across China, Security Instead of Celebration,” *The Washington Post*, July 19, 2008, Page A01.

¹⁶ Xie, Chuanjiao. “Lethal injection to be used more,” *China Daily*, January 3, 2008.

¹⁷ Kingsbury, Kathleen. “An Olympic Reprieve for China's Convicts.”

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ “Welcome Reduction in Use of Capital Punishment in China”

²¹ *Ibid.*

²² “Will Death Penalty Review Overwhelm China's Supreme Court?” *Dui Hua Human Rights Journal*, November, 25, 2007.

²³ *Ibid.*

²⁴ Moore, Malcom. “China to blame for rise in number of executions,” *Telegraph*, March 24, 2009.

²⁵ Xie, Chuanjiao. “Lethal injection to be used more.”

²⁶ MacLeod, Calum. “China makes ultimate punishment mobile.”

²⁷ Xie, Chuanjiao. “Lethal injection to be used more.”

²⁸ MacLeod, Calum. “China makes ultimate punishment mobile.”

The Central Academy of Social Sciences (CASS) is a Chinese think tank run by the central government. While government-generated statistics are often unreliable, the research produced at CASS is generally intended for use by the central government, rather than for public consumption, and is thus more reliable than information coming from, say, a government official.

²⁹ MacLeod, Calum. “China makes ultimate punishment mobile.”

³⁰ *Ibid.*

³¹ *Ibid.*

³² Qiu Quanlin and Zhang Feng. “In organ donations, charity begins with body,” *China Daily*, November 16, 2006.

³³ *Ibid.*



Huaxi Hospital in Chengdu, Sichuan Province. This hospital is known to harvest organs from executed prisoners.

³⁴ MacLeod, Calum. "China makes ultimate punishment mobile."

³⁵ "Executive Summary of the Minutes, OPTN/UNOS Board of Directors Meeting." Richmond, VA, June 26, 2007. Full text can be accessed at website of the Organ Procurement and Transplantation Network, <http://optn.transplant.hrsa.gov>.

³⁶ Testimony of Wei Jingsheng on organ trafficking by the Chinese Communist government before the International Relations Committee and Government and Reform Oversight Committee, US House of Representatives, June 4, 1998. Full text of Wei's testimony is available in the archives of the Laogai Research Foundation.

³⁷ Testimony of Wei Jingsheng.

³⁸ Gutmann, Ethan. "China's Gruesome Organ Harvest: The whole world isn't watching. Why not?" *The Weekly Standard*, 14:10 (November 24, 2008).

³⁹ *Communist Charity*. Washington, DC: Laogai Research Foundation, May, 2001.

⁴⁰ Baard, Erik and Rebecca Cooney. "China's Execution Inc.," *The Village Voice*, May 1, 2001.

⁴¹ "China denies death-row organ sale." *BBC News*, September 28, 2006.

⁴² It should be noted that there are other companies running exhibits with plastinated human remains that have similarly come under suspicion of using the bodies of executed Chinese prisoners.

⁴³ "Anatomy of a Worldwide Body Trade." *ABC News*, <http://abcnews.go.com/Blotter/popup?id=4291499>.

⁴⁴ Ibid.

⁴⁵ Assurance of Discontinuance in the matter of: Premier Exhibitions, Inc. d/b/a Bodies... The Exhibition, issued by the Attorney General of the State of New York on May 23, 2008. Full text of this document is available from the archives of the Laogai Research Foundation.

⁴⁶ "Anatomy of a Worldwide Body Trade."

⁴⁷ Assurance of Discontinuance.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Shan Juan. "Law tightened on organ transplants." *China Daily*, March 23, 2007.

⁵² Qiu Quanlin and Zhang Feng. "In organ donations, charity begins with body."

⁵³ Qiu Quanlin and Zhang Feng. "In organ donations, charity begins with body."

⁵⁴ Shan Juan. "Law tightened on organ transplants."

⁵⁵ *Regulations on Human Organ Transplantations*, issued by China's State Council, March 21, 2007, took effect May 1, 2007. Full text of the original Chinese document can be accessed at the Laogai Research Foundation.

⁵⁶ "China probes illegal transplants for 17 Japanese." *Reuters*, February 16, 2009.

⁵⁷ MacLeod, Calum. "China makes ultimate punishment mobile."

⁵⁸ "Welcome Reduction in Use of Capital Punishment in China."

⁵⁹ Xie, Chuanjiao. "Lethal injection to be used more."

⁶⁰ Evans, Robert. "China rebuffs West on ending death penalty, rights."

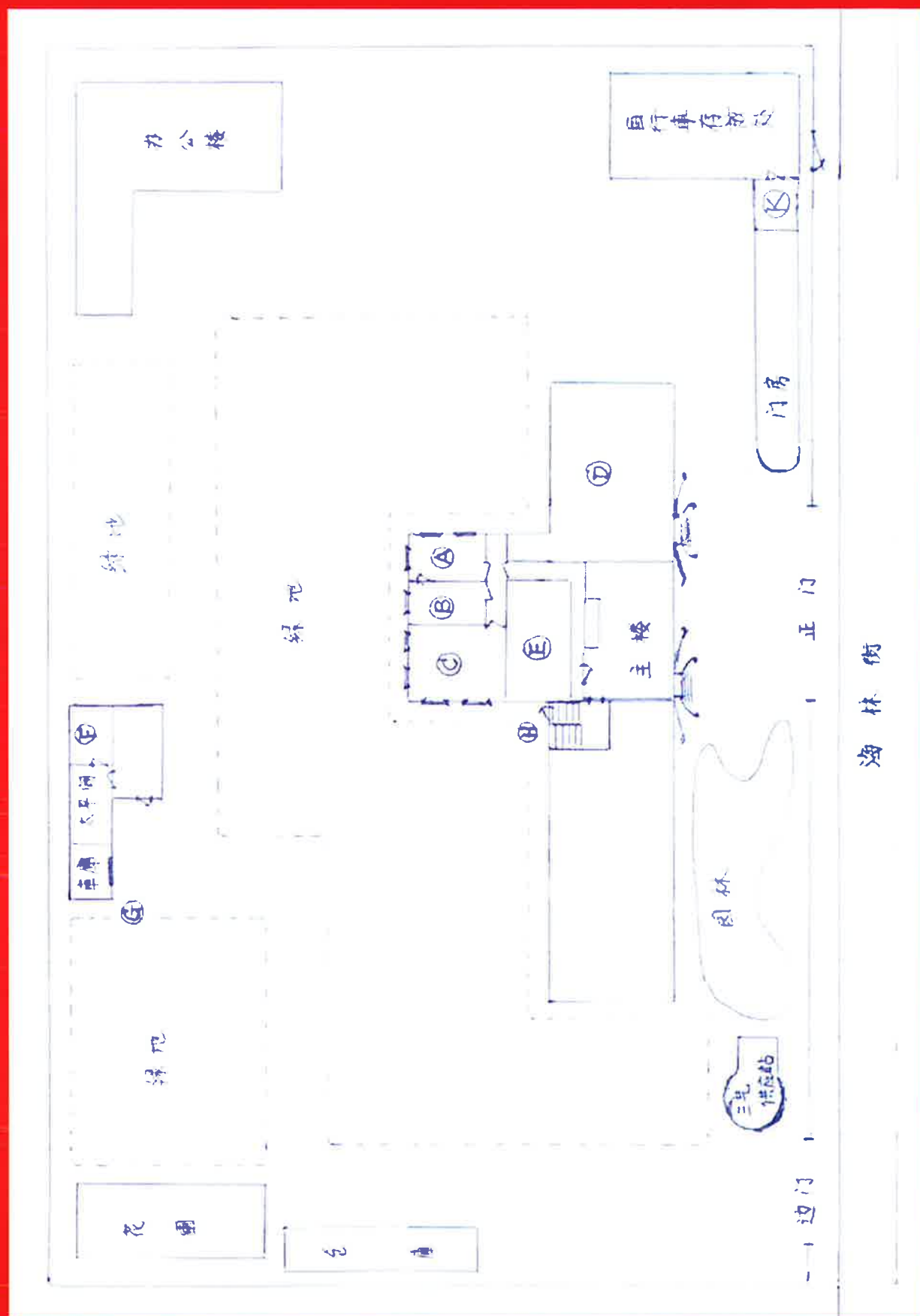
⁶¹ Xie, Chuanjiao. "Lethal injection to be used more."

⁶² Bezlova, Antoaneta. "Death penalty under the gun in China."

⁶³ "Welcome Reduction in Use of Capital Punishment in China."

⁶⁴ MacLeod, Calum. "China makes ultimate punishment mobile."

ORGAN HARVESTING





牡丹江心血管病医院 黑龙江省心血管病研究所



**MUDANJIANG CARDIOVASCULAR HOSPITAL
HEILONGJIANG CARDIOVASCULAR INSTITUTE**



This page: A brochure for the Mudanjiang Cardiovascular Hospital highlighting its success in performing open-heart surgeries.

Left: This hand-drawn map of Mudanjiang Cardiovascular Hospital in Heilongjiang Province was given to the Laogai Research Foundation by a doctor who had participated in the harvesting of organs from executed prisoners but later came to regret his involvement in this practice. The area labeled G is where prisoners were executed, and the area labeled F is where prisoners' organs were extracted.





FREEDOM OF EXPRESSION

INTERNET AND THE MEDIA

CENTRAL TO THE CHINESE REGIME'S SOCIAL CONTROL STRATEGY, CENSORSHIP IS PERVASIVE THROUGHOUT ALL FORMS OF MEDIA IN CHINA. AN OVERWHELMING MAJORITY OF PRINT AND BROADCAST MEDIA IS OWNED OR PARTIALLY OWNED BY THE STATE, AND REPORTERS ARE GIVEN A LIST OF WHAT THEY CAN AND CANNOT COVER. BOOKS COVERING TOPICS SENSITIVE TO THE REGIME ARE BANNED, AND "HARMFUL" WEBSITES ARE BLOCKED. A MULTITUDE OF GOVERNMENT AGENCIES ARE RESPONSIBLE FOR ENFORCING THE COUNTRY'S AMBIGUOUS FOG OF LAWS ON FREE SPEECH.

FREEDOM OF EXPRESSION

THE INTERNET AND THE MEDIA



A pro-democracy march in Dalian, Liaoning Province, 1989.

IN 2008, THERE WERE 180 INCIDENTS WHERE FOREIGN REPORTERS WERE HARASSED, ARRESTED, DETAINED, OR OTHERWISE OBSTRUCTED FROM REPORTING ON ISSUES IN CHINA. THIRTY JOURNALISTS AND FIFTY-ONE BLOGGERS ARE IN PRISON. CHINA IS “THE WORLD’S LEADING JAILER OF JOURNALISTS—FOR THE TENTH CONSECUTIVE YEAR,” ACCORDING TO THE COMMITTEE TO PROTECT JOURNALISTS.

In 2000, several graduates of some of China’s most distinguished universities came together, calling themselves “the New Youth Study Group” (*xin qingnian xuehui*), to discuss China’s most pressing social and economic problems, including the widening of the gap between the rich and the poor and the need for reform and poverty alleviation in rural areas. Born in the 1970s, these young people came of age in relative economic comfort, without experiencing the catastrophic consequences of the Great Leap Forward, or the struggles of the Cultural

Revolution. They did not participate in the democracy protests in Tiananmen Square in 1989. They were the elite; they could have had their choice of well-paying corporate jobs. But they also wanted to try to help their country by examining ways in which they could advocate for the voiceless and help alleviate socioeconomic distress in China. Then on March 13, 2001, seven members of the New Youth Study Group were detained without charge by Public Security officers in Beijing. After intense interrogation, three were released, and the other four—Xu Wei, Jin Haiké, Yang Zili, and Zhang Honghai—were imprisoned without charge for almost two years, then convicted of “endangering state security” and sentenced to eight to ten years in the Laogai.

How did this happen? Public Security Bureau (PSB) agents had recruited a man by the name of Li Yuzhou to infiltrate the group and collect information on its members. Li’s testimony led to their arrest and conviction (though Li later retracted his statements and fled the country, saying that the charges were fabricated, and that the group was in fact doing nothing wrong). Were the New Study Group patriots? Or were they, as the Chinese government maintained, traitors?

Eight years later, on March 12, 2009, Yang Zili and Zhang Honghai were released from prison, but remained under the regime’s lash: a further sentence of two years’ deprivation of political rights. They are closely monitored by authorities and may not accept interviews with the foreign press or have any contact with overseas organizations without approval from the authorities.

Their story painfully illustrates how hard the Chinese regime works to silence any

form of organized political debate in China, and how far it will go to deprive its citizens of their right to free speech.

China’s leaders view censorship as one of their most powerful tools of manipulation and control. Although it is applied unevenly, when the regime decides to crackdown, it frequently employs draconian methods. This has led to a widespread “chilling” effect that permeates all forms of cultural, academic, and media production, including academic journals, films, web-forums, art, and even pop music. Although many individuals, artists and producers attempt to push the boundary on what can and can’t be said, most find it easier to avoid controversial subjects altogether. This constant moving of the goalpost when it comes to free speech has had a stultifying effect on all forms of media and art, and has been highly effective at limiting any form of media that could be construed as critical of the regime.

Censorship robs Chinese citizens of the ability to form a truly open civil society, and ensures that dissent is contained before it can threaten the government’s power. While private speech is much freer than it was under Mao, as soon as citizens begin to independently organize, no matter how small the group or how mundane the issue, they risk being shut down by the government and individually targeted by authorities. Those who attempt to organize around issues the regime deems politically sensitive risk swift and severe retribution.

THE MECHANICS OF CENSORSHIP

To understand the manifold ways in which speech is monitored and censored in China, one must first examine the architecture of

the regime’s censorship strategy. Several high-level government agencies collude to form the largest, most sophisticated bureaucracy of censorship in the world. The largest of these bodies, the General Administration of Press and Publication (GAPP), is responsible for the formulation and enforcement of censorship laws, including policy formulation on publishing; screening and licensing of all publishing outlets, online and print; monitoring of all news and publishing activities; investigating and prosecuting “illegal” publishing activities; and monitoring and regulating the Internet. The State Administration of Radio, Film, and Television (SARFT) is responsible for controlling the content of all film, radio, TV, and satellite broadcasts, while the Ministry for Information Industry regulates China’s telecom and software providers, including the licensing and regulation of Internet providers. The State Council Information Office (SCIO) acts as China’s own in-house public relations agency, constantly publishing and promoting pro-China information in the domestic and international press. SCIO also determines who can and cannot post news online. Probably the most well-known segment of China’s censorship machinery in the West is the Central Propaganda Department (now known as the Publicity Department in English, although the Chinese name has remained the same), which not only acts as the mouthpiece for the Communist Party, but also makes sure that all content published within China is consistent with Chinese Communist Party (CCP) dogma. This includes screening all books, particularly those pertaining to CCP leaders, issuing directives to editors dictating the parameters of acceptable discourse in their





Public Security Bureau officers harass a monk in a monastery in Sichuan Province, 2008.



Police raiding an internet café.

CHINA'S INTERNET POLICE FORCE IS NOW ESTIMATED TO NUMBER NEARLY 30,000.

publications, and running indoctrination sessions with members of the media.

In addition to the agencies responsible for engineering the structure of censorship in China, several agencies act as the watchdogs and enforcers of censorship policies. The Public Security Bureau (PSB) filters and monitors the Internet, and is also typically responsible for investigating and detaining those in violation of state security laws, i.e. potential critics and dissenters. The General Administration for Customs confiscates any material deemed “harmful to the government,” such as Western media that may contain material critical—or at least seen by the government as critical—of China. There are several reported cases of Customs allowing foreign media through, but literally ripping out the pages containing sensitive content. This is true not only of Western media, but also of Chinese language media originating in Hong Kong, which under the

“one country, two systems” policy has maintained fairly robust media freedoms.¹

CONTROL OF THE PRESS

Almost all media distributed in China is done solely through, or in partnership with, the state. Historically, the press has operated primarily as a mouthpiece for the Party, and during the Mao era, Laogai inmates were often forced to read and recite articles from the nationally distributed *People's Daily* as part of their thought-reform exercises. As former Shenzhen-based reporter He Qinglian has put it, the press in China is not a watchdog of the government. Rather, the government serves as the watchdog of the press.² Many had hoped when Hu Jintao came to power in 2002 that China's media controls would be loosened, but unfortunately censorship remains highly pervasive. If anything, media controls have tightened in the past year, with editors routinely harassed, fired, or jailed if

their papers report too freely. The Committee to Protect Journalists has called China “a revolving door” when it comes to journalists.³ Often, just as one reporter is released from prison, another goes in. Chinese authorities freely target foreign reporters as well. In 2008, there were 180 incidents where foreign reporters were harassed, arrested, detained, or otherwise obstructed from reporting on issues in China—and this in the year of the Olympic Games, a year in which authorities had specifically promised increased freedoms for foreign journalists. Additionally, at least thirty Chinese journalists and fifty-one well-known bloggers are currently in prison.⁴ As of December 2008, China was “the world's leading jailer of journalists for the tenth consecutive year.”⁵

Due to the rise of cell phone and Internet technologies, China's state-run media has suffered a kind of crisis of legitimacy in recent years, as Chinese citizens have gained enough access to information to know that the state's version of events is not particularly credible. That does not mean, however, that they therefore have access to an accurate version of events. China's numerous Internet censorship methods work in concert to systematically, and indeed quite effectively, block information. Even so, China Central Television (CCTV), China's behemoth television network, which manages over nine television channels and is controlled by the central government, has of late come under fire for not providing accurate reporting on events. Jaded citizens are increasingly aware that they aren't being given the whole story, with certain well-circulated blog posts—some of which have since been blocked in China—taking sarcastic delight in the images of small sections of the iconic new CCTV tower in Beijing set ablaze by an errant firecracker (no one was hurt).⁶

The network was also heavily criticized in the wake of the melamine milk scandal for not alerting the public when it first learned of

the outbreak, a move that could have saved hundreds of thousands of babies from falling ill.⁷ Indeed, the tainted milk scandal was a prime example of how stringent media censorship and corruption combined to have serious, and even deadly, consequences for the Chinese people. In 2008, milk tainted with melamine sickened hundreds of thousands of babies, killing six.⁸ Although this was the second major milk safety scandal in China in four years (the first in 2004 saw fourteen babies killed from malnourishment as a result of fake milk),⁹ the government actively discouraged the press from covering stories about the growing numbers of babies who had been poisoned, even though they learned of the dangerous milk before the Olympics took place. No government officials have been charged in the scandal; only the executives of Sanlu, the company caught adding melamine to their milk supply, have been prosecuted. Two former bosses at the company have been sentenced to death, but little action has been taken to improve the safety of the food supply, and the press remains restricted from reporting on food safety issues.

The lack of reporting on these major issues is not just the result of apprehensions on the part of the media; it is now enshrined in Chinese law itself. In July 2006, in a move that will continue to have consequences for the health and safety of the Chinese people, the National People's Congress actually passed a law imposing fines for anyone carrying out "unauthorized" reporting on disease outbreaks, natural disasters, social disturbances, and other "public emergencies."¹⁰ It is important to note that this law came out a full three years after the government's cover-up of the SARS outbreak led directly to the spread of the disease to 8,000 individuals and the deaths of over 800 worldwide.

As the media continues to evolve, the government realizes it, too, must evolve if it is to

effectively control both the information that reaches its own citizens, and the image of the regime abroad. Instead of ignoring events altogether, the official news outlets are now racing to get the government version of the story out first, so that the official line is established and the government can take a proactive, rather than reactive, approach to promoting their version of events. The government wants to be sure its version of events is being covered by foreign media as well. As part of this strategy, they have recently invested \$6 billion to create a Chinese CNN-style network which will broadcast globally. When speaking about the new network, the Party's top ideologue, Li Changchun, was quoted as saying, "We must enhance our consciousness of politics... firmly establishing the Marxist view of journalism... constantly improving our capacity to correctly guide public opinion."¹¹

Chinese media has undergone significant commercialization in recent years, as even state-run newspapers have been forced to make themselves into profitable ventures and compete with foreign media (albeit in censored form). The commercialization of the media within China has not, however, led to the kind of liberalization that was originally hoped for. Foreign media conglomerates, such as Rupert Murdoch's News Corp, have been more than happy to steer clear of sensitive political subjects and focus more heavily on tabloid, entertainment-oriented publications, while for the domestic media, commercialization has constricted the air flow on sensitive subjects even more tightly. Christopher Walker and Sarah Cook of the *Far Eastern Economic Review* write that, "Now when a publication or editor pushes the limits of permissible coverage, he must not only consider the professional (and personal) risks of being demoted, fired, or sometimes worse; added to the mix is the financial danger of displeasing advertisers or having the publication shut down under

pressure from powerful business interests with close official ties."¹² The commercialization of the media has been paralleled by a shift in the burden of censorship from the government to non-state actors, including individuals and companies. By making politically sensitive media unprofitable, the government has been able to retreat to some extent and allow the market to police itself.

It is important to note that if the object of public criticism is not the regime itself but a foreign nation or some other entity out of favor with China, authorities may relax controls on information. They may even allow citizens to organize large-scale demonstrations as a means of fomenting nationalist sentiments and diverting attention away from the governments' own shortcomings. Though the valve on censorship may be loosened temporarily during such times, the government will abruptly shut it off if it feels the population has become too energized. The anti-Japanese protests of 2005 followed this pattern. After giving the students a chance to vent some anger and break the windows of a few Japanese storefronts, the government quietly put a stop to protests, mindful of the fact that historically, such xenophobic protests have occasionally turned against the government itself.

CENSORSHIP AND THE INTERNET

Understandably, the bulk of the discussion on censorship in China has, of late, centered on the Internet. China's Internet use has exploded in recent years, and the country is now home to 70 million¹³ of the world's 184 million¹⁴ blogs, and 300 million of the world's Internet users. Chinese users also typically spend more time online, and are more likely to participate in online forums and social media sites than users in most other countries.¹⁵ However, several obstacles block many Chinese from fully participating in the Internet public sphere. One is the massive digital inequality that exists in

China. China has the world's largest population living under \$2 per day in the world, and although rural Internet usage is climbing, according to official reports,¹⁶ Internet penetration in the poorest areas of the country is minimal at best. An additional hurdle rural Internet users face is much slower connections than their urban counterparts, meaning that much of the web remains inaccessible to them.¹⁷ Still another factor is that many Chinese do not have Internet access in their homes, and thus rely on Internet cafés for access to the web. The Internet café setting impacts privacy dramatically, as cafés are required to obtain an ID card and signature from every visitor, and retain this information for up to sixty days. They are also required to have surveillance cameras with a direct feed to the local police station.¹⁸ These cafés are often targeted in Internet-related crackdowns as well, and multiple agencies have the capability to shut them down at a moment's notice.¹⁹

More than inequality, however, the biggest factor blocking full citizen participation in all that the Internet public sphere has to offer is China's sophisticated Internet censorship regime, which controls information at a number of levels, with devastating consequences for those who push the limits of the censors. Researcher and programmer Greg Walton argues that "China's Internet regulations and legislation are guided by the principle of 'guarded openness'—seeking to preserve the economic benefits of openness to global information, while guarding against foreign economic domination and the use of the Internet by domestic or foreign groups to coordinate anti-regime activity."²⁰ Rebecca Mackinnon, Professor at the University of Hong Kong's Journalism and Media Studies Centre, who has done significant research on the Internet in China, has dubbed China's Internet censorship regime "cybertarianism." She argues that in cybertarian societies like China's, despite increased access to

information, "people still go to jail when the powers that be decide that they are too much of a threat, and there is nothing anybody can do about it."²¹ China was recently named one of the ten worst places to be a blogger by the Committee to Protect Journalists, and scores of bloggers are currently serving jail terms.²² So while the Internet may have increased participatory capabilities and access to information, it has not transformed Chinese netizens into agents of change.

BIG BROTHER: CONTROLLING THE INTERNET

China has committed significant resources and developed some ingenious methods as it seeks to control speech online. In addition to employing an estimated 30,000 Internet police to scan the web for and delete subversive content,²³ many websites are directly blocked, and the government also puts pressure on companies to selectively delete sensitive content themselves. The government also informally employs squads of online commentators, commonly referred to in Chinese as the "50 Cent Party" or *wu mao dang* to post jingoistic, pro-government content in exchange for payment. Rebecca Mackinnon uses a very Communist metaphor—a hydroelectric engineering plant—to describe the Chinese government's approach to the Internet. While allowing for a modicum of participation and yet pervasively censoring sensitive information, the government allows the general population to "blow off steam" without actually allowing any kind of organized political opposition that might threaten the regime.²⁴

Censorship on the Internet tends to come in waves. In 2008, the government initiated what was called the Anti-Pornography crackdown, in which they claimed they were targeting "vulgarity" online. In reality, however, many politically daring websites found themselves to be targets as well. Blog aggregators such as Bullog.net, which allowed

conversations about sensitive topics such as the 2008 Sichuan earthquake to flourish, were shut down.

There are several weapons at the government's disposal for dealing with the threat of subversion on the Internet. The first is the basic blocking of websites, which is done through a special router system manufactured exclusively for the Chinese government by multinational IT companies, including Nortel Networks and Cisco.²⁵ International connections for all of China's major networks pass through official gateway servers, which filter content and block websites which the Chinese regime deems "harmful." The government utilizes the same technology that many companies use on their internal networks to prevent employees from accessing Facebook and personal web e-mail accounts during the workday. By blocking out certain web addresses and key words, the government can turn on and off its ability to censor certain messages from coming through. Recently this tactic was used to block YouTube, after images of Chinese police torturing Tibetans in March 2008 were circulated widely on the Chinese Internet before being blocked.

The second tool is the construction of a sophisticated architecture of surveillance that integrates the Internet with traditional policing. Collaborating with universities and in some cases in joint ventures with Western multinational companies, the Chinese government is working to create one of the most sophisticated surveillance networks in the world—a project it has dubbed "Golden Shield." This project aims "to build a nationwide digital surveillance network, linking national, regional and local security agencies with a panoptic web of surveillance."²⁶ This includes "black box" technology which would be able to monitor and record content and activity from individual e-mail accounts, as well as an e-mail filtration system which is able to delete e-mails containing



Jingjing, pictured above, along with his female counterpart Chacha, are the cartoon mascots of the Internet Surveillance Division of the Public Security Bureau in Shenzhen, China. Their names are a play on the Chinese word for police, *jingcha*, and they appear on websites and web forums in Shenzhen to remind Internet users that they are being monitored.

CHINA IS NOW HOME TO 70 MILLION OF THE WORLD'S 184 MILLION BLOGS AND 300 MILLION OF THE WORLD'S INTERNET USERS.

sensitive content without alerting the sender or recipient. They have also been working on developing technology capable of setting up fake proxy servers as "traps" to monitor those who are using the proxies to get around the Great Firewall and the type of content they are attempting to view. All of these developments, taken together with the government's recent investment into surveillance camera systems with face-recognition technology, and the already far-reaching access to private information through

the *hukou* household registration (China's internal passport system), portends even further intrusions of the state into people's lives in the future.

Perhaps one of the most insidious facets of China's censorship regime has been its ability to co-opt private industry to serve as yet another tool at the government's disposal. In order to obtain a license to operate in China, Internet service providers, blog hosts, and social networking forums must agree to comply with China's censorship regulations.

The onus is on the individual company to censor, delete, or alter content deemed too sensitive to post on the Internet.²⁹ As a result, censorship varies greatly from one company to another. The central government issues directives, which are then left largely to the individual company to implement, with the goal of preventing public discussions on sensitive topics, such as the 1989 Tiananmen protests or the 2008 Tibetan demonstrations, from taking place. Since their commercial life is at stake, companies are inclined to



Nie Guanghua, 82, from Guizhou Province, holds up a sign reading "Where is Justice?" In 1952, Nie lost a receipt for 200 kg of rice and spent five years in prison after being convicted of embezzling from his commune. The conviction was overturned on appeal in 1987, but Nie says provincial authorities refused to recognize the court's decision without a bribe. Unable to work, he has been coming to Beijing to protest corruption for the past seven years.

CHINA IS CONSTRUCTING A SOPHISTICATED ARCHITECTURE OF SURVEILLANCE, INCLUDING "BLACK BOX" TECHNOLOGY ABLE TO MONITOR AND RECORD ACTIVITY FROM INDIVIDUAL E-MAIL ACCOUNTS, A FILTRATION SYSTEM ABLE TO DELETE E-MAILS CONTAINING SENSITIVE CONTENT WITHOUT ALERTING EITHER SENDER OR RECIPIENT, FAKE PROXY SERVERS TO MONITOR THOSE USING PROXIES TO CIRCUMVENT THE CENSORS, AND SURVEILLANCE CAMERAS WITH FACE RECOGNITION.

comply with regulations and remove posts they think the government would consider offensive. This includes deleting content off popular sites such as Facebook, but it can also mean turning over the IP addresses of cyber dissidents. The case of Shi Tao, who was arrested in 2006 on the basis of information provided to the Public Security Bureau by Yahoo! Hong Kong Ltd, illustrates the willingness of corporations to participate in repression in exchange for access to the world's largest and fastest growing Internet market.

In 2004, the government released a document to journalists ordering them not to discuss the upcoming fifteenth anniversary of the Tiananmen Square protests, as well as a range of other sensitive topics. Shi Tao, who

was working as a journalist for a business newspaper in Hunan at the time, used his personal Yahoo! account to e-mail the document to the Asia Democracy Foundation, based in New York. The Public Security Bureau demanded Shi's IP address and e-mail from Yahoo!'s Hong Kong office, and Yahoo! complied, turning over information that directly led to Shi's arrest in November 2004. After a trial in March 2005 in the Hunan Changsha Intermediate People's Court, Shi was sentenced to ten years in prison, as well as an additional two years' deprivation of political rights. In another related case, writer Wang Xiaoning was charged with "incitement to subvert State power" and sentenced to ten years plus a two year deprivation of political rights in 2003 for distributing pro-democracy essays via his Yahoo! Groups account. In 2006 and 2007, the US House of Representatives held several hearings to hold Yahoo! to account for its role in incriminating Shi Tao and Wang Xiaoning.

In response to these cases and others, Yahoo!, Google, and several other multinational companies have signed on to the Global Network Initiative, which is an attempt to establish an organization with standardized practices for dealing with authoritarian regimes. While it is a good first step, the Initiative does not actually have any enforcement mechanism, so it remains to be seen how companies will deal with requests for sensitive information. It is also compromised by existing agreements companies have with the Chinese regime. For example, the Chinese joint venture with Skype, called TOM-Skype in China, agreed to allow the government to monitor and censor both text messaging and phone calls over the Internet.³⁰

HARNESSING NATIONALISTIC FERVOR TO SUPPRESS DISSENT

Yet another weapon in the government fight against dissent is the "50 Cent Party" or *wu*

mao dang. Recognizing that an increase in access to information is inevitable no matter how much the government attempts to block "harmful" websites via the Great Firewall, authorities have begun to rely more heavily on the manipulation of public opinion in the form of pro-government posts on forums all over the web. The 50 Cent Party was born of one of China's most popular Internet activities, bulletin board systems, or BBS for short. BBS participation is particularly popular amongst university students, and each university has at least one official board. Beginning in 2005, Nanjing University officials experimented with paying overzealous students with university work-study funds to monitor the forum and to promote the party line through posts. The project was a "success," and soon Party officials throughout the region were employing the same tactics. The pro-government commentators were given 5 *mao* or 50 Chinese cents for each post, hence the name. The 50 Cent Party rose to national prominence in early 2007, when the central government began to encourage schools and party organizations to employ teams of positive web commentators. Today, the 50 Cent Party posts pro-government, nationalistic comments on blogs, newspaper articles, and other public forums on the Internet, overwhelming critical voices with a deluge of pro-Party commentary. Thus, content on the Chinese Internet is deliberately skewed in favor of the Party, as are Internet discussions on China worldwide. The government has unlimited access, substantial funding, and an army of Internet police and nationalistic youth at its disposal, leaving the more liberal and moderate voices fractured, marginalized, and fighting for legitimacy.

The government also has another, potentially more disruptive weapon in its war on dissent that affects Internet users both in and out of China. It is called the Red Hackers Alliance or *hongke*, and it is a loose

association of pro-government, jingoistic hackers who attack websites perceived to be anti-government. This includes non-governmental organizations in the US and Europe, who often find their websites shut down by attacks originating in China. Like the 50 Cent Party, they are not directly affiliated with the government, but are not discouraged from carrying out attacks that are directed outside of China.

THE RIVER CRAB WEARS THREE WATCHES: GETTING AROUND THE CENSORS

There are numerous ways around the Great Firewall, and while these methods might continually shift, those who have a basic knowledge of proxy servers can almost always get access to the sites they wish to view. However, the channels through which unrestricted information is delivered are not legitimized or supported by the government, indeed, quite the opposite. So while people are more able to report on and track current events, and even act on them in some cases, there are still consequences for those the government chooses to target—and one never knows who will be next.

James Fallows argues that the nuisance created by constantly having to use interminably slow proxy servers and the government's uneven approach to censoring news means that most Chinese Internet users simply avoid controversial subjects. Others, however, have discovered creative ways in which to poke holes in the government's Internet content control through satire. In the last couple of years, many bloggers in China would say that they had been "harmonized" or *he xie* when their posts were censored or deleted. This was a play on Wen Jiabao's 2005 speech in which he called for the building of a "harmonious society" that "will feature democracy, the rule of law, equity, justice, sincerity, amity and vitality."³¹ Once the censors caught on to the term, they

started censoring the word “harmonize,” so crafty bloggers began using the term “river crab,” also pronounced *he xie* but written with different characters. The play on words was taken even further when pictures of a crab wearing three watches began surfacing on the Chinese Internet. The crab wearing three watches is a play on former Party leader Jiang Zemin’s famous “Three Represents,” in which he argued that the Party should be at the center of reforms in China. The “Three Represents” in Chinese is *sange daibiao*, which, twisted around a bit, becomes *dai sange biao*, or “wearing three watches.” This image became wildly popular and circulated throughout the Chinese Internet. Soon, the government began censoring mention of the river crab wearing three watches, and thus the “grass mud horse” videos were born. The grass mud horse is a fictional animal resembling an alpaca, whose name is a homonym for “F%\$! your mother.” As the recent censorship push was ostensibly to eradicate vulgarity on the net, this play on one of the most vulgar of Chinese phrases represented opposition to the latest censorship campaign. Videos debuted with songs depicting the struggle of the grass mud horses against the evil river crabs. Widely circulated on the Chinese Internet, the allegory of the grass mud horse spawned a whole genre of videos. Before long, however, the grass mud horse, too, fell victim to the censors.

Worryingly, the Chinese commercialized authoritarian model of censorship without liberalization is being copied elsewhere around Asia, including Vietnam, Burma, Thailand, and Malaysia. Burmese military officials have even participated in training exercises on Internet censorship led by the Chinese government.³²

CENSORSHIP IN THE ART WORLD

The contemporary Chinese art world has made use of satire for decades. Perhaps one of the first examples of this was Xu Bing’s fake

Chinese characters in his seminal 1987 work “Book from the Sky,” in which he created an entirely fake set of Chinese characters, and set about printing book after book resembling traditional Chinese poetry. Visitors to galleries where the exhibition was hung stared at it for hours, trying to find meaning in the fake characters. When it was revealed that the characters were fake, many in the Chinese art establishment and the government’s censorship department felt that Xu was insulting the entire Chinese language by vitiating it of any meaning. The official reaction to the piece eviscerated Xu’s work as “ghosts pounding on the wall,” meaning it symbolized “the ultimate in nihilistic subjectivity, the triumph of bourgeois liberalism.”³³ More recently, as the Chinese avant-garde has gained international acclaim, the government’s attitude towards their semiotic transgressions has softened somewhat. However, the artistic community is still routinely hit with frustrating exhibition closures for shows which are deemed too edgy.³⁴

Although there is more room to maneuver in the art world than in decades past, those who test the boundaries too often or push too far also face opposition to their activities, even when they are well-known and well-liked celebrities. In 2008, when melamine-tainted milk caused hundreds of thousands of children to fall ill, Ai Weiwei, the artist who was elevated to the status of national hero for designing the famous Bird’s Nest Olympic Stadium, entered the fray by signing his name on a packet of Sanlu Brand Milk Powder (the company involved in the scandal) and auctioning it, together with a Beijing art gallery. Ai used the money he raised to buy coats to give to the people who come to chilly Beijing during Chinese New Year to petition their grievances with the Chinese government. He then decided to auction one of the coats to raise even more money with the hope of starting a relief fund. In his most recent project, he has written about

how he has been beaten and interrogated for trying to find out the names of the children killed in the Sichuan earthquake. Although Ai’s celebrity status has undoubtedly kept him out of prison, he has been repeatedly harassed and even roughed up by government thugs.

One bright spot in the largely bleak picture of freedom of expression in China is that access to banned films and books has improved dramatically in recent years, and in several east coast cities such as Beijing, Shanghai, and Guangzhou, it is now possible to find a multitude of works (if one is willing to look hard enough). This is particularly true of films. Owing to the government’s lackadaisical attitude towards copyright infringement, pirated DVDs are widely available. Many of these films and books, however, do not enjoy any kind of official distribution network, meaning that outside China’s major cities they are difficult to find. Independent Chinese films, while hot commodities at international film festivals, are not circulated through public channels in China at all, meaning access to the films is highly limited for the very audience for which they are intended.

TALKING ABOUT HISTORY

One of the most heavily censored areas of speech in China is the discussion of recent Chinese history. For many years, the government has unsurprisingly concentrated on promoting its “patriotic education” campaign, which aims to focus history lessons on the “century of humiliation” China suffered at the hands of foreign imperialists (before it threw off the oppressors and chose communism as the way forward). Reading the introduction to a Chinese history textbook used at Beijing University—China’s most prestigious university—it is little wonder that nationalism is on the rise among Chinese youth: “The story of China’s modern history [from the Opium War to the present day] is the history of the cou-

rageous, agonizing struggle by generation upon generation of the good-hearted masses for national survival and to accomplish the great revival of the Chinese race... It is the history of an extremely weak, impoverished and old China gradually growing, thanks to the socialist revolution... into a prosperous, flourishing and vital new socialist China... What are the aims of studying our modern history? To gain deep insights into how the invasion of foreign capitalism and imperialism combined with Chinese feudal authority to bring terrible suffering to the Chinese nation and people... and how history and the people came to choose the Chinese Communist Party.”³⁵

The Party's version of history whitewashes the continuous political purges and violence of post-1949 China, or in some cases deletes these events from the history books altogether. Books reviewing turbulent periods of history, such as the Great Leap Forward or Cultural Revolution, are usually banned, as are any unauthorized biographies of former or present Party leaders who may have played a part in any of the events. Those attempting to resurrect the past are often watched with great interest, and then harassed or punished when their research cuts too close to the quick. In 1999, for example, independent filmmaker Hu Jie set about making a documentary about Lin Zhao, a poet and essayist who was jailed during the Anti-Rightist campaign in the early 1960s and executed during the Cultural Revolution in 1968. Early on in his research the Public Security Bureau took an interest in his film, and Hu was asked to leave his job at the Xinhua news agency. He spent five years making the film, and towards the end of production, was visited by a PSB agent who “encouraged” him not to take it any further. Although his films enjoy popularity underground, they are not officially distributed in China. Some documentarians fare far worse. Tibetan filmmaker Dhondup



Ai Wei Wei's Sanlu milk packet project, where the artist signed his name to a packet of melamine tainted milk and auctioned it off to raise money to give coats to petitioners coming to Beijing over the Chinese New Year to plead their cases with the government.

THE NATIONAL PEOPLE'S CONGRESS PASSED A 2006 LAW IMPOSING FINES FOR ANYONE CARRYING OUT “UNAUTHORIZED” REPORTING ON DISEASE OUTBREAKS, NATURAL DISASTERS, SOCIAL DISTURBANCES AND OTHER “PUBLIC EMERGENCIES”—A FULL THREE YEARS AFTER THE GOVERNMENT’S COVER-UP OF THE SARS OUTBREAK.

Wangchen was arrested in March 2008, together with his assistant Jigme Gyatso, for filming interviews with Tibetans about life under Chinese rule for a documentary called *Leaving Fear Behind*. Gyatso was later released after being tortured, only to be rearrested and detained for a month in March 2009. Wangchen remains in prison.

British historian Julia Lovell has recently argued that many Chinese simply do not pay attention to the version of history taught in schools, that its patriotic education operates as a kind of "white noise"³⁷ that is tolerated, but not actively followed. As a result, in-depth history lessons are often missing altogether from the education system in China.

This lack of historical memory can have devastating consequences for a nation in search of a collective soul. Many Chinese regard their memories of Mao's bloody campaigns as too painful to share with the younger generation, and there is a real danger of post-1949 history drowning under the weight of patriotic education and the economic boom. Blocking the open and honest discussion of history, the regime is depriving the older generation of the chance to come to terms with the atrocities they and their families experienced, and erasing these events from the history books only increases the chance that these atrocities could be repeated. But since the regime today is the

same regime that perpetrated these acts, discussion of the past is an existential threat, and a Pandora's Box that must forever remain tightly sealed.

Whether censoring the Internet or promoting the Party's version of history, the Chinese regime takes an active role in depriving its citizens of the right to free speech. As China grows into an economic superpower, the lasting effects of this form of social control remain unknown. By encouraging hyper-nationalism and dominating public discourse, however, the regime has effectively fractured and subjugated the liberal voices in China that might be its best hope for meaningful reform.

¹ Although the mainland government made an attempt to encroach on freedoms there as well, in 2003, over a million Hong Kong citizens took to the streets to protest a creeping intrusion of Chinese state security laws into the territory, and the government was forced to back down.

² He Qinglian, *The Fog of Censorship*, New York: Human Rights in China, 2008.

³ Dietz, Bob and Shawn W. Crispin. "Media Freedom Stalls as China Sets the Course." In *Attacks on the Press in 2008*. New York: Committee to Protect Journalists, 2008.

⁴ *Freedom of the Press Worldwide: 2008 Annual Report*. Paris: Reporters without Borders (Reporters Sans Frontières).

⁵ Dietz, Bob and Shawn W. Crispin. "Media Freedom Stalls as China Sets the Course."

⁶ "Netizens ridicule CCTV," *Straits Times*, February 11, 2009.

⁷ Kine, Phelim. "Censorship isn't good for China's health," *Wall Street Journal*, October 11, 2008.

⁸ Branigan, Tania. "Chinese figures show fivefold rise in babies sick from contaminated milk," *The Guardian*, December 2, 2008.

⁹ "Chinese fake milk scandal deepens," *BBC News*, April 22, 2004.

¹⁰ He Qinglian, *The Fog of Censorship*.

¹¹ Ford, Peter. "Beijing launching a 'Chinese CNN' to burnish image abroad," *Christian Science Monitor*, February 5, 2009.

¹² Walker, Christopher and Sarah Cook, "China's commercialization of censorship," *Far Eastern Economic Review*, May 2, 2009.

¹³ China Internet Network Information Center. *Statistical Survey Report on the Internet Development in China*. Beijing: July 2008.

¹⁴ Technorati. "State of the Blogosphere" <http://technorati.com/blogging/state-of-the-blogosphere/>

¹⁵ Sofres, Taylor Nelson. *Key Insight Report 5: Digital World, Digital Life*. London: TNS Global Interactive, 2008.

¹⁶ China Internet Network Information Center. *Zhongguo huilianwangluo fazhan qingkuang tongji guangao* (Statistical Report on the Development of China's Internet). Beijing: January 2009.

¹⁷ Gaurav Mishra. "International Trends in Digital Activism," Presentation at Georgetown University, April 23, 2009.

¹⁸ Klein, Naomi. "China's All Seeing Eye." *Rolling Stone*, May 29, 2008.

¹⁹ OpenNet Initiative, Country Profile-China (including Hong Kong), May 9, 2007.

²⁰ Walton, Greg. *China's Golden Shield: Corporations and the Development of Surveillance Technology in China*. Montreal: International Centre for Human Rights and Democratic Development, 2001.

²¹ Rebecca MacKinnon Blog, rconversation.blogspot.com.

²² "Worst places to be a blogger," Committee to Protect Journalists online report, April 10, 2009.

²³ Gutmann, Ethan. *Losing the New China*. New York: Encounter Books, 2004.

²⁴ Rebecca MacKinnon, presentation at the Carnegie Endowment for International Peace, February 18, 2009.

²⁵ Walton, Greg. *China's Golden Shield: Corporations and the Development of Surveillance Technology in China*. See also Fallows, James. "The connection has been reset." *Atlantic Monthly*, March 2008. Other American

companies, including Honeywell, GE, and IBM have participated in selling other security related equipment to China, including face-recognition technology, which could be used to pick up political and religious dissidents.

²⁶ Walton Greg. *China's Golden Shield: Corporations and the Development of Surveillance Technology in China*. See also OpenNet Initiative, Country Profile-China (including Hong Kong), May 9, 2007.

²⁷ See Walton, Greg. *China's Golden Shield: Corporations and the Development of Surveillance Technology in China*. Montreal and Gutmann, Ethan, *Losing the New China*.

²⁸ Klein, Naomi. "China's all seeing eye."

²⁹ OpenNet Initiative, Country Profile on China (including Hong Kong).

³⁰ "China censors Skype chat," *BBC News*, October 3, 2008.

³¹ "Building harmonious society CPC's top task," *China Daily*, February 20, 2005.

³² Dietz, Bob and Shawn W. Crispin. "Media Freedom Stalls as China Sets the Course."

³³ Köppel-Yang, Martina. *Semiotic Warfare: the Chinese Avant-Garde 1979-1989*. Hong Kong and New York: Timezone 8, 2003.

³⁴ Chang, Anita. "Police Block Events Ahead of Tiananmen Anniversary." Associated Press, February 5, 2009.

³⁵ Lovell, Julia. "It's Just History: Patriotic Education in the PRC." *The China Beat*. April 22, 2009. <http://thechinabeat.blogspot.com/2009/04/its-just-history-patriotic-education-in.html>

³⁶ Shen, Rui. "To Remember History: Hu Jie Talks About His Documentaries." *Senses of Cinema* 35 (2005).

³⁷ Julia Lovell. "It's Just History: Patriotic Education in the PRC."

BANNED IN CHINA

THE LIMITS OF SPEECH IN PRINT

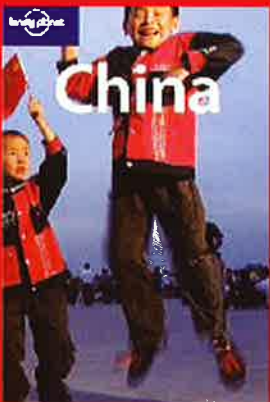
The list of banned books in China is continuously evolving, and given the inconsistency with which censorship is applied, it is often difficult to guess who will be the next target. Books that deal with human rights and other sensitive topics are typically banned swiftly, often before the book is officially released. Other books may initially elude the censors, only to be banned at the height of their popularity. Interestingly, many of the books that are banned in China are not subversive outright; rather they deal with the daily realities of life in China—realities the government would prefer were not committed to paper.



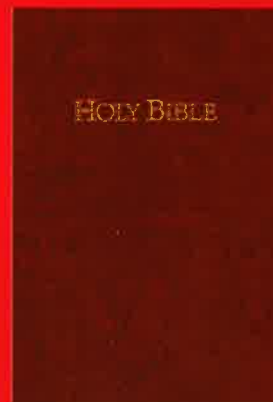
Candy
Mian Mian



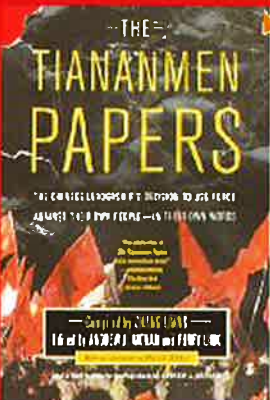
Mao: the Unknown Story
Jung Chang and
Jon Halliday



Lonely Planet China



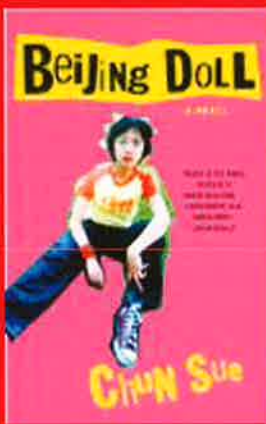
Holy Bible



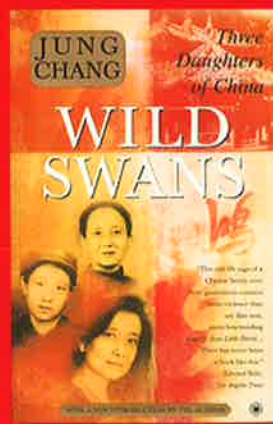
The Tiananmen Papers
Zhang Liang,
Andrew J. Nathan, and
Perry Link



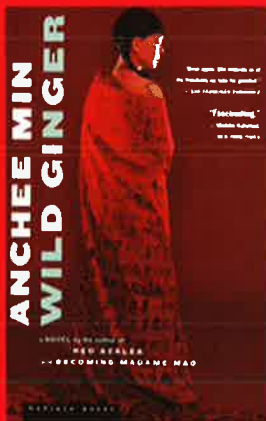
Shanghai Baby: A Novel
Wei Hui



Beijing Doll
Chun Sue



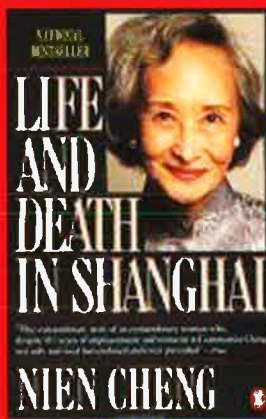
***Wild Swans:
Three Daughters of China***
Jung Chang



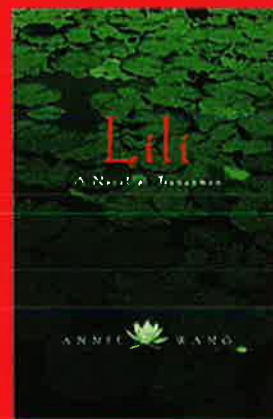
Wild Ginger: A Novel
Anchee Min



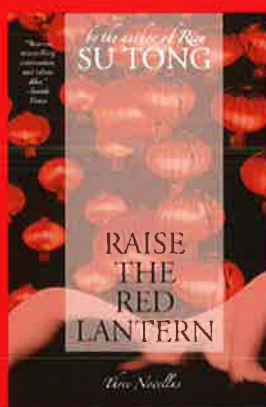
***Bound Feet & Western Dress:
A Memoir***
Pang-Mei Chang



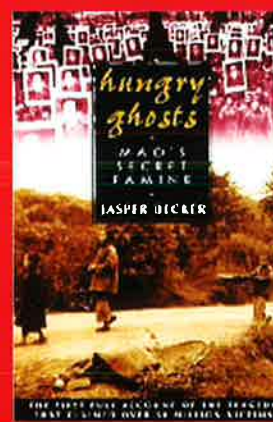
Life and Death in Shanghai
Nien Cheng



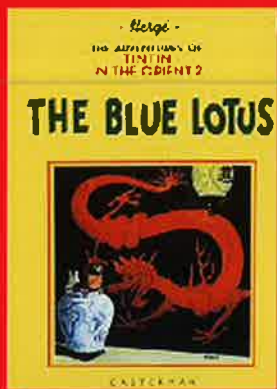
Lili: A Novel of Tiananmen
Annie Wang



***Raise the Red Lantern:
Three Novellas***
Su Tong



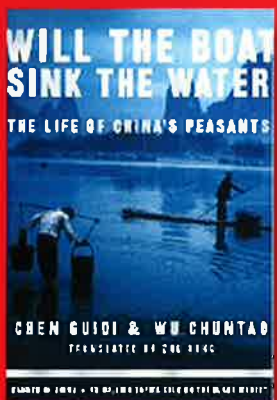
***Hungry Ghosts:
Mao's Secret Famine***
Jasper Becker



The Blue Lotus
Hergé



Past Stories of Peking Opera Stars
Zhang Yihe



*Will the Boat Sink the Water:
The Life of China's Peasants*
Chen Guidi and Wu Chuntao



Please Don't Call Me Human
Wang Shuo



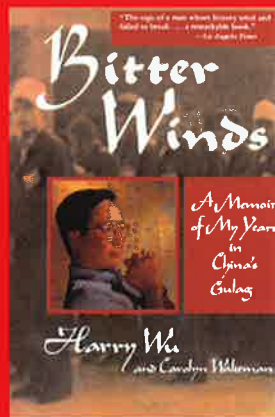
*The Other Stories of History: My
Days at the Supplement Division
of the People's Daily*
Yuan Ying



TimeOut: Beijing



*I Object: The Road to Politics by
a People's Congress Deputy*
Zhu Ling



*Bitter Winds: A Memoir of my
Years in China's Gulag*
Harry Wu

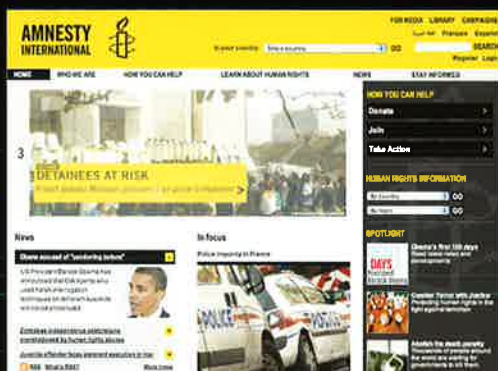
BANNED IN CHINA

THE LIMITS OF SPEECH ON THE WEB

The nature of the Internet allows for a much more nuanced approach to censorship on the web. As authorities can delete individual phrases and images from a site, there is no need to impose an outright ban on most websites. Additionally, the content of many websites changes frequently, so even if a site is banned one day, it may be available the next day, as long as the incriminating content has been removed.



BBC Chinese (news.bbc.co.uk/chinese/simp/hi/default.stm)
The entire BBC site was blocked for years in China, until 2008 when the English site became available. The Chinese version remains blocked.



Amnesty International (amnesty.org)



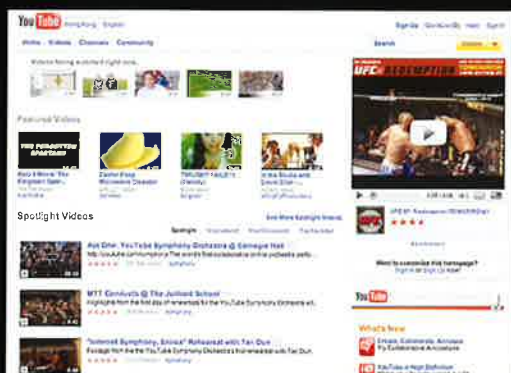
Tiananmen Mothers (tiananmenmothers.org)



Human Rights Watch (hrw.org)



Voice of America (voanews.com/Chinese)



YouTube (youtube.com)

Given that content on YouTube is constantly changing, the blocking of this site has been erratic, but its content is closely monitored by authorities.



Wikipedia (wikipedia.org)

Wikipedia was completely blocked for quite some time. The site is now accessible, but certain entries, such as the entry for the Tiananmen Square Protests of 1989, remain blocked.



The International Campaign for Tibet (savetibet.org)

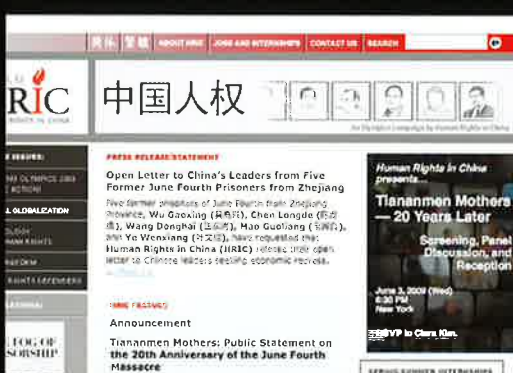


Bullog (bullog.cn)

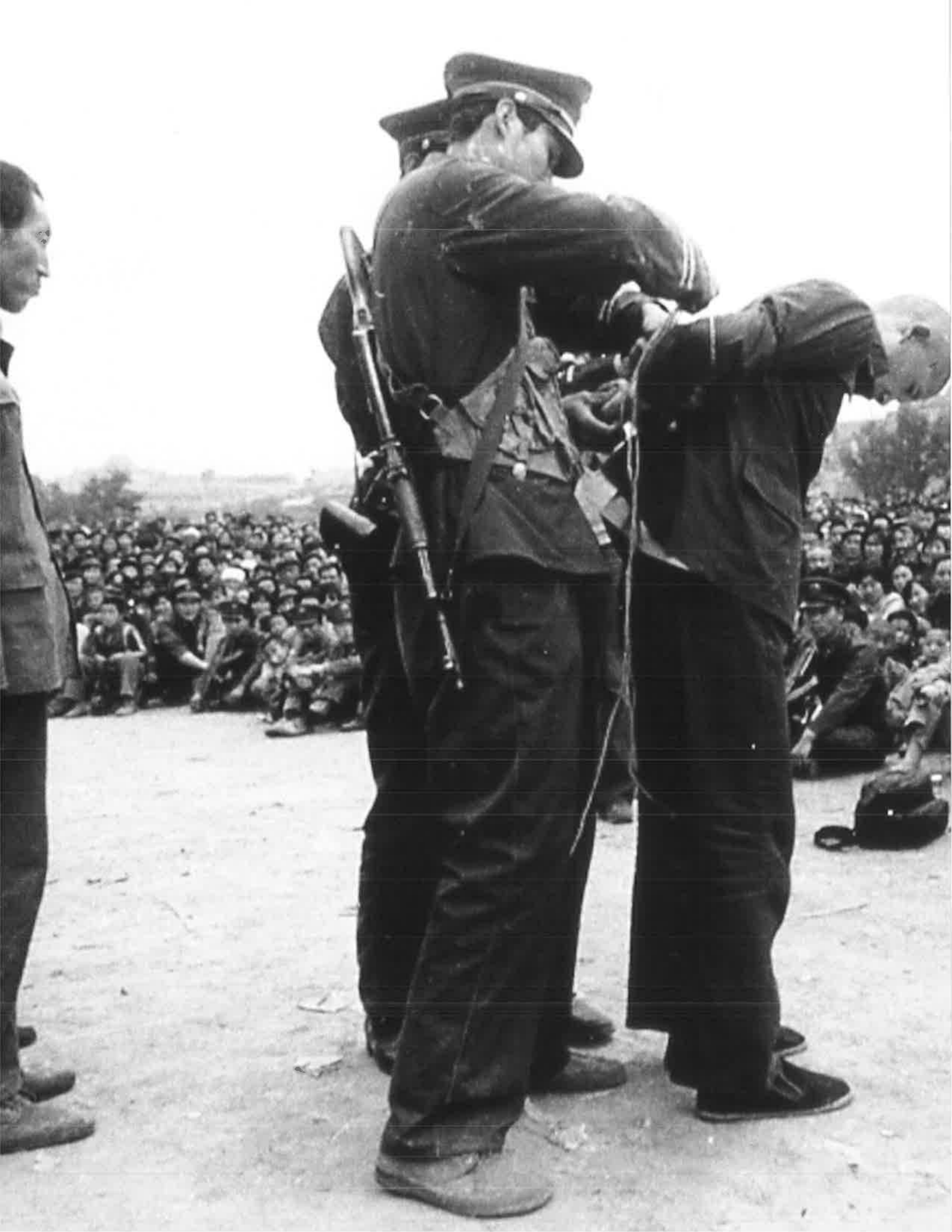
A popular blog portal in China known for publishing edgy blog posts, this site was shut down in 2009.



Falun Gong (falundafa.org)

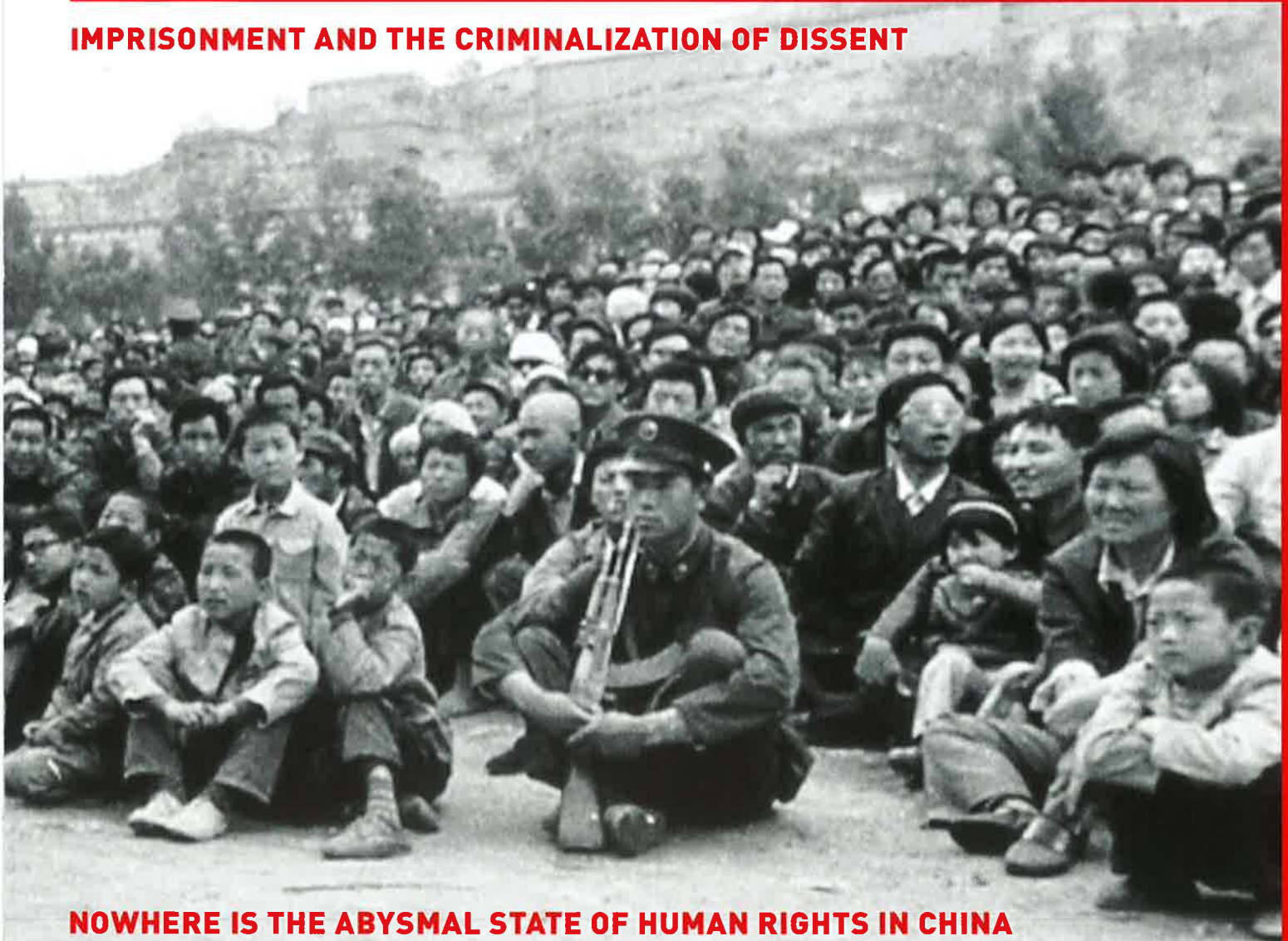


Human Rights in China (hrichina.org)



ARCHITECTURE OF OPPRESSION

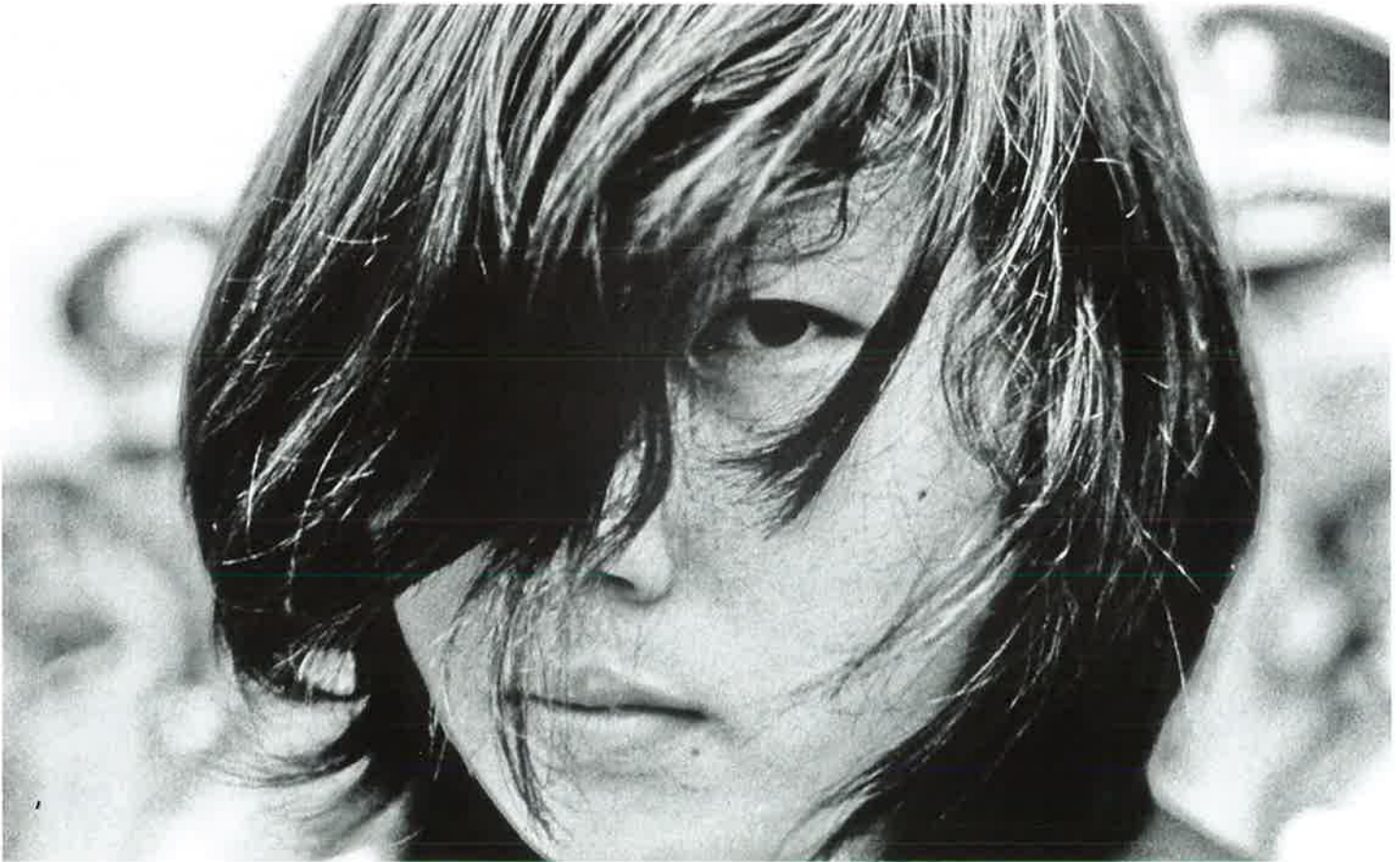
IMPRISONMENT AND THE CRIMINALIZATION OF DISSENT



NOWHERE IS THE ABYSMAL STATE OF HUMAN RIGHTS IN CHINA MORE APPARENT THAN IN THE MANY CASES OF CITIZENS WHO HAVE DISAPPEARED FROM THEIR HOMES AND FOUND THEMSELVES IN THE LAOGAI'S VAST NETWORK OF LABOR CAMPS, POLICE-RUN PSYCHIATRIC WARDS, AND DETENTION CENTERS. RATHER THAN ENSURING THAT JUSTICE IS METED OUT FAIRLY, THE PARTY-CONTROLLED JUDICIARY CRIMINALIZES DISSENT. ACTIVISTS ARE ROUTINELY PUT UNDER HEAVY POLICE SURVEILLANCE. HUNDREDS OF THOUSANDS OF PEOPLE ARE IN ARBITRARY DETENTION AT ANY GIVEN TIME. DUE PROCESS DOES NOT EXIST. TORTURE IS WIDESPREAD.

ARCHITECTURE OF OPPRESSION

IMPRISONMENT AND THE CRIMINALIZATION OF DISSENT



Public sentencing, location unknown.

LAOJIAO IS THE PUNISHMENT OF CHOICE FOR POLITICAL AGITATORS. USED PARTICULARLY HEAVILY AGAINST RELIGIOUS AND ETHNIC MINORITIES, LAOJIAO ALLOWS THE POLICE TO DETAIN ANYONE IT CONSIDERS TO BE A “TROUBLE-MAKER”—WHICH INCLUDES ACTIVISTS, CHURCH LEADERS, AND LAWYERS—WITHOUT CHARGE AND WITHOUT TRIAL. VERY OFTEN, POLITICALLY MOTIVATED ARRESTS ARE DISGUISED AS PETTY CRIMES. PROTESTORS CAN BE ARRESTED FOR “BLOCKING TRAFFIC” AND SENTENCED TO LAOJIAO.

Since the establishment of the Laogai in the early 1950s, the Chinese regime has relied on the Laogai to control its people and stifle dissent. Today, the Chinese criminal justice system is an extremely complex network of both official and unofficial forms of detention that is permeated at all levels by flagrant human rights violations, including arbitrary detention on a massive scale, extrajudicial surveillance, “black jails,” and widespread torture.

STRUCTURE OF THE SYSTEM

In examining the abuses inherent in the Chinese state’s continued use of the Laogai

system, it is useful to shed some light on the architecture of the system, which can be broken up into two main parts: Laogai (convict labor reform) and Laojiao (re-education through labor). There are at least 909 camps currently operating in China, although the true number is likely to be much higher.¹ But there are also numerous pre-trial and local detention facilities all over the country that do not figure into that number, meaning the true scale of the Laogai system is significantly greater than any estimate of the number of prison camps could hope to convey.

LAOGAI

Prisoners who are convicted and sentenced by a court are incarcerated within the Laogai, where they are forced to work in a variety of different capacities, including in factories, workshops, mines, and farms, depending on the prison. The Laogai system is different from an ordinary prison system, emphasizing “thought reform” in addition to hard labor. The social control aspect of the Laogai has its origins in the Mao period, when it was used to punish political opponents to the regime on a massive scale. Although it has evolved over the last six decades, the Laogai remains one of the most important symbols of the regime’s power to control its people. A government-published legal handbook underscores the importance of the Laogai system to the political stability of the regime:

The nature of the prison is determined by the nature of state power. Ours is a socialist state exercising the democratic dictatorship of the people. As one of the tools of the people’s democratic dictatorship, our Laogai

*facilities, representing the working class and the working people of our country, exercise dictatorship over a minority of elements who are hostile to socialism, thus safeguarding our socialist system.*²

During the early years of the Laogai, inmates were the primary labor force for massive state-run construction projects that would have been impossible to undertake with regular workers. Millions of prisoners performed backbreaking labor on irrigation, mining, and road-building projects that were carried out during the Great Leap Forward at the end of the 1950s. Most of these projects took place in the more remote provinces, such as Gansu, Shaanxi, Guizhou, Xinjiang, Qinghai, and Tibet. Typically, laboring in these areas was particularly difficult, as the terrain was unforgiving and the projects, such as reclaiming wastelands and digging mines, were exceptionally hazardous. But conditions throughout the Laogai system were universally difficult. Prisoners worked long hours with little food, were housed in dirty and over-crowded prisons, and denied even the most basic medical care. No one knows how many people died as a result of this ill-treatment. Those who did survive often endured long sentences of ten, twenty, even thirty years or more. Even after their release from the Laogai, many of these survivors were permanently injured laboring in the Laogai and still others cannot escape the mental torment of the suffering they endured.

In an attempt to divorce itself of the bad international press the Laogai and its human cost drew, the Chinese government in the early 1990s stopped using the term Laogai, replacing it instead with the more

internationally “acceptable” term *jianyu*, or prison. But despite the name change, government-issued directives indicate that the structure, operation and conditions of the system have not changed.³ In keeping with the role of protecting the so-called “people’s democratic dictatorship,” the Laogai continues to assume a political as well as punitive function.⁴ The purpose of the Laogai is not simply to punish criminals in accordance with the law, but to further strengthen the dictatorship of the Communist Party by suppressing dissent.

LAOJIAO

A form of “administrative detention” devised in 1957 to punish “minor counterrevolutionaries” and “rightists” or, as the wording of one regulation puts it, “reform idle, able-bodied people who violate the law and discipline and who do no decent work,”⁵ Laojiao is an especially insidious aspect of the criminal justice system in China that makes it possible for anyone to be sentenced for up to three years without ever being formally convicted of a crime or otherwise processed through the official judicial system.⁶ While nominally part of the Ministry of Justice, the decision as to who is sent to Laojiao and for how long rests almost solely with the police.⁷

The function of Laojiao has evolved dramatically since its inception, and the system now handles people from four main categories. First and foremost, Laojiao is the punishment of choice for political agitators. Used particularly heavily against religious and ethnic minorities, Laojiao allows the police to detain anyone they consider to be a “troublemaker”—which includes activists,





Public sentencing, location unknown.



Public sentencing, location unknown.

church leaders, and lawyers—without charge and without trial. During the 2008 Olympics, petitioners and protestors coming to Beijing to voice their complaints in the capital's "protest parks" often found themselves rounded up and sent to Laojiao.⁸ Such politically motivated arrests are often disguised as petty crimes. For example, protestors outside of a local government building can be arrested for "blocking traffic" and sentenced to Laojiao. The second category of inmates detained in Laojiao includes those suspected of committing minor property crimes. Here, again, there is no trial or judicial review to determine guilt or innocence. The third use of Laojiao, which has become more popular in recent years, is as the artificial extension of pre-trial detention after the statutory time limit has expired, which has been known to last for several years at a time in some cases.

Laojiao is also used as a "rehabilitative" punishment for drug abusers who are picked up in the street by police patrols.⁹

The Chinese government paints a rosy picture of Laojiao, and argues that it is not the same as being sentenced to prison. But that version of Laojiao is not borne out in reality. Chen Pokong, a Tiananmen protestor sentenced to Laojiao wrote the following from his prison cell:

RTL [reeducation through labor or Laojiao] is the darkest part of China's current political system. Ironically, RTL policy and regulations worked out by the Chinese government itself have been altered beyond recognition in their practical implementation. According to RTL policy and regulations, RTL is lighter than Labor Reform [Laogai]: inmates get their pay, have their benefits and holidays, enjoy the right of correspondence,

cultural, recreational, and sports activities, do not labor more than eight hours daily, can visit their families on holidays, can be bailed out for medical treatment, etc. In reality, RTL is hell.¹⁰

As of 2005, the Chinese government's own statistics indicated that 500,000 individuals were serving sentences in 310 Laojiao camps.¹¹ As Laojiao inmates are not considered by the government to be convicted criminals, they therefore do not count toward official government prisoner tallies, nor are they covered by any international treaties. While the official status of a Laojiao prisoner is different from that of a Laogai prisoner, the conditions in which they live and work are essentially the same.

QINCHENG PRISON AND THE ANKANG SYSTEM

In addition to the Laogai system, the Ministry of Public Security (which is run by the Public Security Bureau or secret police) administers two additional forms of detention which are often used to target political prisoners: Qincheng Prison, a holding facility used exclusively for political prisoners; and the Ankang, police-run psychiatric prisons.

Located on the outskirts of Beijing, Qincheng Prison has been used since the early days of the regime as a destination for its political enemies. A prison exclusively for high-profile political prisoners is an idea borrowed from Stalin's Russia, and evidence has emerged to suggest that the prison was actually built with direct Soviet aid. The nature of the prison and its detainees is highly secretive. One former prisoner was quoted as saying:

*It's horrible. There is no way to escape. The outer compound is square-shaped, and on the four sides are the interrogation rooms. In the center is a circular compound, and that's where they keep the prisoners. A circle inside a square. You just can't get out.*¹²

In the years immediately following the Communist victory in 1949, Qincheng held high-ranking Kuomintang prisoners of war, while the aftermath of the Tiananmen protests saw several student leaders imprisoned there. There are also suspicions that the Panchen Lama, who has been missing since he was arrested along with his family at age six in 1995, may be growing up inside the walls of Qincheng Prison.

The Ankang system, which ironically means "peace and health" in Chinese, is another concept directly derived from the Soviet Union, where Khrushchev and Stalin would frequently and forcibly commit opponents of the regime to mental hospitals for "treatment."¹³ There are approximately twenty to twenty-five Ankang institutions in China that engage in politically motivated

psychiatric practices.¹⁴ The Ankang system is directly administered by the Ministry of Public Security, and decisions concerning who is committed fall exclusively within the purview of the police.¹⁵ Inmates are not given a trial or judicial review of their case, and once committed they are denied the right to appeal. Additionally, there is no legislation at the national level regarding the forcible admission of inmates to mental institutions, eliminating the possibility of inmates challenging their incarceration.¹⁶ The average length in custody is approximately five years.¹⁷ Completely outside the control of both the judicial system and the medical system, Ankang openly relies on violence to "cure" psychiatric inmates suspected of committing crimes. While the list of crimes that can be used to justify committing an inmate to Ankang include murder, rape, and arson, political crimes such as "endangering public security" and "endangering social security" also appear on the list.¹⁸ According to Human Rights Watch, from the early 1980s through 2002, more than 3,000 political dissidents fell victim to psychiatric detention in the Ankang system.¹⁹

Conditions within the Ankang system are bleak. Inmates are frequently subjected to electroshock acupuncture techniques, and, in some cases, forced to watch as their fellow cellmates are electrocuted. Beatings are frequent and inmate-on-inmate violence is encouraged. Although there are no hard statistics, inmate deaths are reportedly common. Political prisoners have described situations in which they were given powerful anti-psychotic drugs for years at a time, despite being perfectly healthy.²⁰

The case of dissident Wang Wanxing illustrates how this system has been manipulated to stifle would-be opponents of the regime. In 1992, Wang was arrested for unfurling a banner critical of the CCP in Tiananmen Square on the third anniversary of the massacre. For his crime, he was detained

without charge or trial in a Beijing Ankang for the next thirteen years. Diagnosed with "political monomania," (a condition which does not, of course, medically speaking, exist), Wang was forced to swallow anti-psychotic drugs on a daily basis, and share a cell with violent inmates accused of murder, rape, and other crimes. Released briefly in 1999, Wang was committed again after three months for attempting to arrange a press conference with foreign reporters in which he planned to describe the hell he had endured in the Ankang. In 2005, before being put on a plane to Germany, where his wife had gained asylum, Wang was told by the PSB agents at the Ankang that, "If you ever speak out about your experiences at our hospital, we'll come and bring you back here again."²¹ Ankang is, of course, in violation of United Nations accords on the treatment of illness, as well as the World Psychiatric Association's 1996 Madrid Doctrine, which forbids the practice of political psychiatry.²²

THE CORE: ABUSE WITHIN THE JUDICIAL SYSTEM

Many of the problems inherent in the Laogai system originate in China's judicial system. China does not have an independent judiciary, and courts throughout the country are controlled primarily by local Party bosses. Many of the worst abuses occurring in the system today are not only illegal under international law, but domestic Chinese law as well. Over 70 percent of criminal cases in China do not involve a defense lawyer, and when lawyers are involved the deck is stacked against them, as they frequently do not have access to all of the evidence available and are prevented from calling witnesses.²³ By law, all criminal cases, including political cases, are supposed to be open to the public. Courts, however, frequently close their doors when the trial of a political dissident is taking place, as in the case of AIDS activist Hu Jia in 2008.²⁴ Worse still, witnesses, and even



Lumberyard in a prison in Xining, a Tibetan area of Qinghai Province.

defendants themselves, are often detained and harassed or intimidated into providing statements which will harm the defense. In Hu Jia's case, Hu was "subject to torture and to almost daily interrogations lasting from six to fourteen hours at a time during his first month in detention. Public security officers used 'abduction, detention, and threats' to coerce Hu's friends to become 'witnesses.' As is the case in an overwhelming majority of cases in China, no witnesses appeared in the court during Hu's trial, so the defense attorneys had no opportunity to cross-examine their statements."²⁵ Those who are convicted of "endangering State security" also tend to have lower rates of sentence reduction and parole than other prisoners.²⁶ And although Chinese law abolished the

"counterrevolutionary" charge in 1997, the Dui Hua Foundation estimates that as of 2008, there were still 150 "counterrevolutionaries" serving terms in the Laogai.²⁷

The criminal justice system violates Chinese law in other ways as well. For example, in May of 2006, the Supreme People's Procuratorate said that between January and September 2003, 33,643 people were held in pre-trial detention longer than applicable by law. Although there are no accurate statistics for recent years, arbitrary detention is believed to have soared in the lead-up to the Olympics in 2008. Sometimes pre-trial detention can be extended for up to a year, and the actual numbers of people being detained over the limits proscribed by the Criminal Procedure Law are likely to be

much higher than the figure quoted by the government.²⁸

EGREGIOUS ABUSES

The Laogai system and the absence of an independent judiciary are the root cause of a myriad of human rights abuses within the Chinese criminal justice system, most notably arbitrary detention and torture.

ARBITRARY DETENTION

Perhaps the most pervasive abuse stemming from the Laogai system is the prevalence of arbitrary detention. The United Nations defines detention as arbitrary if (1) there is no clear legal basis for the deprivation of liberty, (2) an individual is deprived of liberty for exercising rights enshrined by the Universal



Trisam Prison, six miles west of Lhasa, Tibet. The prison has 3 sections: one for male prisoners of conscience, one for male criminals, and one for female prisoners, both criminals and prisoners of conscience.

Declaration of Human Rights (UDHR), and (3) if there is grave non-compliance with international fair trial standards.²⁹ The UN Working Group on Arbitrary Detention has determined that in China, “the rules and practice concerning judicial deprivation of liberty are not in keeping with international standards.”³⁰

The most extensively used and systemic form of arbitrary detention in China today is the Laojiao system. Despite mounting domestic and international pressure to abolish Laojiao, the Chinese government has persisted in its use of this unjust system. Laojiao actually conflicts with China’s own criminal law. A 1982 regulation outlining who can be assigned to Laojiao was formulated by the Ministry of Public Security, but according

to a law on administrative sanctions from 1996, “administrative penalties involving the restriction of freedom of people shall only be created by law,”³¹ and laws in the PRC can only be passed by the National People’s Congress or its Standing Committee. The 1996 law, then, should have rendered the 1982 regulation invalid, but this conflict has yet to be addressed by lawmakers.

Laojiao unequivocally contravenes international laws on arbitrary detention. The Chinese government has worked hard to create the impression that Laojiao inmates are not part of the regular prison system, and are thus not subject to international laws. However, the UN Working Group on Arbitrary Detention has determined that, “the fact that the legal system of China

classifies reeducation through labor as an administrative deprivation of liberty as opposed to judicial deprivation of liberty governed by criminal law, does not affect China’s obligation to ensure judicial control over this form of deprivation of liberty.”³²

Interestingly, in recent years there has been a call from a small group within the National People’s Congress, one of the primary lawmaking bodies in the PRC, to abolish the Laojiao system or, at the very least, reform it to allow for some kind of judicial review of cases.³³ While this would be a welcome first step, China’s courts are not independent, and it is therefore unclear how much of a benefit reform to the Laojiao system could deliver without tackling the judiciary as well. Moreover, critics have also

argued that, ironically, political detainees could become the unlikely victims of the abolishment of Laojiao. Without Laojiao, it would be more likely that political prisoners would be processed through the regular Laogai system and thus be in danger of receiving harsher sentences.³⁴

Another egregious form of extrajudicial arbitrary detention is *ruanjin*, or “soft arrest.” Often referred to as house arrest, soft arrest is applied inconsistently depending on circumstances, but is almost exclusively applied to political prisoners and their associates. In some cases, it can mean house arrest in the classical sense, although in other cases soft arrest can translate into highly intrusive surveillance and harassment. The surveillance staff in soft arrest cases is usually comprised of *guobao*, or domestic security operatives, and hired guards. Up to forty guards can be assigned to monitor one person, as in the case of Zeng Jinyan, wife of imprisoned AIDS activist Hu Jia, who has been under soft arrest since her husband’s conviction in early 2008.³⁵ Soft arrest is increasingly used at the discretion of police, and the length of time spent under soft arrest by many dissidents and “troublemakers” often far exceeds the pre-trial detention time limits set by China’s own Criminal Procedure Law.³⁶ Many soft arrests are never even intended to go beyond the goal of limiting the ability of a perceived activist, religious leader, lawyer, or intellectual to speak with the outside world. In the lead-up to the Beijing Olympics in 2008, soft arrest was used extensively on individuals the regime wished to “disappear” during the Games. Many, including Pastor Zhang Mingxuan and activist Zeng Jinyan, were forced to leave Beijing with police escorts and go on “vacation” for the duration of the Games.³⁷

Soft arrest can take a more insidious turn when an individual is abducted by the PSB and held incommunicado for months, as in the recent cases of Liu Xiaobo and Gao

Zhisheng. Liu Xiaobo, the lead author of Charter 08 and a prominent intellectual, was arrested in December 2008 and has been held for months without charge. His wife, Liu Xia, has had her every move monitored by PSB agents, who even follow her to her weekly badminton matches. Gao Zhisheng, a prominent human rights lawyer and practicing Christian, was seized at his brother’s home in early February 2009, and has not been heard from since. His family has not been notified of his detention, but in China it can often be months before families are notified of a loved one’s arrest. During his previous house arrest in 2006, Gao was badly tortured while in custody, again without formally being charged with a crime. Despite not being formally notified of his arrest, Gao’s family was placed under heavy surveillance. According to Gao’s wife’s testimony, PSB officers often sat in the family’s bedrooms with the lights on as they slept.³⁸

A third category of arbitrary detention in China is the relatively new phenomenon of “black jails,” which operate as unofficial, commercially-driven detention centers used to prevent petitioners from other parts of the country from airing their grievances with the authorities in Beijing. China has a long tradition of petitioning which dates back to Imperial times, but the relationship between the petitioner and the central government under the current regime is a particularly tricky one. Since the advent of Deng Xiaoping’s economic reforms, millions of individuals and families all over China have been victims of exploitative tactics used by colluding officials and businesses to unfairly grab land for development, dock pay for workers in an underperforming factory, or any host of other schemes. When the victim attempts to sue in the local court, the court almost always sides with the local government officials, so many attempt to petition through official channels to a higher authority—the Letters and Visits Office in

Beijing. As petitions are considered a black mark against local officials, they are incentivized to do everything in their power to prevent people from successfully filing their complaint in Beijing.³⁹

The central government on the other hand has a vested interest in leading citizens to believe that if they petition to a higher authority then their cases will be addressed, and the state-run media often carries reports of successful petitions. This has fueled a popular perception that, even if local officials are corrupt, the central government truly cares about the people. In reality though, Beijing has little interest in helping petitioners, and those who make it to Beijing frequently find themselves locked away in black jails soon after they arrive. Beijing authorities typically look the other way—or even tip off local officials—as thugs round up petitioners and herd them into black jails.⁴⁰ These jails are run by the Beijing liaison offices of provincial governments, who pay off the thugs, and are often staffed with hired guards to keep watch over the would-be petitioners before they are repatriated to their home province, where they are either sent to local black jails, detained in PSB detention centers, or for the very unlucky ones, sent to Laojiao or Ankang.⁴¹ Arrests and interrogations are handled not by police, but by provincial government officials and hired guard staff. The Hong Kong-based NGO Chinese Human Rights Defenders, which has done extensive research on black jails, has argued that “these operations take place under the eyes of the Beijing police, and often with their cooperation.”⁴² Yet black jails are a closely guarded secret. While filming for Channel 4, two British journalists were attacked by guards and detained for six hours for trying to capture footage of one of the most infamous black jails in Beijing.⁴³ The government, however, denies the existence of black jails and continues to tacitly encourage petitioning for fear of the public outrage that

could ensue were they to abolish the only legal avenue the Chinese people have to air their grievances.

Conditions within the black jails are poor. Typically mobile phones and ID cards are confiscated, and detainees are prevented from alerting friends or relatives of their detention. Detainees often suffer from a lack of food and medical care, and are not even allowed a change of clothes. Guards at the black jails often threaten the detainees with Laogai sentences if they complain about being imprisoned.⁴⁴ Beatings are frequent,⁴⁵ and detainees have reported being shocked with electric cattle prods.⁴⁶ Petitioners can

BLACK JAILS OPERATE AS UNOFFICIAL, COMMERCIAL-DRIVEN DETENTION CENTERS USED TO PREVENT PETITIONERS FROM OTHER PARTS OF THE COUNTRY FROM AIRING THEIR GRIEVANCES WITH THE AUTHORITIES IN BEIJING. THE JAILS CHARGE \$25 PER DAY, WHICH IS BILLED BACK TO THE LOCAL GOVERNMENT.

Top: A sign inside the gates of Huozhou Prison, also known as Wangzhuang Coal Mine, asking a series of three questions: "Who are you? What is this place? Why are you here?" These three questions are posted inside many Laogai camps. The prisoners are asked these questions by prison staff and must respond: "I am a criminal. This is the Laogai. I am here to reform through labor." Bottom two: Inside a prison in Hubei Province, c. 1994.





A prisoner in his cell, Sichuan Province, 1994.

only be released from a black jail if “(1) their local governments, notified by those running the detention facilities, send officials to escort them home or to local detention centers, or (2) the local governments do not want to pay for their detention and agree to monitor them and make sure they stop petitioning the government, or (3) detainees sign a paper to promise to stop petitioning, generally under duress.”⁴⁷

Black jails are eerily reminiscent of *shourong*, otherwise known as Custody and Repatriation, a practice that was used heavily until its abolition in 2003. They operate completely outside the criminal justice system, and are even more unofficial and arbitrary than the *shourong* system was. The black jails also contradict Chinese laws. According to the Criminal Procedure Law, families are supposed to be notified within

twenty-four hours of an individual’s detention, but petitioners in black jails are often held without warrants and prevented from communicating with their families and the outside world.⁴⁸ Additionally, only public security organs have the legal right to detain individuals. The Letters and Visits Office is supposed to hand cases over to the police if the petitioner violates the law in any way.⁴⁹ But black jails are essentially just a convenient means of getting rid of people who are a nuisance, and a money-making scheme for those running the jails. They are also in blatant conflict with international human rights conventions, in particular the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).⁵⁰ Chinese Human Rights Defenders suspects that black jails are becoming “increasingly extensive and

systematic,” and that there is the possibility that the central government, which at the very least gives its tacit approval of the system, is providing black jails with material assistance.

TORTURE

Torture is systemic at almost every level of the criminal justice system in China. Recently, the contents of a police training manual made headlines after being leaked to the press. The book, *Practice of City Administration Enforcement*, instructs patrol police, or *chengguan*, to “take care to leave no blood on the face, no wounds on the body, and no people in the vicinity” when dealing with a potential offender.⁵¹ The manual illustrates the extent to which violence is institutionalized within the police culture in China and also the extent to which it has the approval



A guard on the watchtower of Zhejiang No. 1 Prison, Zhejiang Province, 1994.

of higher authorities. Beatings are the most pervasive form of violence in China, and are commonly used by police and local officials to deter everyone from would-be dissenters to violators of China's one-child policy.

Torture in the "classical sense" (i.e. beatings and physical deprivation) is more prevalent in pre-trial detention and extrajudicial police lock-ups. Psychological torture—such as the use of brainwashing techniques and the breaking of prisoners' spirits—pervades the Laogai system. For example, Tibetans are frequently forced to denounce the Dalai Lama during thought reform "classes" in the Laogai. Physical torture is not uncommon in the Laogai either, and prisoners are regularly beaten, sometimes with electric batons. Stress positions and exposure to extreme heat and cold are also used. Prisoners are routinely

placed in solitary confinement, sometimes for years at a time. Deaths resulting from torture are regrettably all too commonplace.⁵²

Beatings and other forms of torture are frequently employed against religious and ethnic minorities in China, and up to 50 percent of the cases of "endangering State security" originate in Tibet and Xinjiang.⁵³ Early in 2009, a video circulating on YouTube showed gruesome footage of a young Tibetan man who died from the injuries he sustained as a result of harsh torture techniques. He was arrested when he stopped on the road to intervene in an altercation between a policeman and a monk. The police beat him so badly with an electric baton that his flesh began to rot from the inside. He was taken to the hospital by his family, but later died from his injuries. The video depicting his injuries and traditional Tibetan sky burial (a practice

the Chinese government has outlawed) were widely circulated on the popular website YouTube before the Chinese government blocked the site in response.

Torture is technically illegal in China,⁵⁴ but the law lacks any procedural guarantees to prevent it from happening. In fact, in many ways torture is actually encouraged by the system. Confessions gleaned from torture sessions are legally admissible in Chinese courts, so police and local officials are effectively incentivized to torture because it delivers the results they want in court.⁵⁶ UN Special Rapporteur on Torture Manfred Nowak, while investigating the practice of torture in the Chinese Laogai system, was repeatedly prevented from conducting his investigation. Victims were intimidated by the PSB, and he noted a palpable sense of fear amongst inmates, which he observed as

unique to China. Nowak concluded that the use of torture in China is widespread, and that massive structural reform is needed to guarantee any improvement to the current situation. Although there are torture laws on the books, the legal definition of torture in China does not conform to that of the UN Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT).⁵⁷ An additional hurdle is that the Chinese word for torture, *kuxing*,

takes into account physical aspects, but not psychological ones.⁵⁸ Moreover, there is no method in place for victims to report abuse within the Chinese system.

THE BOTTOM LINE

Some of the worst human rights abuses in China today stem directly from the Laogai, which works to instill fear within the population and criminalize dissent. Violence is endemic to the system, as force, and not

the rule of law, is the foundation upon which it is built. While the government has begun to admit that problems of arbitrary detention and torture exist, it has taken little action to remedy the situation. With minimal accountability and no checks on its power—such as a free press, democratic elections, or an independent judiciary—the Chinese regime will likely continue relying on these violent and unjust tactics as long as it deems them politically useful.

THE CHINESE NAME IRONICALLY MEANS “PEACE AND HEALTH,” BUT THE TWENTY-FIVE ANKANG INSTITUTIONS IN CHINA FORCIBLY COMMIT PEOPLE TO MENTAL HOSPITALS FOR “TREATMENT.” COMPLETELY OUTSIDE THE CONTROL OF BOTH THE JUDICIAL SYSTEM AND THE MEDICAL SYSTEM, ANKANG OPENLY RELIES ON VIOLENCE—ELECTROSHOCK ACUPUNCTURE TECHNIQUES, BEATINGS, DRUGS, AND ENCOURAGING INMATE-ON-INMATE VIOLENCE—TO “CURE” INMATES SUSPECTED OF CRIMES. THERE WERE 3,000 POLITICAL DISSIDENTS IN PSYCHIATRIC DETENTION THROUGH 2002.

¹ *Laogai Handbook 2008-2009*. Washington, DC: Laogai Research Foundation, 2008.

² PRC Ministry of Justice, Laogai Bureau. *Criminal Reform Handbook*. Shaanxi: Shaanxi People's Publishers, 1988. Note that this document comes a full ten years after the rise of Deng Xiaoping and the beginning of the “reform and opening up” policy.

³ “Laogai gai ming cheng jianyu” (Laogai name changes to prison). *Fazhi Ribao (Legal Daily)*. January 7, 1995.

⁴ When exploring the use of the Laogai as a tool of repression, these two functions are paramount. It is important to note here, however, that this should not diminish the economic role of the Laogai, which is discussed at length in Chapter One of this book.

⁵ Law passed by the 78th meeting of the Standing Committee of the People's Congress on August 1, 1957. Promulgated by the State Council on August 3, 1957.

⁶ Fu Hualing, “Dissolving Laojiao,” *China Rights Forum* 1 (2009). See also Congressional-Executive Commission on China, *Annual Report 2008*. Washington, DC: CECC, 2008.

⁷ United Nations Working Group on Arbitrary Detention, “Civil and Political Rights Including the Questions of Torture and Detention, Report of the Working Group on Arbitrary Detention, Mission to China.” December 29, 2004.

⁸ Congressional-Executive Commission on China, *Annual Report 2008*.

⁹ Fu Hualing, “Dissolving Laojiao.”

¹⁰ Chen Pokong's original letter, as well as an English translation, can be accessed in the archives of the Laogai Research Foundation

¹¹ Congressional-Executive Commission on China, *Annual Report 2008*.

¹² WuDunn, Sheryl. “The Prisoners of Tiananmen Square.” *New York Times*. April 8, 1990.

¹³ Munro, Robin. *Dangerous Minds: Political Psychiatry in China Today and its Origins in the Mao Era*. New York: Human Rights Watch, 2002.

¹⁴ Human Rights Watch, “Political Prisoner Exposes Brutality in Police-Run Mental Hospital: Eyewitness Testimonies from Notorious Ankang Asylum.” October 31, 2005.

¹⁵ United Nations Working Group on Arbitrary Detention, “Civil and Political Rights Including the Questions of Torture and Detention, Report of the Working Group on Arbitrary Detention, Mission to China.” December 29, 2004.

¹⁶ United Nations Working Group on Arbitrary Detention, “Civil and Political Rights Including the Questions of Torture and Detention, Report of the Working Group on Arbitrary Detention, Mission to China.”

¹⁷ Human Rights Watch, “Political Prisoner Exposes Brutality in Police-Run Mental Hospital: Eyewitness Testimonies from Notorious Ankang Asylum.”

¹⁸ “Shei bei songjin jingshenbingyuan?” (Who is being admitted to mental hospitals?). *China Newsweek*. March 18, 2009.

¹⁹ “In the grip of the Ankang,” *Guardian*. December 20, 2005.

²⁰ Human Rights Watch, “Political Prisoner Exposes Brutality in Police-Run Mental Hospital: Eyewitness Testimonies from Notorious Ankang Asylum.”

²¹ Ibid.

²² Munro, Robin. *Dangerous Minds: Political Psychiatry in China Today and its Origins in the Mao Era*.

²³ CECC *Annual Report 2008*.

²⁴ Dui Hua Foundation, “NGO Submission for the Universal Periodic Review of the People's Republic of China: Promoting Increased Transparency in China's Criminal Justice System.” February 2009.

²⁵ CECC *Annual Report 2008*.

²⁶ Dui Hua Foundation, “NGO Submission for the Universal Periodic Review of the People's Republic of China: Promoting Increased Transparency in China's Criminal Justice System.”



Prisoners in Shanghai being loaded onto a bus to be transferred to Xinjiang, a remote province in the far northwest of China.

²⁷ Hutzler, Charles. "Rights activist urges China to grant Olympic pardon," *Seattle Times*, May 8, 2008.

²⁸ US State Department *Human Rights Report on China*, Washington, DC: US State Dept, 2007.

²⁹ United Nations Working Group on Arbitrary Detention fact sheet as cited in the CECC *Annual Report 2008*.

³⁰ United Nations Working Group on Arbitrary Detention, "Civil and Political Rights Including the Questions of Torture and Detention, Report of the Working Group on Arbitrary Detention, Mission to China."

³¹ Ibid.

³² Ibid.

³³ Wu Jiao, "New law to abolish laoiao system," *China Daily*, March 1, 2007.

³⁴ Fu Hualing, "Dissolving Laojiao."

³⁵ CECC *Annual Report 2008*.

³⁶ Nowak, Manfred. "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Follow up to the recommendations made by the Special Rapporteur, Visits to China, Georgia, Jordan, Nepal, Nigeria, and Togo," February 17, 2009.

³⁷ CECC *Annual Report 2008*.

³⁸ Demick, Barbara. "Life is a trial for Chinese lawyer," *Los*

Angeles Times, May 5, 2009.

³⁹ Jacobs, Andrew. "Seeking Justice, Chinese Land in Secret Jails," *New York Times*, March 9, 2009.

⁴⁰ "Secret detention facilities in Beijing are illegally incarcerating petitioners," Hong Kong: Chinese Human Rights Defenders, 2007.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ CECC *Annual Report 2008*.

⁴⁶ "China's Black Jails Uncovered," Al Jazeera, April 27, 2009.

⁴⁷ "Secret detention facilities in Beijing are illegally incarcerating petitioners."

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Moore, Malcolm. "Chinese police training manual offers tips on the best way to beat up offenders," *Daily Telegraph*, April 23, 2009.

⁵² One place to find information about suspicious prisoner

deaths is the US State Department Human Rights Report on China from 2008, but reports of deaths from torture are generally too diffuse and widespread to fully document here.

⁵³ Dui Hua Foundation. "NGO Submission for the Universal Periodic Review of the People's Republic of China: Promoting Increased Transparency in China's Criminal Justice System."

⁵⁴ CECC *Annual Report 2008*.

⁵⁵ "China's detention system under pressure after inmate deaths," Amnesty International, March 20, 2009.

⁵⁶ "China torture 'still widespread'," *BBC News*, December 2, 2005.

⁵⁷ Nowak, Manfred. "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Follow up to the recommendations made by the Special Rapporteur, Visits to China, Georgia, Jordan, Nepal, Nigeria, and Togo."

⁵⁸ "Systematic Torture in the People's Republic of China," International Society for Human Rights, 2009

GLOSSARY OF TERMS

Laogai: the system of forced-labor camps, prisons, etc., in China. The term comes from the Chinese words *lao*, meaning labor, and *gai*, meaning reform, hence the term “reform through labor.”

Laojiao/Reeducation through Labor: A form of “administrative detention,” Laojiao is an especially insidious aspect of criminal justice in China that makes it possible for anyone to be sentenced for up to three years without ever being processed through the official judicial system. Laojiao inmates are not considered convicted criminals, and therefore do not count toward official government prisoner tallies, nor are they regarded as being covered by any international treaties. While the official status of a Laojiao prisoner is different from that of a Laogai prisoner, the conditions in which they live and work are essentially the same.

Jiuye/Forced Job Placement: Once convicts have served their Laogai or Laojiao sentences, the government can arbitrarily extend their sentences by assigning prisoners to Jiuye. The prisoners' situations are somewhat improved; they are given a small salary and occasional days off. Aside from these small benefits, however, prisoners are still deprived of their freedom and their lives remain much the same. They must live and work in the prison compound and are not truly released from punishment. To many prisoners, Jiuye is actually worse than their original sentence, because Jiuye can be extended indefinitely at the government's discretion. Many of those who participated in the 1989 demonstrations at Tiananmen Square were assigned to Jiuye in order to prevent them from returning to Beijing after completing their prison terms. Like Laojiao, this system is not regulated by the overall judicial system. Thus, the government can choose to detain individuals long after their actual sentences expire.

Splittist/Splittism: A term used by the Chinese government to describe groups or individual members of a group advocating independence from China, such as Tibetans, Mongolians, Taiwanese, and Uyghurs.

Uyghur: Historically the term “Uyghur” was applied to a group of Turkic-speaking tribes that lived in the Altay Mountains. Along with the Göktürks (Kokturks), the Uyghurs were one of the largest and most enduring Turkic peoples living in Central Asia. In the literature, the term Uyghur has a number of differing spellings, including Uigur, Uygur, and Uighur. The word means “Confederation of Nine Tribes” and is synonymous with the name Tokuz-Oguz. The first use of “Uyghur” as a reference to a political nation occurred during the interim period between the First and Second Göktürk Kaganates (630-684 AD). The Uyghurs established the powerful Uyghur Empire in 744 AD which lasted until 840 AD, controlling territories stretching all the way from the Caspian Sea to Manchuria. The Uyghur army also played a decisive role in quelling the An Lushan Rebellion against the Chinese Tang Dynasty, saving it from insurrection. Today, Uyghurs live mainly in East Turkestan (also known as the Xinjiang Uyghur Autonomous Region, China) where they are the largest ethnic group. “Xinjiang”, meaning “New Frontier”, is the Chinese name of the Autonomous Region.

Rightist: An historical term, the term “rightist” is similar to the term “reactionary” and was applied largely to intellectuals who disagreed with the Party. While many rightists were sent to the Laogai, being labeled as such did not necessarily result in imprisonment, but it did entail constant criticism, an inability to find work, and humiliation for both the individual and his or her family. After Deng Xiaoping came to power in 1978, the label of “rightist” was no longer used.

Counterrevolutionary: Another historical term, “counterrevolutionary” was a broader term than “rightist,” and was applied to people across the political spectrum who disagreed with government policies. Counterrevolutionary charges were also used in the early days of the Communist regime to arrest anyone who had been affiliated with the Kuomintang (Nationalist) government before the Communist Party prevailed in China's civil war, as well as families who had been associated with capitalist activities and foreign business. Many of those sent to the Laogai during the Mao era were charged as counterrevolutionaries.

Hundred Flowers Movement: In 1956 the CCP (Chinese Communist Party) encouraged, and at times even forced, people to voice criticisms of the CCP and its economic and social reform programs, with Chairman Mao famously proclaiming “Let 100 flowers bloom and 100 schools of thought contend.” Some suspect that this was a deliberate attempt to smoke out “rightists.” This era of supposed openness is referred to as the Hundred Flowers Movement.

Anti-Rightist Campaign: In 1957, many of those who criticized the CCP during the Hundred Flowers Movement were accused of being against the Communist Party. Millions were criticized, labeled as “counterrevolutionaries” or “rightists,” and hundreds of thousands were sent to the Laogai.

Great Leap Forward: Mao's massive campaign launched in 1958 to abolish the last of private land ownership and institute a system of People's Communes nationwide. Unscientific agricultural methods were advocated to increase production, which led to a massive famine in which millions died.

Cultural Revolution: Officially lasting from 1966-1976, the Cultural Revolution was a period of hyper-politicization targeting intellectuals, Party cadres, and remnants of traditional culture, which led to violence and mob rule in China's cities from 1966-1969, followed by continued political turmoil over who would succeed Mao.

Democracy Wall Movement: In the winter of 1978-1979, students and young people in China's cities put up large wall posters, published pamphlets, and staged demonstrations advocating democracy and political reform. The largest and most famous cluster of these posters was in the Xidan section of Beijing.

Tiananmen Square Massacre: In April of 1989, pro-democracy protests erupted in Beijing and other cities throughout China. These protests were quashed in June of the same year by a brutal crackdown in which thousands were killed by government troops.

Charter 08: Issued on Dec. 10, 2008, to mark the sixtieth anniversary of the Universal Declaration of Human Rights, Charter 08 is an open letter initially signed by 303 Chinese citizens from all walks of life calling for broad legal and political reform, increased protection of human rights, and genuine democracy in China. As of February 2009, Charter 08 has been signed by over 8,000 people from both inside and outside China, and the number of signatories continues to grow. Over 100 of the original signatories have been detained or harassed by police.

TAKE ACTION

AMERICAN ENTERPRISE INSTITUTE

<http://www.aei.org/>

The American Enterprise Institute for Public Policy Research is a private, nonpartisan, not-for-profit institution dedicated to research and education on issues of government, politics, economics, and social welfare.

AMNESTY INTERNATIONAL

<http://www.amnesty.org/>

Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights for all.

ASIA SOCIETY

<http://www.asiasociety.org/>

Asia Society is the leading global organization working to strengthen relationships and promote understanding among the people, leaders, and institutions of Asia and the United States.

ASSOCIATION FOR ASIAN RESEARCH

<http://www.asianresearch.org/>

Through research and communications, AFAR seeks to provide the American public with an in-depth understanding of the dynamics of Asian affairs in the interest of peace and prosperity.

BEIJING SPRING

<http://www.bjzc.org/en/>

Beijing Spring is a monthly magazine which is dedicated to the promotion of human rights, democracy, and social justice in China.

BROOKINGS INSTITUTION

<http://www.brookings.edu/>

The Brookings Institution is a nonprofit public policy organization based in Washington, DC. Our mission is to conduct high-quality, independent research and, based on that research, to provide innovative, practical recommendations.

BUSINESS AND HUMAN RIGHTS RESOURCE CENTRE

<http://www.business-humanrights.org/Home>

Encourages companies to respect human rights, avoid harm to people, and maximize their positive contribution.

CANADIAN COALITION FOR DEMOCRACIES

<http://canadiancoalition.com/>

Focuses on research, education and media publishing to build a greater understanding of the importance of a pro-democracy foreign policy and the defence of our national security.

CARDINAL KUNG FOUNDATION

<http://www.cardinalkungfoundation.org/>

The Mission of the Foundation is to support the Roman Catholic Church in China.

CATHOLIC CULTURE

<http://www.catholicculture.org/culture/index.cfm>

The CatholicCulture.org website exists to provide Internet users with reliable Catholic editorial oversight, commentary, and direction.

CATHOLIC INFORMATION CENTER

<http://www.cicdc.org/>

The mission of the Catholic Information Center has four dimensions: Good Reading Material, Sacraments, Education & Formation, and Outreach.

CENTER FOR AMERICAN PROGRESS

<http://www.americanprogress.org/>

The Center for American Progress is a think tank dedicated to improving the lives of Americans through ideas and action.

CHINA AID ASSOCIATION

<http://www.chinaaid.org/qry/page.taf>

ChinaAid is a nonprofit Christian organization seeking to uncover and reveal the truth about religious persecution in China, focusing especially on the unofficial church.

CHINA DEMOCRACY PARTY

<http://www.cdp2006.org/>

A political party which works in exile to promote democratic reforms in China.

CHINA DIGITAL TIMES

<http://chinadigitaltimes.net/>

CDT is a bilingual news website covering China's social and political transition and its emerging role in the world.

CHINA INFORMATION CENTER

<http://www.cicus.org/>

The "Observe China" website, www.observechina.net, is hosted by the US-based China Information Center (CIC) with the intent to promote knowledge as a basic human right.

CHINA LABOR BULLETIN

<http://www.china-labour.org.hk/en/>

A proactive outreach organization that seeks to defend and promote workers rights in the People's Republic of China.

CHINA LABOR WATCH

<http://www.chinalaborwatch.org/>

China Labor Watch plays an important role in the promotion of labor rights in China. Through press releases, frequent updates of labor news on its website, in-depth labor reports, and communications with the media and other labor and human rights organizations, CLW presents the international community with an accurate picture of the labor situation in China.

CHINA MEDIA PROJECT

<http://cmp.hku.hk/>

The China Media Project leverages the Journalism & Media Studies Centre's experienced staff faculty and its extensive contacts with mainland Chinese media and its unique position at the doorsteps of China to generate systematic, multifaceted research in the field of Chinese journalism.

CHINA SUPPORT NETWORK

<http://chinasupport.net/site.htm>

CSN is a nonprofit organization and an international network of people cooperating to raise awareness, educate, and create change.

CHINESE HUMAN RIGHTS DEFENDERS

<http://crd-net.org/Article/Class9/Index.html>

CRD is a network of Chinese human rights activists and groups open to international supporters. Its objective is to build the capacity of those involved in defending human rights in China.

COMMITTEE FOR HUMAN RIGHTS IN NORTH KOREA

<http://www.hrnk.org/>

The Committee for Human Rights in North Korea (HRNK) was established to promote human rights in North Korea.

COMMITTEE TO PROTECT JOURNALISTS

<http://www.cpj.org/>

Works to promote freedom of the press by publicly revealing abuses against the press and by acting on behalf of imprisoned and threatened journalists, also effectively warns journalists and news organizations where attacks on press freedom are occurring.

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA (CECC)

<http://www.cecc.gov/>

The Congressional-Executive Commission on China was created by Congress in October 2000 with the legislative mandate to monitor human rights and the development of the rule of law in China, and to submit an annual report to the President and the Congress.

DICTATOR WATCH

<http://www.dictatorwatch.org/>

Dictator Watch is part of a family of websites, the objective of which is to promote positive social change.

DOCTORS AGAINST FORCED ORGAN HARVESTING

<https://www.dafoh.org/>

Doctors Against Forced Organ Harvesting aims to provide the medical community and society with objective findings of unethical and illegal organ harvesting.

DUI HUA FOUNDATION

<http://www.duihua.org/>

The Dui Hua Foundation, established in April 1999, is a non-profit organization dedicated to advancing the protection of universally recognized human rights in China and the United States.

FALUN GONG

<http://www.falundafa.org/>

Falun Dafa (also called Falun Gong, or just Dafa) is a high-level cultivation practice guided by the characteristics of the universe—Truthfulness, Benevolence, and Forbearance. Many of this sect are prisoners of conscience in the Laogai.

FREEDOM AND DEMOCRACY FOUNDATION

<http://wid.org.pl/>

The Freedom and Democracy Foundation is an independent, nonpolitical, non-profit NGO primarily focused on issues of human rights and democracy.

FREEDOM HOUSE

<http://www.freedomhouse.org/>

Freedom House is an independent nongovernmental organization that supports the expansion of freedom in the world. We support nonviolent civic initiatives in societies where freedom is denied or under threat and we stand in opposition to ideas and forces that challenge the right of all people to be free.

FREEDOM NOW

<http://www.freedom-now.org/home.php>

A non-profit, non-partisan organization that works to free prisoners of conscience worldwide through legal, political, and public relations advocacy efforts.

HL-SENTERET

<http://www.hlsenteret.no/>

The Center for Studies of Holocaust and Religious Minorities has two main fields of interest: the Holocaust and other genocides on the one hand and the conditions of religious minorities in modern societies on the other.

HOOVER INSTITUTION

<http://www.hoover.org/>

The overall mission of this Institution is, from its records, to recall the voice of experience against the making of war, and by the study of these records and their publication, to recall man's endeavors to make and preserve peace, and to sustain for America the safeguards of the American way of life.

HUMAN RIGHTS FOR WORKERS

<http://www.senser.com/>

Human Rights for Workers focuses on how globalization affects working men and women and on how it creates the need to incorporate the human rights of workers into global rules and

practices at the national, regional, and international levels through governmental, quasi-governmental, private business, labor union, and other non-governmental channels.

HUMAN RIGHTS FOUNDATION

<http://www.thehrf.org/>

The Human Rights Foundation (HRF) is a nonpartisan organization devoted to defending human rights all over the world.

HUMAN RIGHTS HOUSE

<http://www.humanrightshouse.org/>

Human Rights House Network is a forum of cooperation between the established and emerging Human Rights Houses. Since 1989, various NGOs in Bergen, Oslo, London, Baku, Vilnius (Belarus in exile), Warsaw, Moscow, Sarajevo, Nairobi, Kampala, Zagreb, Skopje, and Geneva have become part of the Network.

HUMAN RIGHTS IN CHINA

<http://www.hrichina.org/public/index>

Human Rights in China (HRIC) is an international, Chinese, non-governmental organization with a mission to promote international human rights and advance the institutional protection of these rights in the People's Republic of China (China).

HUMAN RIGHTS WATCH

<http://www.hrw.org/>

Human Rights Watch is a nonprofit, nongovernmental human rights organization made up of more than 275 staff members around the globe.

HUMAN RIGHTS WITHOUT FRONTIERS

<http://www.hrwf.org/>

The main focus of HRWF's activities has been monitoring, research, and analysis in the field of human rights as well as promotion of democracy and the rule of law on national and international level.

INSTITUTE ON RELIGION AND DEMOCRACY

<http://www.theird.org/>

The Institute on Religion and Democracy is an ecumenical alliance of US Christians working to reform their churches' social witness with biblical and historic teachings thereby contributing to the renewal of democratic society at home and abroad.

INSTITUTE ON RELIGION AND PUBLIC POLICY

<http://www.religionandpolicy.org/cms/>

The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others.

INTERNATIONAL CAMPAIGN FOR TIBET

<http://www.savetibet.org/>

The International Campaign for Tibet (ICT) works to promote human rights and democratic freedoms for the people of Tibet.

**INTERNATIONAL LABOR ORGANIZATION:
SPECIAL ACTION PROGRAM TO COMBAT
FORCED LABOR**

<http://www.ilo.org/>

The International Labour Organization (ILO) is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues.

**INTERNATIONAL RELIGIOUS
LIBERTY ASSOCIATION**

<http://www.irla.org/>

A non-profit, non-partisan organization that works to promote religious freedom around the globe.

**INTERNATIONAL UYGHUR HUMAN RIGHTS &
DEMOCRACY FOUNDATION**

<http://www.iuhrdf.org/>

The main purpose of establishing IUHRDF is to promote human rights, religious freedom, and democracy for the Uyghur people. It places a special focus on the rights of Uyghur women and children.

MACHIK

<http://www.machik.org/>

Machik is a non-profit organization working to develop new opportunities for education, capacity building, and innovation on the Tibetan plateau.

MISSION TO THE EAST

<http://www.miseast.org/sw208.asp>

Mission East is a Danish international relief and development organization, which works to help the vulnerable through humanitarian relief aid, development assistance and support to increasing capacity of communities to organize and assist themselves.

NATIONAL ENDOWMENT FOR DEMOCRACY

<http://www.ned.org/>

The National Endowment for Democracy (NED) is a private, nonprofit organization created in 1983 to strengthen democratic institutions around the world through nongovernmental efforts.

OPENNET INITIATIVE

<http://opennet.net/>

Investigates, exposes and analyzes Internet filtering and surveillance practices in a credible and non-partisan fashion.

ORGANS WATCH

<http://sunsite.berkeley.edu/biotech/organswatch/>

This project brings together a team of anthropologists, human rights activists, physicians, and social medicine specialists to conduct a multi-year project on "Medicine, Markets, and Bodies."

PROJECT SYNDICATE

<http://www.project-syndicate.org/>

Project Syndicate is an international association of quality newspapers devoted to: bringing distinguished voices from across the world to local audiences everywhere; strengthening the independence of printed media in transition and developing countries; upgrading their journalistic, editorial, and business capacities.

RADIO FREE ASIA

<http://www.rfa.org/english/>

RFA is a private, nonprofit corporation that broadcasts news and information in nine native Asian languages to listeners who do not have access to full and free news media. The purpose of RFA is to provide a forum for a variety of opinions and voices from within these Asian countries.

REPORTERS WITHOUT BORDERS

<http://www.rsf.org/>

A non-profit organization registered in France which seeks to protect and defend the rights of journalists worldwide.

SOLIDARITY CENTER

<http://www.solidaritycenter.org/>

The Solidarity Center is a non-profit organization that assists workers around the world who are struggling to build democratic and independent trade unions.

SOUTHERN MONGOLIA HUMAN RIGHTS INFORMATION CENTER

<http://www.smhric.org/>

An organization which seeks to gather and distribute information concerning Southern (Inner) Mongolian human rights situation and general human rights issues.

SPEAK TRUTH TO POWER

<http://www.speaktruth.org/>

A not-for-profit organization that seeks to proactively engage the general public in an ongoing series of issue-related programs and events, bringing human rights activists and their work into contact with ever-increasing audiences.

STUDENTS FOR A FREE TIBET

<http://www.studentsforafreetibet.org/>

Students for a Free Tibet works through education, grassroots organizing, and nonviolent direct action to campaign for Tibetans' fundamental right to political freedom.

THE FORMOSAN ASSOCIATION FOR PUBLIC AFFAIRS

<http://www.fapa.org/>

FAPA's mission is educational. The organization provides US policy makers, the media, scholars and the general public with information on issues related to Taiwan.

TIANANMEN MOTHERS

<http://www.tiananmenmother.org/>

The Tiananmen Mothers is a group of Chinese democracy activists promoting a change in the government's position over the suppression of the Tiananmen Square protests of 1989.

TRANSPARENCY INTERNATIONAL

<http://www.transparency.org/>

Transparency International, the global civil society organisation leading the fight against corruption, brings people together in a powerful worldwide coalition to end the devastating impact of corruption on men, women and children around the world.

UYGHUR HUMAN RIGHTS PROJECT

<http://www.uhrp.org/>

UHRP's mission is to promote human rights and democracy for the Uyghur people, and to raise awareness of human rights abuses that occur in East Turkestan, referred to by the Chinese authorities since 1955 as the Xinjiang Uyghur Autonomous Region (XUAR).

VICTIMS OF COMMUNISM MEMORIAL FUND

<http://www.victimsofcommunism.org/>

The Victims of Communism Memorial Foundation, a non-profit educational organization, was established by an Act of Congress to build a memorial in Washington, D.C. to commemorate the more than 100 million victims of communism.

WEI JINGSHENG FOUNDATION

<http://www.weijsingsheng.org/>

It is the mission of the Wei Jingsheng Foundation to promote the democratization of China and the improvement of human rights condition in China.

BLOGS

AI WEIWEI

<http://blog.aiweiwei.com>

Blog which frequently discusses politically sensitive issues in China.

CHINA BEAT

<http://thechinabeat.blogspot.com/>

The China Beat examines Media Coverage of China, providing context and criticism from China writers and scholars.

CHINA GEEKS

<http://sun-zoo.com/chinageeks/>

ChinaGeeks is a website about China which posts articles, original essays, translations, news, and relevant links to further the English-language discourse on China.

DANWEI.ORG

<http://www.danwei.org/>

Insider News website about Chinese media and expression.

EASTSOUTHNORTHWEST

ROLAND SOONG'S BLOG

<http://www.zonaeuropa.com/weblog.htm>

General China issues blog from an Expat's perspective.

HAO HAO REPORT

<http://www.haohaoreport.com/>

A social bookmarking site that compiles articles, blog postings, and other online, English-language resources related to China.

JAMES FALLOWS

<http://jamesfallows.theatlantic.com/>

James Fallows' blog for *The Atlantic* covering a vast array of China issues.

JOHN POMFRET

<http://newsweek.washingtonpost.com/postglobal/pomfretschina/>

Broad China issues blog from noted author and journalist John Pomfret.

NEW YORKER LETTER FROM CHINA

<http://www.newyorker.com/online/blogs/evanosnos/2009/05/roots.html>

New Yorker correspondent Evan Osnos is based in Beijing, and he blogs about Chinese current events.

PEKING DUCK

<http://pekingduck.blogspot.com/>

Expat's blog concerning Chinese current events.

PERSIAN XIAOZHAO

<http://bosixiaozhao.blog.sohu.com/>

Blog which discusses political issues in modern China after its authoress was interrogated with regards to her status as a signatory of Charter '08.

RCONVERSATION

<http://rconversation.blogs.com/>

Rebecca Mackinnon's blog on China and internet censorship.

WOESER

<http://woeser.middle-way.net/>

Blog which discusses issues surrounding Tibet.

BIBLIOGRAPHY

- Ackerly, John and Blake Kerr. *The Suppression of a People: Accounts of Torture and Imprisonment in Tibet*. Somerville, MA: Physicians for Human Rights, 1989.
- Adhe, Ama and Joy Blakeslee. *The Voice that Remembers*. Somerville, MA: Wisdom Publications, 1999.
- Angle, Stephen, ed. and Marina Svensson. *The Chinese Human Rights Reader: Documents and Commentary*. Armonk, NY: M.E. Sharpe, 2001.
- Bakken, Borge, ed. *Crime, Punishment, and Policing in China*. Lanham, MD: Rowman and Littlefield, 2005.
- Becker, Jasper. *Hungry Ghosts: Mao's Secret Famine*. New York: Henry Holt and Company, Inc., 1996.
- Becker, Jasper. *The Chinese*. New York: Oxford University Press, 2000.
- Bo, Ma. *Blood Red Sunset: A Memoir of the Chinese Cultural Revolution*. Translated by Howard Goldblatt. New York: Penguin (Non-Classics), 1996.
- Brown, Kerry. *Struggling Giant: China in the 21st Century*. New York: Anthem Press, 2007.
- Buruma, Ian. *Bad Elements: Chinese Rebels from Los Angeles to Beijing*. New York: Random House, 2001.
- Chang, Gordan. *Coming Collapse of China*. New York: Random House, 2001.
- Chang, Jung and Jon Halliday. *Mao: The Unknown Story*. New York: Knopf, 2005.
- Chang, Jung. *Wild Swans: Three Daughters of China*. Sioux City, IA: Anchor, 1992.
- Chen, Guidi and Wu Chuntao. *Will the Boat Sink the Water: The Life of China's Peasants*. New York: PublicAffairs, 2006.
- Cheng, Nien. *Life and Death in Shanghai*. New York: Grove Press, 1987.
- Ching, Frank. *China: The Truth About its Human Rights Record*. London: Rider, 2008.
- Chu, Yun-han, ed., Larry Diamond, Andrew J. Nathan, and Doh Chull Shin. *How East Asians View Democracy*. New York: Columbia University Press, 2008.
- Dai, Qing. *Tiananmen Follies: Prison Memoirs and Other Writings*. Edited and translated by Nancy Yang Liu, Peter Rand, and Lawrence Sullivan. Norwalk, CT: EastBridge, 2005.
- Dikötter, Frank. *Crime, Punishment, and the Prison in Modern China, 1895-1949*. New York: Columbia University Press, 2002.
- Drapchi Prison: Tibet's Most Dreaded Prison*. Dharamsala: Tibetan Centre for Human Rights and Democracy, 2001.
- Economy, Elizabeth. *The River that Runs Black*. Ithaca, NY: Cornell University Press, 2004.
- Edwards, Randle, Louis Henkin, and Andrew J. Nathan. *Human Rights in Contemporary China*. New York: Columbia University Press, 1986.
- Feng, Jicai. *Ten Years of Madness: Oral Histories of China's Cultural Revolution*. San Francisco: China Books and Periodicals, 1996.
- Friedman, Edward, ed. and Barrett McCormick. *What if China Doesn't Democratize?: Implications for War and Peace*. Armonk, NY: East Gate Books, 2000.
- Fung, Edmund. *In Search of Chinese Democracy: Civil Opposition in Nationalist China, 1929-1949*. New York: Cambridge University Press, 2000.
- Gao, Yuan. *Born Red: A Chronicle of the Cultural Revolution*. Palo Alto, CA: Stanford University Press, 1987.
- Goldman, Merle. *From Comrade to Citizen: The Struggle for Political Rights in China*. Cambridge: Harvard University Press, 2005.
- Goldman, Merle. *Political Rights in Post-Mao China*. Ann Arbor, MI: Association for Asian Studies, 2007.
- Goodman, David. *Beijing Street Voices: The Poetry and Politics of China's Democracy Movement*. London: Marion Boyars, 1984.
- Gutmann, Ethan. *Losing the New China*. San Francisco: Encounter Books, 2004.
- Gyatso, Palden and Tsering Shakya. *Autobiography of a Tibetan Monk*. New York: Grove Press, 1997.
- He, Qinglian. *The Fog of Censorship: Media Control in China*. New York: Human Rights in China, 2008.
- Hecht, Jonathan. *Opening to Reform?: An Analysis of China's Revised Criminal Procedure Law*. New York: Lawyers Committee for Human Rights, 1996.
- Hoffman, W. John and Michael Enright. *China into the Future: Making Sense of the World's Most Dynamic Economy*. New York: Wiley, 2007.
- Hom, Sharon, ed. and Stacy Mosher. *Challenging China: Struggle and Hope in an Era of Change*. New York: New Press, 2007.
- Human Rights in China. *Children of the Dragon: The Story of Tiananmen Square*. New York: Collier Books, 1990.
- Human Rights Watch. *Appeasing China: Restricting the Rights of Tibetans in Nepal*. New York: Human Rights Watch, 2008.
- Human Rights Watch. *China's Forbidden Zones: Shutting the Media Out of Tibet and Other "Sensitive" Stories*. New York: Human Rights Watch, 2008.
- Johnson, Ian. *Wild Grass: Three Stories of Change in Modern China*. New York: Pantheon, 2004.
- Kadeer, Rebiya. *Dragon Fighter: One Woman's Epic Struggle for Peace with China*. Carlsbad: Kales Press, 2009.
- Kang, Zhengguo. *Confessions: An Innocent Life in Communist China*. Translated by Susan Wilf. New York: W.W. Norton, 2007.
- Karlsson, Klas-Goran and Michael Schoenhals. *Crimes Against Humanity Under Communist Regimes—Research Review*. Stockholm: Forum for Living History, 2008.
- Keith, Ronald and Zhiqiu Lin. *New Crime in China: Public Order and Human Rights*. New York: Routledge, 2006.
- Kent, Ann. *Beyond Compliance: China, International Organizations, and Global Security*. Palo Alto, CA: Stanford University Press, 2007.
- Kent, Ann. *China, the United Nations, and Human Rights: The Limits of Compliance*. Philadelphia: University of Pennsylvania Press, 1999.
- Khétson, Tubten. *Memories of Life in Lhasa under Chinese Rule*. New York: Columbia University Press, 2008.
- Kirby, William, ed. *Realms of Freedom in Modern China*. Stanford: Stanford University Press, 2004.
- Kristof, Nicholas and Sheryl Wu-Dunn. *China Wakes: The Struggle for the Soul of a Rising Power*. New York: Vintage Books, 1995.
- Langley, Andrew. *The Cultural Revolution: Years of Chaos in China*. Minneapolis: Compass Point Books, 2008.
- Lawyers Committee for Human Rights. *Criminal Justice with Chinese Characteristics: China's Criminal Process and Violations of Human Rights*. New York: Lawyers Committee for Human Rights, 1993.
- Lee, Ta-ling and John Copper. *Reform in Reverse: Human Rights in the People's Republic of China, 1986/1987*. Baltimore: University of Maryland Law School, 1987.
- Lee, Ta-ling. *The Bamboo Gulag: Human Rights in the People's Republic of China, 1991-1992*. Baltimore: University of Maryland Law School, 1994.
- Lescot, Patrick. *Before Mao: The Untold Story of Li Lisan and the Creation of Communist China*. New York: HarperCollins, 2004.
- Li, Cheng. *Rediscovering China: Dynamics and Dilemmas of Reform*. Lanham, MD: Rowman & Littlefield Publishers, Inc. 1997.
- Li, Zhisui. *The Private Life of Chairman Mao: The Memoirs of Mao's Personal Physician*. Translated by Tai Hung-Chao. New York: Random House, 1994.
- Lin Chun. *The Transformation of Chinese Socialism*. Durham, NC: Duke University Press, 2006.

- MacFarquhar, Roderick. *The Origins of the Cultural Revolution*. New York: Columbia University Press, 1999.
- Mann, James. *About Face*. New York: Vintage, 2000.
- Mann, James. *The China Fantasy: How Our Leaders Explain Away Chinese Repression*. New York: Viking, 2007.
- Meisner, Maurice. *Mao's China and After: A History of the People's Republic*. New York: Free Press, 1999.
- Ming, Ruan. *Deng Xiaoping: Chronicle of an Empire*. Edited and translated by Nancy Liu, Peter Rand, and Lawrence R. Sullivan. Boulder, CO: Westview Press, 1994.
- Monshipouri, Mahmood, ed., Neil Englehart, Andrew J. Nathan, and Kavita Philip. *Constructing Human Rights in the Age of Globalization*. Armonk: M.E. Sharpe, 2003.
- Muhlhahn, Klaus. *Criminal Justice in China: A History*. Cambridge: Harvard University Press, 2009.
- Munro, Robin. *Punishment Season: Human Rights in China After Martial Law*. New York: Human Rights Watch, 1990.
- Nathan, Andrew and Robert Ross. *The Great Wall and the Empty Fortress: China's Search for Security*. New York: W. W. Norton and Co., 1998.
- Nathan, Andrew, ed. and Perry Link. *The Tiananmen Papers: The Chinese Leadership's Decision to Use Force Against Their Own People—In Their Own Words*. New York: PublicAffairs, 2001.
- Nathan, Andrew, Lucian W. Pye, George Gilboy, and Eric Heginbotham. *Tiananmen: The Crisis and Its Impact*. New York: Council on Foreign Relations Press, 2002.
- Nathan, Andrew. *China's Transition*. New York: Columbia University Press, 1999.
- Nathan, Andrew. *Chinese Democracy*. Berkeley: University of California Press, 1986.
- Niu, Niu. *No Tears for Mao: Growing Up in the Cultural Revolution*. Translated by Enne Amman and Peter Amman. Chicago: Academy Chicago Publishers, 1995.
- Pan, Philip. *Out of Mao's Shadow: The Struggle for a Soul of a New China*. New York: Simon and Schuster, 2008.
- Pei, Minxin. *China's Trapped Transition: the Limits of Developmental Autocracy*. Cambridge: Harvard University Press, 2006.
- Pomfret, John. *Chinese Lessons: Five Classmates and the Story of the New China*. New York: Henry Holt and Co., 2006.
- Prisoners of Tibet: Profiles of Current Political Prisoners*. Dharamsala: Tibetan Centre for Human Rights and Democracy, 2000.
- Rickett, W. Allyn. *Prisoners of Liberation: Four Years in a Chinese Communist Prison*. Garden City, NY: Anchor Press, 1973.
- Seymour, James and Richard Anderson. *New Ghosts, Old Ghosts: Prisons and Labor Reform Camps in China*. Armonk, NY: M.E. Sharpe, 1998.
- Shirk, Susan. *China: Fragile Superpower*. New York: Oxford University Press, 2007.
- Sommer, Robin Langley. *Nien Cheng: Prisoner in China*. Woodbridge, CT: Blackbirch Press, 1992.
- Spence, Jonathan. *Gate of Heavenly Peace: The Chinese and their Revolution*. New York: Penguin (Non-Classics), 1982.
- Spiegel, Mickey. *Dangerous Meditation: China's Campaign Against Falungong*. New York: Human Rights Watch, 2002.
- Suettinger, Robert L. *Beyond Tiananmen: the Politics of US-China Relations, 1989-2000*. Washington: Brookings Institution Press, 2003.
- Svensson, Marina. *Debating Human Rights in China: A Conceptual and Political History*. Lanham, MD: Rowman and Littlefield, 2002.
- Svensson, Marina. *The Chinese Conception of Human Rights: The Debate on Human Rights in China, 1898-1949*. Lund, Sweden: Lund University, 1996.
- Tong, James. *Revenge of the Forbidden City: The Suppression of the Falungong in China, 1999-2005*. New York: Oxford University Press, 2009.
- Wan, Ming. *Human Rights in Chinese Foreign Relations: Defining and Defending National Interests*. Philadelphia: University of Pennsylvania Press, 2001.
- Wang, Gungwu, ed. and Yongnian Zheng. *Reform, Legitimacy and Dilemmas: China's Politics and Society*. New Jersey: World Scientific, 2000.
- Wang, Hui. *China's New Order: Society, Politics, and Economy in Transition*. Translated by Theodore Hutters and Rebecca E. Karl. Cambridge: Harvard University Press, 2006.
- Weatherley, Robert. *The Discourse of Human Rights in China: Historical and Ideological Perspectives*. New York: St. Martin's Press, 1999.
- Wei, Jingsheng. *The Courage to Stand Alone: Letters from Prison and Other Writings*. Edited and translated by Kristina M. Torgeson. New York: Viking, 1997.
- Wilhelm, Daniel. *Most-Favored-Nation Certification and Human Rights: A Case Study of China and the United States*. Edited by Penelope Ferreira and Elissa Lichtenstein. Washington, DC: Division for Public Services, American Bar Association, 1996.
- Williams, Philip, ed. and Yenna Wu. *Remolding and Resistance Among Writers of the Chinese Prison Camp*. New York: Routledge, 2006.
- Williams, Philip. *The Great Wall of Confinement: The Chinese Prison Camp Through Contemporary Fiction and Reportage*. Berkeley: University of California Press, 2004.
- Wong, Jan. *Red China Blues: My Long March From Mao to Now*. Sioux City: Anchor, 1997.
- Worden, Minky, ed. *China's Great Leap: The Beijing Games and Olympian Human Rights Challenges*. New York: Seven Stories Press, May 2008.
- Wu, Harry and Carolyn Wakeman. *Bitter Winds: A Memoir of My Years in China's Gulag*. New York: Wiley, 1994.
- Wu, Harry and George Vecsey. *Troublemaker: The Story of Chinese Dissident Harry Wu*. New York: Times Books, 1996.
- Wu, Harry. *Laogai: The Chinese Gulag*. Boulder, CO: Westview Press, 1992.
- Xie, Tao. *US-China Relations: China Policy on Capitol Hill*. New York: Routledge, 2009.
- Yang, Chih-lin. *Iron Bars But Not a Cage: Wang Jo-fei's Days in Prison*. Translated by Chang Pei-chi. Peking: Foreign Languages Press, 1962.
- Yang, Xiguang and Susan McFadden. *Captive Spirits: Prisoners of the Cultural Revolution*. New York: Oxford University Press, 1997.
- Ye, Tingxing. *My Name is Number 4: A True Story from the Cultural Revolution*. New York: Thomas Dunne Books, 2008.
- Yu, Haocheng. *Human Rights and Constitutionalism*. Boston: Foundation for China in the Twenty-first Century, 2000.
- Yue, Daiyun. *To the Storm: The Odyssey of a Revolutionary Chinese Woman*. Berkeley: University of California Press, 1987.
- Zhang, Boli. *Escape From China: The Long Journey From Tiananmen to Freedom*. New York: Washington Square Press, 1998.
- Zhang, Liang, Andrew J. Nathan, Perry Link, and Orville Schell. *The Tiananmen Papers*. New York: PublicAffairs, 2002.

Laogai: The Machinery of Repression in China © 2009 Umbrage Editions

All rights reserved.

ISBN 978-1-884167-77-5

Introduction copyright © 2009 Andrew J. Nathan

Foreword copyright © 2009 Harry Wu

Photographs copyright © 2009 Laogai Research Foundation or
their respective copyright holders as noted

An Umbrage Editions book

Publisher: Nan Richardson

Editorial Associates: Megan Fluker and Ashley Singley

Editorial Interns: Kaitlin Butler, Erica Cooper, Kenichi Nozaki, and Amelia Scheim

Office Manager: Kathryn Alecci

Design Director: Jennifer Kakaletis

Design Interns: Lauren Huff and Kevin Maulbeck

Copy Editors: Amanda Bullock and Kelly Creighton

Umbrage Editions

111 Front Street, Suite 208

Brooklyn, New York 11201

www.umbragebooks.com

Distributed by Consortium in the United States and Canada

www.cbsd.com

Distributed by Turnaround in Europe

www.turnaround-psl.com

Printed in South Korea

劳 改

LAO: LABOR
GAI: REFORM

"Funny to call this a beautiful book, what with its gruesome images and often tragic stories. But it is beautiful. Beautiful in its truth-telling. Beautiful in its precise capture of the monstrous. And beautiful in its reflection of human indomitability. China really is on the 'wrong side of history.' If ever a book could help rectify that, it is this one."

—WILLIAM F. SCHULZ, SENIOR FELLOW, CENTER FOR AMERICAN PROGRESS,
AND FORMER EXECUTIVE DIRECTOR OF AMNESTY INTERNATIONAL USA

"As the West sleepwalks into a state of 'don't ask, don't tell' interdependence with China, *LAOGAI* dares us to contemplate the full scale horror of China's police state. However excruciating and inconvenient it may be for businessmen and politicians, *LAOGAI* must be read, and read carefully. A serious research tool that speaks not only to the mind, but to the heart."

—ETHAN GUTMANN, AUTHOR OF *LOSING THE NEW CHINA*

"A powerful and informative exposé of the Chinese government's systematic destruction of all those peaceful Chinese, Uyghur, Tibetan and other dissenters who want to have a better, freer, and more democratic China. *LAOGAI* chronicles how the Chinese Communist Party uses the machinery of the Laogai as a means to achieve such an unprecedented level of state control over its dissident population and systematic extermination of all who stand in its way of absolute control of power in China."

—REBIYA KADEER, PRESIDENT OF THE WORLD UYGHUR CONGRESS,
AND FORMER POLITICAL PRISONER

"Let this book be the blueprint for the world to continue to look, remember, and honor those who have dared to tell the truth about this painful past and present."

—LOUISA COAN GREVE, DIRECTOR, EAST ASIA, THE NATIONAL ENDOWMENT FOR DEMOCRACY

"This is a work of monumental importance that dispassionately exposes the infinite viciousness, cold-blooded repression, and raw brutality of the Chinese dictatorship. Remarkably accessible and meticulously documented with personal testimonies, eyewitness accounts, photographic evidence, and material support, this work is, to date, the most powerful indictment of China's cruel and dehumanizing government and its tools and systems for repression. This book is long overdue and vital for anyone who wishes to understand the tyrannical and malicious nature of China's rulers."

—THOR HALVORSEN, PRESIDENT, HUMAN RIGHTS FOUNDATION

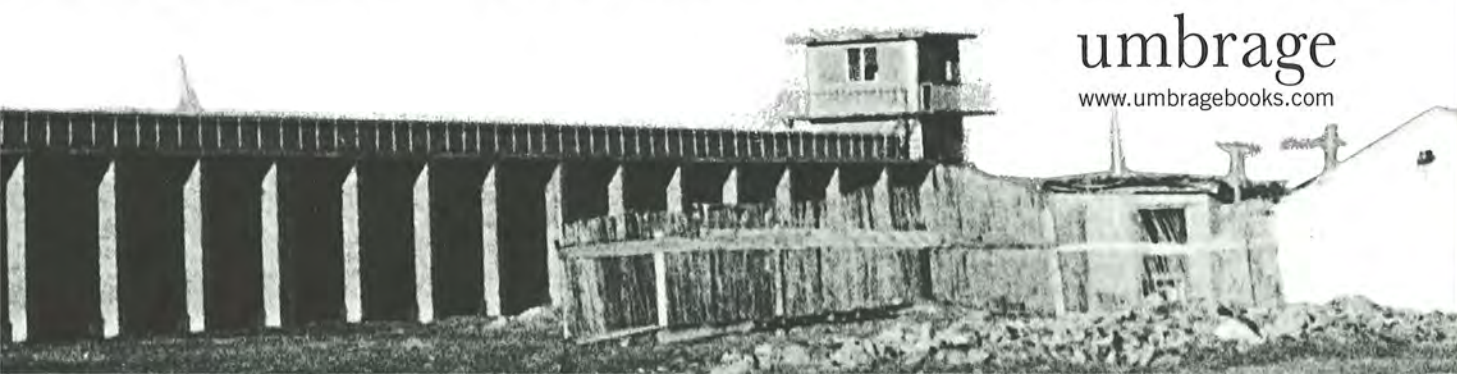
"Many people have the vague notion that the era of totalitarianism is over. They welcome China's rise to near-superpower status with considerable naiveté. These people need to read *LAOGAI*, a book that provides a much needed, well-documented reminder that an anachronism of totalitarianism still exists in China."

—DAVID YU, PH.D., PUBLISHER OF *BEIJING SPRING MAGAZINE*

An eloquent and vivid summary in shocking, never-before-seen photographs smuggled out of the People's Republic of China, *LAOGAI* exposes the human rights record of the world's most authoritarian state—a nation whose own remarkable transformation has not extended to the basic demands of its people for freedom.

From the coal mines of Sichuan to the giant plantation farms of Zhejiang, the vast spiderweb of the Chinese prison system has its tentacles into every corner of the country, with over three million slave laborers working to make the economic miracle happen. With essays from leading Chinese scholar Andrew J. Nathan and leading dissident Harry Wu, this book discusses the wide range of challenges China faces: from freedom of expression to religious choice, from police brutality to state execution, as well as controversial issues like torture, organ trafficking, forced sterilization, and more.

This carefully researched book includes a comprehensive timeline, recent Chinese history of human rights, reading list, and resource information including lists of banned books, websites, controversial art, and more. It pretexts tales of eye-opening horror, heartbreak, and heroism, as dozens of former prisoners of the Laogai share their individual stories and reveal the pain and dirt that underlies China's shiny modern surface. Moving and disturbing, *LAOGAI* gives lie to the notion that China is headed to democratization, and urges that on the occasion of the People's Republic's 60th anniversary, we take an honest look at human rights in China, with the chilling knowledge of how the apparatus of control and oppression in this last great communist power remains unchanged.



umbrage
www.umbragebooks.com