

## Executive Director Visits Tilanqiao Prison, Studies “Segregate and Reform” System

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Visits to Chinese prisons are an important part of the unofficial dialogue on human rights between The Dui Hua Foundation and China’s Ministry of Justice, the body under the State Council that administers China’s 700 prisons and 300 reeducation-through-labor camps. In May 2000, Dui Hua’s Executive Director, John Kamm, visited Beijing Prison on the outskirts of China’s capital, and in December 2000, he was taken on a tour of Shanghai’s Tilanqiao Prison.

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Both of these prisons are designated “model prisons” by the ministry. There are roughly 30 ministry-designated model prisons (sometimes provinces designate one or two of their own prisons as provincial model prisons). As a rule, foreigners are only shown model prisons, though occasionally they are brought into prisons that haven’t been designated as models. In October 1991, Kamm visited one such facility, Meizhou Prison, in Guangdong Province.

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Not surprisingly, conditions in model prisons are considered to be better than those found in prisons that haven’t been designated as models. Most model prisons are of fairly recent construction, e.g. Beijing Prison and Qingpu Prison in Shanghai. Tilanqiao Prison, however, is 100 years old, its first cellblock having been constructed by the British. Tilanqiao was China’s first prison opened to foreign visitors, who have been allowed into the facility since the early 1950s.

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A number of conditions apply to visits by foreigners to Chinese prisons. Senior prison officials must at all times accompany foreign visitors. No photography is permitted. Generally speaking, interaction with prisoners is extremely circumscribed. Conversations with prisoners are rarely permitted. When they occur they are invariably very short and take place within earshot of guards.

Despite these limits, visits to prisons are valuable. Whenever he visits a Chinese prison, Kamm asks about prisoners whose names have been uncovered by Dui Hua’s research into Chinese publications. Often, he is able to obtain information directly from the prison warden. Dui Hua’s Executive Director has also collected information on how the penal system works. He has learned a great deal about such things as the “100-point system” that governs sentence reduction, as well as how good behavior and medical parole rules are implemented. He has studied how information on prisoners is stored and retrieved.

## Tilanqiao Prison

Kamm's visit to Tilanqiao took place on December 5, 2000. He was accompanied by an official of the Ministry of Justice, a representative of the Shanghai Prison Bureau (which administers 10 prisons, including at least one in Jiangsu Province and one in Anhui Province), and the prison warden. During the visit, Kamm was shown a prison workshop where inmates make uniforms for the People's Armed Police (none of the products made at Tilanqiao are exported), one of ten cell blocks for male prisoners, the female cell block, the entrance area of the hospital (the hospital at Tilanqiao services all of the prisons administered by the Shanghai Prison Bureau), a dining hall, the warden's office area, and finally, the auditorium, where an artistic troupe performed a program of songs and dances.

Tilanqiao is located in the densely populated Hongkou District; it is surrounded by high-rise apartment buildings. The prison takes up four hectares and the constructed area is 40,000 square meters. The original circular cellblock is still in use as a museum and exhibition hall. There are ten large cellblocks for male prisoners. These were built in the 1920s and 1930s and, unlike modern Chinese prisons where there are as many as 14 prisoners in fairly large cells, Tilanqiao still uses the old cells originally intended to house one prisoner. (Even the original keys for locking the cells are still in use). At least two prisoners are put into the cells. This reinforces the general impression that Tilanqiao is over crowded. At present, about 4,000 inmates are in Tilanqiao, up from 3,500 in 1998.

Aside from the small number of female inmates who together make up the artistic performance troupe, all of the inmates are male prisoners over the age of 18 who have been sentenced to at least ten years in prison. A high percentage of prisoners are serving life sentences. Seventeen prisoners are serving sentences for endangering state security, including several individuals serving sentences for counterrevolution. The majority of prisoners serving sentences for endangering state security have been convicted of espionage. Kamm presented to the warden a list of individuals believed to have been detained for political crimes in Shanghai since the early 1980s. The warden did not recognize the names of most of them, but he did give information on two prisoners, Li Junmin and Zhou Guokui (see page 3).

## “Segregate and Reform”

Tilanqiao Prison was a pioneer in applying a management system known as “*fen lei gai zao*” (“segregate and reform”) to counterrevolutionaries. In this system, first implemented in 1986, counterrevolutionaries are separated from ordinary inmates and housed together in one area. Because of their special characteristics—counterrevolutionaries tend to be older than ordinary prisoners and they typically have achieved higher educational levels—more intensive “ideological” education is carried out and less physical work is required. Supervision and reporting are stricter. (See “Notice on Establishing a Reporting System for Important Criminals,” pp 7-8.)

Tilanqiao still employs the “*fen lei gai zao*” system in managing prisoners convicted of endangering state security. According to the warden, the system has been a success. The rate of sentence reduction and parole for counterrevolutionaries doubled, from six percent in 1987 to 12 percent in 1990. Nevertheless, it appears that parole rates for counterrevolutionaries have been lower than those applied to ordinary prisoners. The warden stated that, at Tilanqiao, roughly 25 percent of inmates benefit from either sentence reduction or parole every year.

Not every province employs the “*fen lei gai zao*” system. In Beijing, for instance, counterrevolutionaries are housed with ordinary inmates, with whom they have difficulty getting along. Counterrevolutionaries are often unable to read because the younger inmates are boisterous or play their radios and the communal TV too loudly. Being older, counterrevolutionaries need more sleep and tend to get sick more often than young inmates. Sometimes, counterrevolutionaries who are housed in cells with young, ordinary inmates report being taunted, harassed or even physically abused by their fellow prisoners.

Dui Hua believes that extending the “*fen lei gai zao*” system to all Chinese prisons holding inmates serving sentences for endangering state security (including those convicted under the old laws against counterrevolution) would have important humanitarian consequences, and would result in higher rates of sentence reduction and parole for this group of prisoners. It has expressed this opinion to China's judicial authorities, and shared it with officials of governments engaged in human rights dialogues with the Chinese government.

## Prisoner Information Update

*On December 5, 2000, while on a visit to Tilanqiao Prison in Shanghai, John Kamm was given information on two prisoners.*

**Zhou Guokui** (周國睽), a 75-year-old Hong Kong doctor sentenced to a 15-year sentence for espionage in 1987, has recently been released on medical parole. Zhou was said to have been suffering from a heart condition.

**Li Junmin** (李俊敏), a 39-year-old former soldier from Taiwan, has recently shown some “improvement in attitude,” but there have been no sentence reductions in recent years. Li was sentenced to death in 1983 for espionage and counterrevolutionary propaganda and incitement, but this was changed on appeal to death with a two-year reprieve. Later, this was changed to life imprisonment, and then in 1994 the life sentence was changed to a fixed term of 17 years. His sentence is due to expire on December 20, 2011.

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*On January 12, 2001, the Ministry of Justice provided information on five prisoners to The Dui Hua Foundation.*

**Sun Xiongying** (孫雄鷹), male, 35 years old, prior to arrest was a cadre at the Hongyan Middle School in Fuzhou City. Sentenced in 1989 to 18 years’ imprisonment with five-years’ subsequent deprivation of political rights by the Fuzhou Municipal Intermediate People’s Court for committing the crime of counterrevolutionary propaganda and incitement. He is currently serving his sentence at the Fujian Province Number Two Prison. Because he sincerely expressed regret and a willingness to reform, his sentence was reduced twice in January 1995 and January 2000, for a total of two years and eight months. His sentence will be completed on January 29, 2005.

**Yang Lianzi** (楊廉子), male, age 54, resident of Gansu Province, prior to arrest was a private

entrepreneur. Sentenced in June 1989 to 15 years’ imprisonment with three years’ subsequent deprivation of political rights by the Beijing Municipal Intermediate People’s Court for committing the crime of conspiring to overthrow the government. He is currently serving his sentence at the Gansu Province Number One Prison. Because he sincerely expressed regret and a willingness to reform, his sentence was reduced three times (in August 1993, October 1997 and October 2000) for a total of three years. His sentence will be completed on May 25, 2001.

**Yu Dongyue** (喻東岳), male, age 34, prior to arrest was an arts editor at the *Liuyang Daily* in Hunan Province. Sentenced on August 11, 1989 to 20 years’ imprisonment (sentence to run from May 22, 1989 to May 21, 2009) with five years’ subsequent deprivation of political rights by the Beijing Municipal Intermediate People’s Court for committing the crimes of counterrevolutionary propaganda and incitement and counterrevolutionary sabotage. He is currently serving his sentence at the Hunan Province Number One Prison. Because he expressed regret and willingness to reform, his sentence was reduced by two years in May 2000. His sentence will be completed on May 21, 2007.

**Yu Zhijian** (余志堅) was sentenced in 1989 to life imprisonment with lifetime deprivation of political rights for committing the crimes of counterrevolutionary propaganda and incitement and counterrevolutionary sabotage. He was released on parole according to law on September 13, 2000.

**Zhao Fengping** (趙風平), 61 years old, was sentenced in 1984 to life imprisonment with lifetime deprivation of political rights for committing the crimes of organizing or leading a counterrevolutionary group, conspiring to overthrow the government and false accusation. His sentence was reduced three times in 1989, 1993 and 1998, and his sentence was completed on April 21, 2000.

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On February 2, 2001, the Guangdong Provincial Government provided information on several prisoners, including:

**Mu Wenbin** (穆文斌), male, born on August 21, 1972, native of Jianli County, Hubei Province. Detained on October 20, 1995 and subsequently sentenced by the Shenzhen Intermediate People's Court to five years' imprisonment for conspiring to overthrow the government. His sentence was reduced by several months, and he was released on June 28, 2000. He served his sentence in Shaoguan Prison.

**Qiu Yueyun** (邱岳云), male, born in 1930, Han nationality, from Zengcheng County in Guangdong Province. Sentenced to life imprisonment for espionage by the Guangzhou Intermediate People's Court on May 24, 1984. The life sentence was changed to a fixed term sentence in the late 1980s, and a series of sentence reductions began in 1989. His sentence was reduced by one year in December of that year, by one year in March 1992, by 18 months in August 1996, and finally by 17 months in November, 1999. He was released upon completion of his sentence on January 5, 2000.

**Tang Tao** (唐涛), male, born in August 1970, native of Shaoyang Municipality, Hunan Province. Arrested by the Nanshan District Public Security Bureau of Shenzhen Municipality on May 25, 1995. Sentenced to six years' imprisonment for leaking state secrets by the Shenzhen Municipal Nanshan District People's Court on April 15, 1997. He will be released at the end of his sentence on February 9, 2001.

**Liu Baiqiang** (劉柏強) has received no further reductions since September 1999 when 18 months were knocked off his sentence. Born in 1968, Liu was sentenced to 10 years' imprisonment for theft in 1988. On June 6, 1989, his sentence was extended by eight years for engaging in counterrevolutionary incitement and propaganda. After three reductions totaling four years, his sentence is due to expire on June 5, 2002. He is serving his sentence in Shaoguan Prison.

**Statistics on  
Endangering State Security  
1998-1999**

*The Chinese government has for the first time released statistics on arrests, indictments and trials for "endangering state security," the crime that replaced "counterrevolution" in the revised criminal code that took effect on October 1, 1997. The statistics cover the first two calendar years (1998 and 1999) after the new code came into force, and reveal a large increase in arrests in 1999. The last time statistics on arrests and indictments for counterrevolution were published was in 1989, covering 1988.*

*Dui Hua has collected many statistics on political crime in China during the course of its research into political cases. A compilation of the statistics will be published as "Occasional Publication of The Dui Hua Foundation: Number Seven" in March 2001.*

	1998	1999
<b>Arrests</b>		
Cases	201	344
Individuals	532	769
<b>Indictments</b>		
Cases	186	248
Individuals	555	660
<b>Trials (cases)</b>		
Received by courts	214	208
Concluded by courts	240*	220*

*\*Includes a small number of cases of "dereliction of duty by military personnel."*

Sources:  
*Procuratorate Yearbook, 1999*  
*Law Yearbook of China, 1999*  
*Law Yearbook of China, 2000*

## Case Uncovered

### Conspiring to Stage a Rebellion: The Case of the “China Plum Nation Party”

*One of the biggest cases of an underground political party uncovered by Dui Hua’s research team is the case of the China Plum Nation Party, a group of more than 500 people that operated from 1988 to 1992 in 17 provinces. The Chinese term “China Plum Nation Party” is a homonym for “China American Party,” and this could be one of the reasons why the police devoted so much attention to identifying and dismantling the group. The Dui Hua Foundation has filed a request for information with the Ministry of Justice on the group’s leading members.*

*Excerpts from three accounts, all taken from local public security publications and translated by Dui Hua’s Manager of Research and Publications Roberta Raine, are published below.*

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The “China Plum Nation Party” counterrevolutionary group was headed by Sichuan Province’s Zhu Jiankun and Fan Zhengming of Rong County, Wu Zeyuan and Luo Yong of Jingyan County, and Wu Wangen and others of Jinniu District in Chengdu Municipality. In the latter half of 1987, they began discussing candidates for recruitment, and in that year on the seventh day of the 12<sup>th</sup> lunar month (January 25, 1988), they held a secret meeting to formally establish the party. They put forth their goals: “To overthrow the corrupt Chinese Communist Party and establish the peace, democracy, freedom and prosperity of the China Plum Nation Party, and to implement the struggle to take office in 1992 and legally administer the Party, the state, the military, and the people.” In addition, they drafted a “Party Constitution and Party Program,” “Party Discipline,” “Conditions and Handbook for Joining the Party,” “Military Law Rules and Regulations,” and so forth. They also announced that, “The responsibility of saving China from peril has historically fallen on the shoulders of every party member, cadre, and soldier. All levels within the Party must quickly take action and begin the struggle against the evil Communist Party.”

They decided that the “Northwest Command Post,” the “Northwest General Headquarters,” the “Logistics Department,” “Communications Office,” “Secretarial Office,” and the commander-in-chief, regiment, battalion and company organs should all come under the jurisdiction of China Plum Nation Party headquarters. Zhu Jiankun was appointed General Secretary and Commander-in-Chief, Fan Zhengming, Luo Yong, Wu Wangen and others were appointed deputy commanders. Wu was also appointed the person responsible for Sichuan, Yunnan and Qinghai, and Communications Section chief Wang Guohua and Secretarial Section chief Zhang Wenbin were appointed the persons responsible for Hunan, Guizhou, and Guangxi. They stipulated that they should “observe discipline, protect confidentiality, and if they betray this oath, their whole family will die,” and other such counterrevolutionary pacts. At the meeting, they swore an oath by drinking blood wine to demonstrate their counterrevolutionary resolve.

In the spring of 1989, when the entire country witnessed political disturbances, they believed that their chance had come, and they rampantly engaged in counterrevolutionary activities. First, they created rumors of counter-revolutionary restoration, confusing people’s minds, and they made poisonous attacks against the Chinese Communist Party and socialist system. Second, they convened counter-revolutionary conferences, holding a total of 10 meetings at the homes of counterrevolutionary principal members Zhang Wenbin, Yang Shenping, Shi Xiuming, Yang Sichun and others, studied the “Party Constitution and Party Program,” “Regulations” and “Discipline,” planned the expansion of their organization, and collected fees, weapons and so forth. Third, they wantonly recruited counterrevolutionary members, with Yang Shenping, Shi Xiuming, Yang Sichun and others recruiting 263 people from April 1989 to April 1990 alone. Fourth, under the pretext of collecting “Party dues,” they solicited 24,463 *yuan* in counterrevolutionary fees. Fifth, they concocted counterrevolutionary propaganda such as “the

golden pheasant's cry is long, and plum blossoms are in full bloom," and wrote counterrevolutionary documents like "Guidelines for Building the Country," "Notice to Party Units," "Working Handbook," and others. Sixth, they planned to train personnel to go amongst Beijing students and workers and to sports stadiums, carrying with them propaganda and leaflets, and distribute the propaganda materials, cause disturbances and disrupt the "Asian Games."

On September 19, 1989, after discovering leads that the enemy was in a position to do extensive recruiting, spread rumors and propaganda and actively plan riots, the county public security bureau quickly sent reports to relevant provincial, district and county public security organs. On several occasions they got together to discuss and research the situation. Following the public security bureau's instructions to "investigate wherever there is involvement, find out what is going on behind the scenes, quickly solve and destroy, and handle the case by uniting different branches within the province," the Huaihua District relevant county and city public security bureaus established a combined task force. With the district public security bureau deputy bureau chief Zhou Deke giving specific instructions, a comprehensive investigation and reexamination was carried out. In May 1990, the case was placed on file. Apart from the deployment of personnel and reporting of the situation to the relevant district (or prefecture) and county public security organs in Sichuan and Guizhou, the bureaus adopted a policy of concentrating their strength and giving the case special attention; they infiltrated from within and seized evidence; they strictly controlled the most important areas; aroused the masses but kept them strictly controlled; gaps were filled in and the inside story cleared up; propaganda was made to the masses and bad influences were eliminated. In September of the same year the case was cracked. The entire case involved 17 provincial cities and districts, 32 regions (or prefectures) and cities, 72 counties (or cities) in Hunan, Sichuan, Guizhou, Guangxi and Beijing, and over 500 people. Of those, more than 100 people were detained. This case involved five counties (or cities), 14 villages and 86 people in Huaihua District. Seven counterrevolutionary principal members, including Yang Sichun of Banshan Village, were arrested

and identified as counterrevolutionaries, seven people were placed under surveillance by their units, and the remainder was criticized and signed letters of regret.

Source: *Zhijiang Public Security Records*, 1996

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On January 23 and 24 [1992], with the cooperation of the Xuanhan County Public Security Bureau, the municipal public security bureau investigated, solved and put an end to the case of a counterrevolutionary group called the "Mei Guo Dang" (Plum Nation Party). In their two hideouts in a western area under the city's jurisdiction, seven members were taken in according to law, and a large quantity of counterrevolutionary evidence was seized. After observing the frequent comings and goings at two locations by the principal members of this party, in early April the district, municipal and county public security organs dispatched investigative cadres, adjusted their deployment, tracked down the criminals by following clues, and organized their forces to take separate responsibility for interrogation, transference of prisoners, and pursuit and capture. With the provincial public security bureau and the Chengdu Municipal Public Security Bureau working together, from April 11 to 15, the headquarters and three communications points of the "Plum Nation Party" were destroyed in a single blow. Commander Fan Zhengming plus eight other principal members were captured and brought to justice.

Source: *Dachuan Municipal Public Security Records*, 1998

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In 1990, following the orders of superiors, the Sansui County Public "Security Bureau worked in cooperation with neighboring counties and provinces to investigate the "Mei Guo Dang," which had counterrevolutionary group members in Sansui, Tianzhu and five other counties. Among the members was head criminal Yang Shengping (resident of Lingshui village in Sansui), who was arrested according to law.

Source: *Sansui County Records*, 1994

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## Ministry of Justice Prison Administration Bureau's Notice on Establishing a Reporting System for Important Criminals

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April 24, 1995

[95] Si Yu Zi No. 60

In recent years, prisons in all areas have imprisoned a number of important criminals with a relatively large influence. In order to accurately and in a timely manner deal with the reform of these important criminals by the prison administration, to strengthen supervision over this type of criminal, and to coordinate with the international struggle over human rights, it has been decided to establish a reporting system for imprisoned important criminals. The relevant points regarding this notice are as follows:

I. The following prisoners are considered important criminals:

1. Party and government leading cadres at the level of deputy director of a provincial bureau (currently serving office) or higher;
2. Former members of the N.P.C. (National People's Congress) or C.P.P.C.C. (Chinese People's Political Consultative Congress) at the national, provincial or autonomous region level, or members of the N.P.C. or C.P.P.C.C. of municipalities under the jurisdiction of the central government; responsible persons formerly belonging to provincial level or higher democratic party organizations; direct relations of provincial or department level or higher party and government leading cadres; and well-known persons with important influence in the fields of science and technology, the arts, sports, health, or religion.
3. On the basis of written approval by the leadership, criminals whose cases are being directly handled by either the central authorities or provincial, autonomous region, or municipal political and legal departments;
4. Criminals belonging to the "two disturbances" and "two illegal" types of cases who have received international attention;
5. Criminals who encourage minority splittism and take part in riots;
6. Former clergy, underground bishops, and other similar criminals;
7. Criminals with foreign passports who have been sentenced for counterrevolution.
8. Criminals whose cases have been reported in central authority level newspapers and magazines, or criminals who have had a large influence either inside or outside of the country.

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### Important Criminals Registration Form

Name		Sex		Age		Race	
Birthplace			Address				
Former work unit				Position			
Crime			Sentencing organ				
Date of verdict			Term of sentence				
Where imprisoned				Period of detention			
State of health:							
Facts of crime committed:							
Remarks:							

II. Within three days of admitting an important criminal, prisons should fill out an “Important Criminal Registration Form” on the criminal’s basic situation (with a copy of the People’s Court verdict attached) and send the report to the provincial prison administration bureau. After the provincial prison administration bureau receives the report, it should, in a timely manner, forward it to the Ministry of Justice Prison Administration Bureau. The circumstances of important criminals whose sentences have been extended or reduced, who have been released on probation or medical parole, or who have been released upon completion of their sentences, should also be reported.

III. If the prison administration bureaus of provinces, autonomous regions or municipalities under the jurisdiction of the central government want to set up a special file on important criminals, they should assign a cadre with a certain understanding of policy and public affairs to manage the file. As for the circumstances of the important criminals’ prison management, ideological development, physical health and so forth, reports should be submitted once per quarter. Any important situations that occur should be reported as necessary. Any letters or materials mailed from outside of the country to important criminals need to be registered by the prison and reported to the prison administration bureau of the province, autonomous region or municipality under the jurisdiction of the central government; according to the relevant regulations on the appropriate handling of such situations, they must be reported in a timely manner to the Ministry of Justice Prison Administration Bureau. As for requests for information on the situation of important criminals by the Ministry of Justice Prison Administration Bureau, such information should be quickly and accurately reported. At the end of each year, all individual prison administration bureaus should write a summary of their work on the reform of important criminals, and should forward their report to the Ministry’s Prison Administration Bureau.

SOURCE: *Jianyu Gongzuo Shouce* (Prison Work Manual), 1993.4 – 1997.12, pp. 218-219.

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