



DIALOGUE

Summer 2001/Issue 4

Despite Chill in U.S.-China Relations, Unofficial Dialogue on Rights Forges Ahead

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Dialogue between China and the United States on human rights, be it official or unofficial, has always been affected by the overall political climate between the two countries. The last official session of the US-China dialogue took place in January 1999, and was suspended by the Chinese government in response to the bombing of the Chinese Embassy by NATO warplanes in May, 1999. The official dialogue has, as this issue of *Dialogue* comes out, yet to be resumed, though there are signs that preliminary talks on what a new dialogue on human rights would look like and what it might realistically achieve are underway between the two governments.

The Dui Hua Foundation's unofficial dialogue with the Chinese government on national security prisoners has often been knocked off course by the twists and turns of relations between Beijing and Washington. Given the bad start to US-China relations during the first three months of President Bush's tenure, it was widely expected that cooperation between the foundation and its Chinese interlocutors would once again be curtailed.

In the event, the unofficial dialogue went forward. During the first five months of the new administration, Dui Hua's Executive Director John Kamm made two visits to Beijing at the invitation of the Chinese government (March 4-8 and June 10-14, 2001). He handed over information on US national security prisoners and, by means of submitting lists, inquired into the circumstances of some of China's internal security prisoners. He visited a prison in Tianjin, and was given information on several inmates in Chinese prisons, including Zhang Chengjian, who is serving one of the longest sentences for non-violent counterrevolutionary crimes, and Jigme Sangpo, an elderly Tibetan teacher who has been the focus of much international concern.

During the period Kamm was planning and carrying out his Beijing trips, he was also making frequent visits to Washington, conferring with the new administration's China team and with members of Congress. After the April 1 mid-air collision between an American surveillance plane and a Chinese fighter, official contacts between the two countries were frozen, with the American side subjecting all meetings with Chinese officials to review on a "case by case" basis. Dui Hua decided not to let the freeze affect its unofficial dialogue, and in both April and May, 2001, Kamm met with diplomats attached to China's embassy in Washington. The officials were helpful in arranging Kamm's June visit to Beijing.

Information gathered on the Dui Hua missions to China during the first half of 2001 includes:

- China is considering establishing its first central prison, and is interested in studying the US federal system as well as the systems of other countries with prisons run by the national government. (At present, all Chinese prisons are operated by provincial justice bureaus.) It is not yet clear what prisoners would be held in the new facility, though it is possible that it will follow the model of a national security detention center recently established in Beijing by the Ministry of State Security.
- There appears to be a tightening trend with respect to information provided by the Chinese government on China's prisons and prisoners. The number of individuals serving sentences for endangering state security is no longer being provided and may have become a closely guarded secret. In past years, the number of prisoners serving sentences for counterrevolution was provided on a regular basis to Dui Hua's executive director. Part of the difficulty with the Ministry of Justice releasing the figure may be that definitional problems and faulty reporting are hampering calculation of an accurate number.
- In the most recent information on prisoners provided to Dui Hua, the Prison Administration Bureau of the Ministry of Justice made several changes to the standard format that has been employed for several years. No information was provided on either the state of the prisoner's health or the prison where the inmate is serving his or her sentence. Because the date of detention is not given, it is impossible to calculate the date on which the sentence will expire. No explanation was given for the changes made to the standard format and Dui Hua is appealing to the Ministry of Justice to provide the information that was omitted.
- It appears that the Chinese government is growing more reluctant to provide information in writing on prisoners about whom foreign governments, in their bilateral dialogues with the Chinese government, make inquiries. The most recent information provided to the EU and to Canada was provided orally, apparently on the

margins of the main sessions. Information provided orally is not as comprehensive and authoritative as information provided in writing.

- A significant number of prisoners are serving sentences for counterrevolution passed by Chinese courts during the first two years of the 1983-87 Strike Hard campaign. Zhang Chengjian in Shandong, Jigme Sangpo in Tibet and Li Junmin in Shanghai were all sentenced during this period. A special problem concerns prisoners who were originally sentenced to death but who subsequently had their sentences commuted. When death sentences (including death sentences with two-year reprieves) and terms of life imprisonment are commuted, no credit is given for time served. The new sentence commences from the date of commutation. This feature of the Chinese penal system means that quite a few of the old counterrevolutionaries imprisoned during the first phase of the Strike Hard campaign still have several years left to serve on their sentences. It appears that this group of long-serving prisoners rarely benefits from sentence reductions.
- The confirmation of the release of Niu Shengchang in April 1999, provided by the Ministry of Justice during Kamm's June trip, means that all prisoners in Shandong Province serving terms for counterrevolutionary propaganda and incitement committed during the May-June 1989 disturbances have been released, virtually all prior to the completion of their original sentences. Shandong was among the earliest provinces to try offenders in June 4 cases, and the sentences handed down by courts in Qingdao, Yantai and Jinan were long, many exceeding 10 years.
- The confirmation of the release of Zheng Yunsu, leader of the Shandong-based evangelical group the Jesus Family, means that all members of this group have been released from prison. Zheng and followers (many of whom were his relatives) were given long sentences for disturbing the social order in 1992. The case marked one of the first times that this crime was used against a Christian evangelical group; suppression of such groups as "the Shouters" during the 1980s had relied on the laws against counterrevolution.

As relations between the US and China begin to improve in the second half of 2001, Dui Hua's unofficial dialogue with the Chinese government is set to build on the important results achieved during the difficult first months of 2001. Two more trips to Beijing will take place this year. Despite problems in US-China relations –

problems that would have, in the past, scuttled the prospect of frank and productive meetings with Chinese officials – good faith efforts to address and resolve human rights differences have continued. An important test has been weathered, boding well for an expansion of Dui Hua's activities.

A Visit to Tianjin Municipal Prison

Like Shanghai's Tilanqiao Prison (described in the last issue of *Dialogue*), Tianjin Municipal Prison was originally constructed by the British at the turn of the century. It moved to its present location on October 30, 1999. It is one of China's newest prisons, and its modern construction, attractive layout and enlightened policies toward inmates mark it as one of the Ministry of Justice's model facilities open to foreign visitors. Dui Hua's Executive Director John Kamm was taken on a tour of the prison on March 6, 2001. He was the first foreigner to visit the prison this year, but shortly after his visit foreign journalists based in Beijing visited and filed reports on the prison.

One of nine prisons in Tianjin Municipality, Tianjin Municipal Prison holds approximately 2000 inmates serving sentences of 15 years or more. Most inmates have been convicted of violent crimes, and a significant percentage has been sentenced to death with two-year reprieves. According to Mr. Guo Wei of the Tianjin Prison Administration Bureau, prisoners who are sentenced to death with two-year reprieve almost always mend their ways and, at the end of the reprieve period, have their sentences commuted to life imprisonment. Executions at the end of the two-year reprieve period are extremely rare, according to Guo.

There are approximately 300 guards and administrators. Prisoners are held in 10-man cells. Unlike in other prisons, each cell has its own commode and shower, and is equipped with a TV. Prisoners work at making handicrafts. A well-appointed block of single-room apartments is made available to prisoners for conjugal visits. Such visits

are offered to prisoners who earn points for good behavior. In addition to earning rewards like conjugal visits and meals with their families, well-behaved inmates can have their sentences reduced by up to two years at a time.

According to Warden Kang, 30% of prisoners receive sentence reductions or parole each year. There have been no escapes from the prison since it opened. The recidivism rate is 1.47 percent for Tianjin Municipality, compared to three percent for the country as a whole. Tianjin Municipal Prison operates a "boot camp" where inmates are held prior to their assignment to a prison where they will serve out their full terms. The "boot camp" acclimates the inmates to prison regimen. Those with sentences of greater than 15 years stay on in Tianjin Municipal Prison, while those with shorter terms are sent to other facilities.

The prison authorities confirmed that the Ministry of Justice's "Notice on Establishing a Reporting System for Important Criminals" (see *Dialogue*, Issue 3) is still in force, but claimed that there were no "important criminals" in the prison at the time of Kamm's visit. It was revealed, however, that a group of individuals convicted of "using an evil cult to sabotage implementation of the law" would soon enter prison, and that these prisoners would be classified as "important criminals" whose activities would be monitored and reported on to the central government. The arrival of these prisoners apparently took place shortly after Kamm's departure and prior to the visit of the journalists. The journalists reported that five members of the banned group Falun Gong are now serving sentences in Tianjin Municipal Prison.

Case Uncovered

Zhang Chengjian: A Case of Counterrevolution from “Strike Hard I”

One of the targets of China’s “Strike Hard” campaign, launched in August 1983, were counterrevolutionaries, especially those who engaged in “propaganda and incitement.” In 1983 and 1984, China’s courts sentenced thousands of people to prison for counterrevolutionary speech and association. Dui Hua has collected information on more than 100 people sentenced to at least 15 years in prison for such offenses.

One of those sentenced to a long term—and who is still serving his sentence—is Zhang Chengjian. Zhang was originally sentenced to death, but higher courts overturned the sentence. The death sentence passed on Zhang Chengjian is believed to have been one of the last death sentences passed by a Chinese court for counterrevolutionary speech and association.

The account below was excerpted from Selected Criminal Cases (Beijing, 1991) and has been translated by Roberta Raine.

* * *

Defendant Zhang Chengjian, dissatisfied with the principles put forth in the C.C.P.’s Third Plenary Session of the Eleventh Central Committee, held that “Deng XX usurped the political power of Hua XX” and “distorted Chairman Mao’s revolutionary path.” In July 1982, he began using the cover of begging for food to carry out so-called “social investigations” in order to look for compatriots who were also dissatisfied with the current situation. Zhang Chengjian met, in succession, defendants Yang Fangming and Song Shufeng, and during conversations found out that Yang, Song and others were dissatisfied with policies such as family planning and fixing farm output quotas for each household. Therefore, he incited Yang, Song and others to rise up and carry out revolution, making Yang and Song his adopted brothers.

Zhang Chengjian said of himself: “I am Mao Anmin, born to Yang XX, whose stepmother is Jiang Qing. Deng XX and others persecuted our whole family to death. The only one left is I, and I

have gone into hiding. I am disguised as a beggar to investigate Deng XX’s popularity among the masses and to lead you in carrying out a revolution.” Yang, Song and others believed him and expressed willingness to “revolt.” In April 1983, Zhang Chengjian told Yang and Song that the new Party Central Committee had held “its First Party Congress” at Shanghai’s Huangpu River and that he held the positions of Party Chairman, and Military Commission Chairman, among others. He appointed Song and Yang to important positions within the organization.

In March 1983, Song and Yang conspired to expand the counterrevolutionary organization’s membership and carry out counterrevolutionary propaganda and incitement. Zhang Chengjian instructed Yang to act as liaison and to expand the membership of the counterrevolutionary organization. He also instructed Song to write counterrevolutionary letters, in the name of the “Chinese Communist Party’s new Central Committee member Mao Anmin” and the “Great Chinese Communist Party Anti-Deng and Anti-Hu Armed Uprising Commander-in-Chief,” to the Central Committee leadership, the Central Committee organs, each province, city and autonomous region, the eight military districts, and to Chinese embassies abroad.

From April to September 1983, with Zhang dictating the outline, Song filling in the details, and Zhang editing and finalizing the documents, 134 counterrevolutionary letters were written, 97 of which were mailed. The letters attacked the current path, the principles laid out in the Third Plenary Session of the Eleventh Central Committee, and the Central Committee leadership; praised the “Gang of Four”; incited military units to armed rebellion; urged students to stop attending class and workers to go on strike; and suggested foreign embassy personnel to quit their posts and carry out propaganda for this counterrevolutionary organization. Zhang and Song also drafted documents to serve as the organization’s political guidelines.

In July 1983, Zhang Chengjian and Yang Fangming recruited defendant Liu Zhantang and

appointed him a member of the Political Bureau and head of the Supreme People's Court, and requested Liu to recruit new members. That month, Liu recruited defendant Ji Hongwei and made him Third in Command. Liu and Ji went together to Yishui County, where they committed counterrevolutionary propaganda and incitement.

The Shandong Province Linyi District Intermediate People's Court declared that defendant Zhang Chengjian organized and led a counterrevolutionary group whose aim was to overthrow the political power of the people's democratic dictatorship, and that defendants Song Shufeng, Yong Fangming, Liu Zhantang, and Ji Hongwei actively participated in the counterrevolutionary group. The group had a structure, plans and guiding principles to carry out counterrevolutionary sabotage; the commission of this crime is serious. On December 22, 1983, the court sentenced Zhang Chengjian to death with deprivation of political rights for life for the crimes of organizing and leading a counterrevolutionary group, conspiring with foreign countries to damage state security, inciting state personnel and military units to rise up in armed rebellion, and counterrevolutionary propaganda and incitement. Song Shufeng was sentenced to death with deprivation of political rights for life for the crimes of actively participating in a counterrevolutionary group, conspiring with foreign countries to damage state security, inciting state personnel and military units to rise up in armed rebellion, and counterrevolutionary propaganda and incitement. Yang Fangming was sentenced to life imprisonment with deprivation of political rights for life. Liu Zhantang was sentenced to five years' imprisonment for the crime of actively participating in a counterrevolutionary group and five years' imprisonment for the crime of counterrevolutionary propaganda and incitement; a total sentence of ten years' imprisonment with five years' subsequent deprivation of political rights was imposed. Defendant Ji Hongwei was sentenced to four years' imprisonment for the crime of actively participating in a counterrevolutionary group and four years for counterrevolutionary propaganda and incitement; a total sentence of seven years' imprisonment with four years' subsequent deprivation of political rights was imposed. After the verdict was

announced, Zhang Chengjian appealed, stating that, since he had no counterrevolutionary aim, the sentence was too heavy.

At the second trial, held by the Shandong Province Higher People's Court, it was judged that appellant Zhang Chengjian was the organizer of the group that committed the crimes; he is the ringleader. Defendant Song Shufeng participated in the counterrevolutionary group and personally wrote and mailed out counterrevolutionary letters; he is the head criminal in this case. Defendants Yang Fangming, Liu Zhantang and Ji Hongwei participated in the group and carried out propaganda and incitement; they are accessories.

The appellant and the other defendants seriously violated the law, but the determination of the crimes was not correct and the sentences were too heavy. On June 22, 1984, the court revoked the verdict from the first trial and sentenced Zhang Chengjian to 15 years in prison for organizing and leading a counterrevolutionary group and eight years in prison for counterrevolutionary propaganda and incitement; a total sentence of 20 years' imprisonment with five years' subsequent deprivation of political rights was imposed. Song Shufeng was sentenced to seven years in prison for actively participating in a counterrevolutionary group and ten years for counterrevolutionary propaganda and incitement; a total sentence of 15 years' imprisonment with five years' subsequent deprivation of political rights was imposed. Yang Fangming was sentenced to five years' imprisonment for actively participating in a counterrevolutionary group and seven years for counterrevolutionary propaganda and incitement; a total sentence of ten years' imprisonment with five years' subsequent deprivation of political rights was imposed. Liu Zhantang was sentenced to four years' imprisonment for actively participating in a counterrevolutionary group and two years for counterrevolutionary propaganda and incitement; a total sentence of five years' imprisonment with two years' subsequent deprivation of political rights was imposed. Ji Hongwei was sentenced to one year's imprisonment for actively participating in a counterrevolutionary group and one year for counterrevolutionary propaganda and incitement; a sentence of 18 months' imprisonment with one year's subsequent deprivation of political rights was imposed.

Zhongdian Renkou – The “Targeted People” of Public Security Bureaus in China

In China, political security sections maintain surveillance of people suspected of harboring counterrevolutionary thoughts. This is an important sub-group of “zhongdian renkou” – a term Dui Hua has rendered as “targeted people.” In March 1985, China’s Public Security Ministry issued “Regulations on the Management of Targeted People” (Zhongdian Renkou Regulations). The regulations classify surveillance targets into six categories: 1) those under suspicion for counterrevolutionary activities; 2) those under suspicion for ordinary criminal activities; 3) those suspected of disturbing social order; 4) “risky elements” who might use violence in times of civil unrest; 5) those under control (by the public security bureau), who have been deprived of political rights, who are out of prison on parole, who are serving a sentence outside of prison, who are under house arrest, or who are on bail awaiting trial, and 6) those who, within the past three years, have been released from prison or RTL (Reform Through Labor). Politically suspect individuals are covered by several of these categories.

As with other aspects of political security work at the local level, public security bureaus interpret and apply the Zhongdian Renkou Regulations to deal with local conditions and perceived threats. Dachuan Municipality in Sichuan Province (published in 1998), the “targeted people” under

surveillance in Dachuan included: 1) “those who deliberately incite crowds of people to oppose the party’s four cardinal principles and take the capitalist road; 2) followers of the “Gang of Four” and Lin Biao; 3) leading members of illegal organizations and publications; 4) those who violate the constitution and the law and, with the aim of opposing the four cardinal principles, engage in setting up organizations and publications; 5) individuals with suspicious connections who are involved in reactionary organizations and publications like the China’s People’s Alliance (Zhongguo Minlian) and China Spring (Zhongguo Zhi Chun); 6) individuals with suspicious connections who are the targets of investigation in cases of counterrevolution; 7) foreigners who engage in suspicious activities; 8) people from outside the province or the municipality who form secret groups and who incite trouble; 9) fugitives on the run who act suspiciously, and 10) suspicious people who correspond with people outside of China.”

The table shown here gives a breakdown of “targeted people” under surveillance by the public security bureau of Mohe County, an area of 75,000 people in Heilongjiang Province near the border with Russia, for selected years during the 1980s. The categories of types of “targeted people” in this table conform closely to those issued in the government’s Zhongdian Renkou Regulations.

Year		1979	1980	1981	1983	1986	1988	1989
Total Number of "Targeted People" in Mohe County		25	6	18	21	68	84	53
Types of "Targeted People"	Suspected of Counterrevolutionary Activities			2		3		9
	Suspected of Other Criminal Activities	22		14		19	8	8
	Released from RTL, Committed New Crime within 3 Years, or Received Suspended Sentence			2	2	10	9	
	Suspected of Other Crimes of Disturbing Social Order	1	3		17	36	56	36
	Turning Traitor				2			
	Suspected of Espionage Activities						9	
	Under Control, Released on Parole, or Sentence Administered Outside of Prison	2	3					
At Risk of Violence Due to Civil Conflict							2	

Prisoner Information Update

The Ministry of Justice gave John Kamm information on five prisoners when he visited Beijing in June 2001.

Jampel Changchub (江白强久), male, age 40, prior to arrest was a lama in Duilong Deqing County in the Tibetan Autonomous Prefecture. Sentenced on January 30, 1990 to 19 years' imprisonment with five years' subsequent deprivation of political rights by the Tibetan Autonomous Prefecture Higher People's Court for committing the crimes of espionage and belonging to a counterrevolutionary group. He is currently serving his sentence in a Tibetan Autonomous Region prison.

Jigme Sangpo (景美桑布) (English name Tanak Jigme Sangpo), male, Tibetan nationality, born in 1926, has an elementary school education and was a resident of Qushui County in the Tibetan Autonomous Prefecture. From 1952 to 1965, he worked as a schoolteacher at Lhasa Municipal No. 1 and No. 3 elementary schools. In 1965, he was sentenced to three years' reform-through-labor for inflicting corporal punishment on a student. In 1968, he was released and took up his former profession. In 1983, Jigme Sangpo committed the crime of counterrevolutionary propaganda and incitement and was sentenced to 15 years' imprisonment by the Lhasa Municipal Intermediate People's Court. During his time in prison, this criminal frequently incited minority splittist activities, for which he was given sentence extensions of five and eight years in 1988 and 1991, respectively, by the Lhasa Municipal Intermediate People's Court. This criminal is currently serving his sentence in a prison in the Tibetan Autonomous Prefecture.

Niu Shengchang (牛生昌), male, 49 years old, prior to arrest was a farmer in Dongping County, Shandong Province. Sentenced on December 4, 1989 to 12 years' imprisonment by the Shandong Provincial Higher People's Court for committing the crime of counterrevolutionary propaganda and incitement. His sentence was reduced by one year in February 1994, and on April 26, 1999 the

remainder of his sentence was set aside and he was released.

Zhang Chengjian (张成俭), male, 58 years old, prior to arrest was a farmer in Yishui County, Shandong Province. Sentenced on June 12, 1984 to 20 years' imprisonment with five years' subsequent deprivation of political rights by the Shandong Provincial Higher People's Court for committing the crimes of organizing and leading a counterrevolutionary group and counter-revolutionary propaganda and incitement. He is currently serving his sentence in a Shandong Province prison.

Zheng Yunsu (郑允苏), male, 69 years old, prior to arrest was a farmer in Weishan County, Shandong Province. Sentenced on October 10, 1992 to 12 years' imprisonment for committing the crimes of disturbing social order and swindling. He was paroled according to law on May 26, 1999.

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John Kamm was recently given information on the following prisoners by Guangdong provincial authorities.

Chen Wuquan (陈武泉), male, Han nationality, was arrested on March 17, 1986 by the Huidong County Public Security Bureau. Sentenced to six years' imprisonment by the Huiyang District Intermediate People's Court for the crime of espionage. He served his sentence in Meizhou Prison and was deprived of political rights for two years. In 1988, his sentence was reduced by six months, and in December 1989 it was reduced by one year and seven months. He completed his sentence and was released on February 6, 1990.

Chen Shixiong (陈仕雄), male, born in 1953, Han nationality, arrested according to law by the Huidong County Public Security Bureau. Sentenced by the Huiyang District Intermediate People's Court for the crime of espionage to three years' imprisonment with one year's subsequent deprivation of political rights. Sentence served at Meizhou Prison. Sentence was reduced on August

10, 1988 by four months. He completed his sentence and was released on November 6, 1988.

Fu Chuanfu (付传富), male, Han nationality, born in 1962, was arrested on August 3, 1983 by the Jiaoling Public Security Bureau. Sentenced to 15 years' imprisonment with three years' subsequent deprivation of political rights by a Jiaoling court for committing the crime of counterrevolutionary incitement. Because Fu Chuanfu came from outside of the province, on October 3, 1983 he was transferred to Xinjiang to serve his sentence. No information on sentence reductions is available, but according to his sentence term, he was released no later than August 2, 1998.

He Zhihua (何志华), male, Han nationality, born in 1952, was arrested on April 1, 1983 by the Guangzhou Municipal Public Security Bureau. Sentenced to 10 years' imprisonment with three years' subsequent deprivation of political rights by the Guangzhou Municipal Intermediate People's Court for committing the crime of espionage. He served his sentence in Meizhou Prison. No information on sentence reductions is available, but according to his sentence term, he was released no later than March 31, 1993.

Hu Boqing (胡柏清), male, born in 1930, Han nationality, arrested by the Huidong County Public Security Bureau in February 1986. Sentenced to ten years' imprisonment with three years' subsequent deprivation of political rights by the Huiyang District Intermediate People's Court for committing the crime of espionage. Sentence served at Meizhou Prison. Released on medical parole on December 18, 1990.

Peng Wenkang (彭文康), male, Han nationality, born in 1952, was arrested by the Jiexi County Public Security Bureau of Guangdong Province. Sentenced to three years' imprisonment with no subsequent deprivation of political rights for committing the crime of disturbing social order. He served his sentence in Jieyang Prison. He completed his sentence and was released on July 18, 2000.

Dialogue is written by the staff of The Dui Hua Foundation, a non-profit organization dedicated to advancing the protection of universally recognized human rights in China and the United States.

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