

# REFUGE IN A GRAVEYARD

BY ZHANG YAOJIE

Sociologist Zhang Yaojie is another professional, like lawyer Yu Meisun and journalist Zhao Yan, who has taken an interest in controversies involving peasant rights. Following is one of his reports, obtained by HRIC, which he wrote regarding a case in Fujian Province.

At 11 o'clock on the morning of July 8, 2004, I received a call from Wu Zhongkai, an advocate for peasants displaced from their homes in four villages near Qingkou Town, Minhou County, Fuzhou City, Fujian Province. Using a telephone borrowed from a friend, Wu told me that police from the Fuzhou Municipal Public Security Bureau had pressured him to frame civil rights defender Zhao Yan and legal scholar Li Boguang, but he had adamantly refused. Subsequently, under the protection of local villagers, he had fled his home and sought refuge in a hillside cemetery, where he spent the night exposed to the elements.

Who would guess that in the 21st century a black terror would once again descend on China? State Council Premier Wen Jiabao on June 28 held a teleconference on national governance according to law, during which government departments implemented the recently introduced "Comprehensive Promotion of Governance by Rule of Law," and on July 1 China's first "Administrative Permit Law" took effect, along with amendment of the "State Council Working Rules"; but all of these measures seem to be a waste of effort.

According to Wu Zhongkai, beginning in 1997, Fuzhou City appropriated 4,000 mu of farmland in the villages surrounding Qingkou Town for the purpose of building the Dongnan Automotive Plant, even though the state authorities had only approved appropriation of 1,000 mu of land for the first phase. Without drawing up a formal agreement with the peasants who had relinquished their land, the local government took 240 million yuan in funds earmarked for compensating nearly 10,000 displaced peasants and invested it in shares in the Dongnan Automotive Plant. The municipal, county and town governments received all of the profit, while peasants who had lost their land received only 800 yuan each in compensation. The amount was increased to a little more than

2,000 yuan per person after the peasants petitioned on the matter.

In 2002, Wu Zhongkai and others, while petitioning in Beijing, made a point of looking up the respected *China Reform* journalist Zhao Yan. Zhao Yan and others consequently visited Fujian to report on the situation in hopes of helping the displaced peasants solve their problems. The local officials did their utmost to obstruct Zhao Yan's inquiries, and from then on Wu Zhongkai and the others developed a deep and lasting friendship with Zhao Yan.

On March 29, 2004, Zhao Yan left Xiamen to return to Fuzhou, where he stayed in the home of a relative of Wu Zhongkai. During the next few days, eight villagers from Houmin's Shangjie Town and ten from Chengmen Town in Fuzhou's Canshan District met with Zhao Yan, Wu Zhongkai, Xiao Xiangjin and others to learn constitutional law, and drafted a petition for the recall of Fuzhou Municipal Party Secretary He Lifeng, Fuzhou Mayor Lian Zhixuan, Minhou County Party Secretary Wu Sanba, and the Party Secretary of Chengmen Town, Chen Jinxi, as representatives in the National People's Congress. More than 10,000 villagers signed the petition. At the same time, Wu Zhongkai, Xiao Xiangjin and the others drafted an application for administrative appeal to present to the Fujian provincial government calling for the Minhou county government to return to villagers all of the funds that had been set aside to compensate them for relinquishing their land. On April 5, 2004, the application for administrative appeal, signed by more than 3,000 people, was formally delivered to the provincial government.

Pressured by the approaching deadline of the application for administrative appeal, and fearing that the displaced villagers would initiate a legal action, local government and public security organs began closely monitoring the movements of Wu Zhongkai and the others. In the words of Wu Zhongkai, "The government threatened us and discouraged us from having a relationship with Zhao Yan. Most recently they've been collecting information on Zhao Yan, and they told me Zhao Yan and Li Boguang were both criminals, and that if I maintained contact with them it would be to my great disadvantage. I said I wasn't afraid, because our petitioning was legal. So they started tracking my moves. The night before last a large number of people suddenly appeared at my home, and they said a

lot of terrible things with the intention of making me frame Zhao Yan and Li Boguang. The villagers advised me to leave town for a while, and I was also feeling a bit afraid, so I fled up into the hills and spent the night in the cemetery. I'm still outside of the village; a police vehicle was parked in front of my home all night, and if I go back they'll detain me for sure."

When I asked about the circumstances of the other peasant advocate, Xiao Xiangjin, Wu Zhongkai said, "Xiao Xiangjin is still in the village. They're accusing him of soliciting a prostitute and have sentenced him to reeducation through labor for one year. Last night they asked me, 'Do you believe Xiao Xiangjin is guilty of soliciting a prostitute?' I said, 'I don't believe it. Did you catch him in the act?' They didn't answer. After they detained Xiao Xiangjin, we had no news of him for 18 days, then they came up with this accusation. Xiao Xiangjin later told me that during the first 18 days they didn't accuse him of anything; they just interrogated him about Zhao Yan and Li Boguang, and when he didn't tell them anything they nailed him for soliciting a prostitute. Internally it's a political matter, but publicly it's sexual solicitation. Xiao Xiangjin was detained by plainclothes police officers around 10 o'clock on the morning of April 12. The next day they came to my home, more than 20 of them in seven vehicles. At the time there were a lot of villagers at my house, and the villagers protected me and didn't let the police detain me. After about two hours they gave up. The villagers advised me to hurry up and run away. I said, 'Why should I leave? If petitioning is a crime, let them write a formal notice, and then I won't petition any more.' But none of them dared to write such a notice."

At that point Wu Zhongkai broke down in sobs. He said, "Xiao Xiangjin is a good man. He's been sent to reeducation through labor because he spoke up for us. We're responsible for his misfortune. He has an elderly father at home, and his wife spends the whole day at home weeping. They have no source of income now."

Given Wu Zhongkai's emotional state, another villager who was accompanying him took the phone and continued the conversation with me. He said he was a peasant advocate along with Wu Zhongkai and Xiao Xiangjin, and that he also knew Zhao Yan. In recent times he had also been under surveillance, but not around the clock like Wu Zhongkai. Regarding Xiao Xiangjin's sentencing to RTL he said, "When Xiao Xiangjin was taken away, it was in Fuzhou's Gulou district, under the jurisdiction of the Gulou Public Security branch. But 18 days later his formal arrest was announced by the Taijiang District Public Security branch. This in itself is unlawful."

Wu Zhongkai and this villager directed me to an article posted on the Internet by a writer, Niu Qiangsheng, who is famous for reporting Fuzhou Public Security Bureau matters. The article, entitled, "Fuzhou Government Sentences Peasant Sympathizer and Journalist Xiao Xiangjin to RTL for Soliciting a Prostitute," runs as follows<sup>1</sup>:

The Taijiang branch of Fuzhou's Municipal Public Security Bureau on April 12 detained Xiao Xiangjin in his Fuzhou home. Xiao was originally the Fujian bureau chief of *China Reform's* rural affairs section. The feeling inside the PSB is that

Xiao's arrest is related to the assistance he has given peasants in their petitioning and election recall campaign. The other factor may be articles that appeared on the Internet alleging a variety of corrupt acts by Party Secretary He Lifeng, who believes the stories are being circulated by Xiao Xiangjin.

Originally we didn't carry out any legal paperwork before detaining Xiao Xiangjin; we found it was very difficult to discover any evidence of wrongdoing by him. We searched his office in Fuzhou, but we didn't find any information about Party Secretary He in his computer files, or any other evidence that we could use to convict him of a crime. Finally, during a body search, we found him carrying a work permit as Fujian correspondent of Hong Kong's *China Village* magazine. We thought we could use this as evidence to charge him with forgery of identity documents, and on that basis contacted his family and said Xiao Xiangjin had forged an identity document.

Our bureau contacted the responsible person at Hong Kong's *China Village* magazine, who soon afterward issued a notarized statement to the effect that Xiao Xiangjin was in fact their Fujian correspondent. As a result, our plans went awry. What to do? On the orders of Municipal Party Secretary He Lifeng, we were to use any means necessary to imprison this individual, so we had to find some way. The leaders of our bureau's security team devoted ten days to this problem, but still couldn't come up with a crime. Party Secretary He Lifeng was so angry that he removed the head of the security



Activists who try to help lighten the peasants' burdens often find themselves under pressure. Photo: AP Wide World Photos

team from his post. Our bureau's leader finally approached He Lifeng directly and asked him what he should do. He Lifeng upbraided our bureau chief as a useless idiot. "You can't manage even such a simple thing!" he scolded him, then instructed him to lock Xiao up for a year on charges of soliciting a prostitute.

The bureau immediately ordered the Taijiang branch to sentence Xiao Xiangjin to a year of RTL for soliciting a prostitute. We had detained Xiao Xiangjin on April 12, but our bureau chief decided that the sentence would be imposed from April 29. This was against the law, but none of us dared say anything, because it was done under orders of Party Secretary He.

I should add here that Xiao Xiangjin is a resident of Gulou district, and according to regulations should have been detained by police from that bureau branch; but the head of the Gulou branch didn't want to bear the historical responsibility for this incident and offered all kinds of excuses, so He Lifeng ordered the more obedient head of the Taijiang branch to detain Xiao Xiangjin. For the sake of mollifying He Lifeng and facilitating his promotion prospects, the head of the Taijiang branch enthusiastically proceeded to detain Xiao Xiangjin. Party Secretary He was extremely pleased with his performance, and is preparing to promote the Taijiang branch head to the post of secretary of the city's politics and law commission or disciplinary inspection committee.

Compared with Xiao Xiangjin, our colleagues under Chen Jinqi, Party Secretary of Chengmen Town, Canshan District, were much more fortunate. These subordinates of Chen Jinqi include: the Branch Party Secretary of Shishan Village, Lin Xiangqiang, and the Branch Party Secretary of Lianjiang Village, Lin Yidi (originally named Lin Yongqing, he paid 100,000 yuan for his position). These two clowns organized group junkets for officials of both villages to Fuzhou for feasting, carousing and gambling on the public purse. Our municipal bureau arrested them at the end of March. The original plan was to sentence them to RTL, but Chen Jinqi came out and told Party Secretary He Lifeng that we could not discipline these officials, and ultimately each of them was fined 3,000 yuan, and on May 2 they were released and allowed to return home.

The comparison of these two cases shows that our country's law is just a charade. We career police officers can take little satisfaction in our work, as we are nothing but dogs taking orders from our masters. We don't follow the law, but only the word of the Party Secretary, or else we have no job security. In the end, the Party Secretary's word is law and policy—that is the reality of China.

At the end of this article was appended a Reeducation Through Labor order issued by the Taijiang PSB branch. It read:

Sentenced to Reeducation Through Labor: Xiao Xiangjin

Sex: Male

Date of birth: December 15, 1955

Current address: Fuzhou, Gulou District, #165 Dong Da Lu, 2-203.

Investigation determined that this individual during the period from August 2003 to the end of March 2004 was detained on four occasions at his address (#165 Dong Da Lu) and at the home of Li Haixia (#218 Xiangban Da Lu) for soliciting a prostitute.

In accordance with Article 7 of the "Regulations for Reeducation Through Labor for Soliciting a Prostitute," this bureau has sentenced the detained person to one year of Reeducation Through Labor. (From April 29, 2004 until April 28, 2005).

If you are not satisfied with this decision, you may appeal within 60 days of the date of this notice to the next level of the Public Security Apparatus, or to the People's Government. If you are not satisfied with the results of this appeal, you are entitled by law to apply for administrative review through the People's Court.

Name of Reeducation Through Labor Camp: Fujian Province Fuzhou Reeducation Through Labor Camp.

Address: Shuitou, Fuzhou.

Date: April 29, 2004

(Official stamp of the Taijiang branch of the Fuzhou Municipal Public Security Bureau)

Written on June 30, 2004, amended July 1.

Translated by Stacy Mosher

1. This article was posted in Chinese on the Web site of SecretChina.com at: <http://www.secretchina.com/news/articles/4/5/15/65122.html>.