

# THE TUG-OF-WAR FOR CONTROL OF CHINA'S INTERNET

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The line that distinguishes acceptable and unacceptable online behavior in China is becoming increasingly blurred. It is shaped not by Internet regulations, but by chaotic struggles between Internet users and government officials.

In the last several months, several human rights organizations have reported a crackdown by the Chinese government on Internet use. These organizations have cited a recent flurry of detentions of people who used the Net for religious or political purposes, such as Zhang Shengqi, who was detained in November 2003 after reportedly publishing articles by a historian of China's banned Christian house church movement.<sup>1</sup>

But looking at the number of detentions in recent months tells only part of the story. A closer examination of available information on the people being detained for using the Internet reveals a growing number of more "ordinary" people who are not affiliated with a banned organization and who did not discuss topics commonly understood to be taboo, such as the 1989 Tiananmen Square massacre. Despite these detentions, Chinese Internet users are making their voices heard through online petitions and bulletin board messages, and in some cases officials have even bowed to public pressure. This growing tension between the government and users over who controls the Internet makes it increasingly difficult to predict whether or not users will be prosecuted for speaking out on a particular issue.

Unfortunately, the current status of many of these detainees and the circumstances surrounding their detention is unknown, and an untold number of other individuals may have been detained without public knowledge. In spite of this lack of comprehensive information, detailed analysis should ultimately reveal patterns such as regional differences in prosecution and the relationship between specific online behavior and the harshness of sentencing. Ongoing analysis suggests a number of trends:

Since 1998, at least 71 people have been detained in China for using the Internet for political or religious purposes. Of these 71 individuals, about 10 were released by January 2004,

four died while in custody, and between 55 and 57 are thought to be still in detention.<sup>2</sup> Most Internet-related detentions in China can be linked to at least one taboo issue—banned political or religious organizations, the 1989 Tiananmen Square massacre, or criticism of high-level officials such as former President Jiang Zemin. None of these issues is specifically mentioned in China's Internet regulations, issued by several government bodies, which vaguely define as "objectionable" Internet content that disseminates pornography, promotes violence, spreads "feudal superstition," undermines national unity, reveals state secrets or instigates hatred among ethnic groups.<sup>3</sup> The regulations are based on the principle that "those who go online will be those held responsible." Anyone who comes into contact with objectionable material can be prosecuted, even if that person did not write it or request it.

In almost all of the 71 known Internet-related detentions, individuals were charged with subversion, found guilty and sentenced to between two and 12 years in prison. Only five people are known to have been released without being charged, and among these three were detained for almost a year. Members of banned political or religious groups, such as Falungong, the China Democracy Party and the New Youth Study Group, received most of the heavy sentences (eight to 12 years). Falungong practitioners appear to have received the harshest treatment in prison—all four of the detainees reported to have died in custody were Falungong practitioners, and at least two of them were reported to have been tortured.

Although a surge in Internet-related detentions in the last few months might suggest a recent government "crackdown," an analysis of detention patterns over a period of years reveals a more complex picture. The number of known Internet-related detentions has remained relatively consistent over the last several years (see Table 1). The higher number in 2001 can be partially attributed to two relatively large-scale detentions involving a group of six Falungong practitioners and a group of four founders of the New Youth Study Group, an organization that discussed political reform.

While the number of detainees has remained relatively stable, the characteristics of the detainees have changed. Compared with the Internet's early years in China, few detainees in the last two years have been directly affiliated with banned groups such as Falungong or the China Democracy Party (see

Table 2). Furthermore, a substantial number of these detainees do not appear to have discussed sensitive issues such as the Tiananmen Square massacre, another indication that police have begun detaining more “ordinary” users in recent years. Using laws that have not clearly defined “subversive” content, Chinese police have continued to detain individuals for criticizing the government or calling for any kind of reform.

The most high-profile recent detention of an “ordinary” Internet user was that of Liu Di, a 22-year-old Beijing Normal University student who was arrested in November 2002 after publishing several essays on the Internet under the pseudonym “Stainless Steel Rat.” In her online essays, Liu had criticized recent restrictions on Internet cafes in China and called for more freedom of expression on the Internet.

Liu Di’s case struck a particularly sensitive nerve among Chinese Internet users. Unlike most previous Internet-related detainees, who had ties to a banned group or criticized high-level officials, Liu embodied the typical Chinese Internet user—a twenty-something university student who had expressed little interest in politics. Furthermore, she commented on the shut-down of Internet cafes, an issue that affected a substantial number of Internet users who are too poor to own their own computer and rely on the cafes for relatively cheap Internet access. Thousands of ordinary Chinese users signed petitions calling for her release. Perhaps recognizing that they had made a mistake, and unwilling or unable to challenge public support for Liu, authorities released her in November 2003, stating that they lacked evidence to convict her.

**Table 1. Known Internet-related detentions since 1998**

Year	Total Detentions	Group or “Special” Detentions
1998	2	Includes Wang Youcai, who was charged with several crimes, only two of which were Internet-related.
1999	5	4 Falungong practitioners tried together
2000	11	6 Falungong practitioners tried together
2001	25	6 Falungong practitioners tried together, 4 New Youth Study Group founders tried together
2002	12	
2003	13	

**Table 2. Detainees not affiliated with a banned group.**

Year	Number Not Affiliated	Percentage Not Affiliated
1998	1	50
1999	0	0
2000	3	27
2001	8	32
2002	9	75
2003	9	69

In several other incidents over the last two years, Internet users have waged unorganized but effective online campaigns against government policy:

In September 2002, Western newswire services reported that the popular Google search engine could not be accessed from inside China. Other sites found to be inaccessible included the AltaVista search engine, part of the Yahoo! search engine and several Western-based news and human rights sites. Chinese officials had no official comment, but many people believed the Chinese government was responsible. After many complaints from Chinese users and international news coverage of the incident, users reported that the apparent ban was lifted to a great extent by September 11, 2002.<sup>4</sup>

In March 2003, Sun Zhigang, a graphic designer in Wuhan, was detained in a Custody & Repatriation camp for not carrying valid identification. Although Sun’s employer provided the relevant documentation within hours of his arrest, police did not release him, and cellmates beat Sun to death three days later. After public criticism on online bulletin boards, 12 people were ultimately arrested and convicted in Sun’s death, and the government announced changes to the laws on vagrants.<sup>5</sup>

In June 2003, three-year-old Li Siyi died after police arrested her drug-addicted mother in Chengdu. Police ignored the mother’s pleas to send someone to her home, where she had left her daughter alone, and violated the law by failing to notify relatives within three days of her detention. After a flood of messages on online bulletin boards condemning police mishandling of the case, officers from the police station that detained the mother were held responsible for Li Siyi’s death.<sup>6</sup>

Surprisingly, there have been no reports of anyone being detained for speaking out on these issues. Local officials may have been ill-equipped to prosecute individuals who criticized government policy. Government officials may have been content simply to remove such criticism from Web sites, as reportedly happened to comments relating to Sun Zhigang and Li Siyi. Of course, another possibility is that individuals have been detained but that nobody knows about them.

However, not everybody who has participated in widespread online protests has escaped punishment. Several pro-democracy activists detained after they signed petitions on Liu Di’s behalf remain in custody, including Cai Lujun, who wrote essays on democratic reform and rural policy, and Du Daobin, who wrote essays criticizing repression of the Falungong movement and urged Chinese citizens to “reject the voices of the Party’s ‘mouthpieces.’”<sup>7</sup> On February 17, 2004 the official Xinhua News Agency announced that Du had been indicted for subversion. In addition, Amnesty International has reported that at least two individuals appear to have been detained for spreading information about SARS on the Internet,<sup>8</sup> while Xinhua reported in May 2003 that more than 100 people had been detained for spreading “false information” or “rumors” about SARS on the Internet. Up to now the Xinhua report has not been confirmed by other sources.

Nevertheless, what is noteworthy is that these widespread protests occurred at all. Clearly, Chinese Internet users are not afraid to express their opinion on issues that matter to them, even without an organized movement or unified voice. At the



**Who will be arrested next? Customers at a Beijing Internet café. Photo: AP Wide World Photos**

same time, government officials continue to detain individuals for using the Internet to speak out on controversial topics, even as they also appear willing to release some individuals if enough public pressure is applied. The line that distinguishes acceptable and unacceptable online behavior in China is becoming increasingly blurred. It is shaped not by Internet regulations, which do not clearly define what constitutes illegal behavior, but by chaotic tug-of-war games between groups of Internet users and local and national government officials.

These trends have lessons for international human rights organizations as well. Chinese Internet users have not protested the arrest of dissidents such as China Democracy Party founder Wang Youcai, and it appears unlikely that large numbers of Internet users will publicly express support for political dissidents and members of banned organizations such as Falungong. Research indicates that most Internet users in China are uninterested in politics and generally support the government,<sup>9</sup> and as such they appear unlikely to promote massive political change. But widespread complaints about incidents such as Liu Di's detention and Sun Zhigang's death in custody show that China's Internet users have some interest in protecting freedom of expression online and limiting government excess.

Human rights organizations may be able to rally more public support among Internet users in China if they continue to discover and publicize cases in which more "ordinary" individuals are detained for using the Internet. In this way, human rights organizations may gain an opportunity to share common goals with a broad spectrum of Chinese Internet users to improve freedom of expression on the Internet. At the same time, given the lack of interest among typical Chinese users in calling for the release of political dissidents and members of banned organiza-

tions, human rights organizations should continue to publicize these cases to the international community. With little public support in China, these controversial individuals need voice in the outside world to ensure they are not forgotten.

1. "Arrest of a Cyberdissident from the Clandestine Christian Church," Reporters sans Frontières press release, December 17, 2003.
2. More information about these detainees can be found on Bobson Wong's Web site at <<http://bobson.wong.home.mindspring.com/research/china/detainees.htm>> and in Amnesty International, People's Republic of China: Controls Tighten as Internet Activism Grows, January 28, 2004, <<http://web.amnesty.org/library/index/engasa1700120>>.
3. Bobson Wong, "China Regulates Online News and Chats," Digital Freedom Network, November 7, 2000, <<http://bobson.wong.home.mindspring.com/research/china/news-regulations.htm>>; Measures for Managing Internet Content Provision, State Council of the People's Republic of China, September 20, 2000, <<http://bobson.wong.home.mindspring.com/research/china/netreg-0010txt.htm>>.
4. Bobson Wong, "China's Net Ban on Google Web Search Engine Lifted," Digital Freedom Network, September 12, 2002, <<http://bobson.wong.home.mindspring.com/research/china/google2.htm>>.
5. Miao Ye, "China's Death Turns Up Heat on Police," *Asiatimes*, June 28, 2003.
6. Miao, *ibid*.
7. "China: CPJ Condemns Arrest of Internet Essayist," Committee to Protect Journalists press release, November 3, 2003, <<http://www.cpj.org/protests/03ltrs/China03nov03pl.html>>.
8. Amnesty International, People's Republic of China: Controls Tighten as Internet Activism Grows, January 28, 2004, <<http://web.amnesty.org/library/index/engasa170012004>>.
9. Guo Liang, *Surveying Internet Usage and Impact in Twelve Chinese Cities*, Chinese Academy of Social Sciences, October 2003.