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Editors' Introduction

In Part I of these appendices, we present a variety of charts, speeches and other documents that provide a rare “inside” glimpse into China’s system of state secrets administration, including an explanation of a type of internal, or *neibu*, matter called “work secrets,” a speech by Jiang Zemin on the difficulties of protecting state secrets, and—in what should be an indispensable resource for all reporters and journalists working in China—a *neibu* document giving an in-depth description of how state secrets are to be protected in news publishing.

As in Section 2: State Secrets Laws and Regulation of the PRC, many of the documents in these appendices have also been translated and made available to English-speaking audiences for the first time. In fact, while many of the laws and regulations presented in Section 2 are readily available in Chinese—some even online—these more obscure documents can only be found in classified or *neibu* publications.

In Parts II and III, we present two tables. The first, entitled Cases Involving State Secrets, includes a list of individual cases involving charges of state secrets and a second list of cases where procedural protections were denied, likely because of the involvement of state secrets. The second table is a selected list of cover-up incidents which provide clear examples of how the culture of secrecy has denied information to the public—information that was crucial to protect public health and allow for open and transparent discussion of government policies.

Official Documents

DOCUMENT 1

Jiang Zemin: The Work of Protecting State Secrets Faces “Unprecedented Difficulties”

Editors' Note:

The following document presents excerpts from a speech given by Jiang Zemin (then General Party Secretary) at the National Conference on the Work of Protecting State Secrets held in Beijing, December 11–13, 1996.

The conference was an important turning point in the strengthening and expansion of the state secrets system, and coincided with the distribution of the Central Party Committee's “Decision on Strengthening the Work of Protecting State Secrets Under New Trends” (Document No. 16) which, to this date, continues to frame the work of state secrecy.

The national conference was attended by over 400 participants and established the work ahead through a five-year and a ten-year plan. The tone of the conference was unambiguously terse, with Jiang Zemin stating that the current “level of complexity and difficulty” of protecting state secrets is “unprecedented.”

Stressing that the protection of state secrets affected “the larger picture of Party and state security” as well as “economic construction,” Jiang urged leading cadres to “understand the importance of state secrets work from this political angle,” and to put state secrets protection “at the core of our work methods.”

The conference called for a rapid expansion of the laws and regulations governing state secrets so as to “fully put to use the authority and restricting force of national laws.”

Hu Jintao, Zeng Qinghong, Li Peng and Luo Gan also addressed the conference, whose proceedings remain classified.

Sources:

“中央文献：全国保密工作会议（1996年12月11-13日）”，北京党建网站，[“Important Documents from the Central Authorities: National Conference on State Secrets Protection Work (December 11-13, 1996), Website of Beijing’s Party-Building Committee], <http://www.bjdj.gov.cn/article/detail.asp?UNID=7688>; 刘志才（主编），《保密法概论》（北京：金城出版社，1996），III [Liu Zhicai, ed. *Overview of the Law on the Protection of State Secrets* (Beijing: Jincheng Publishing House, 1996, p. III)]; 国家保密局（主编），《保密知识读本》（北京：金城出版社，1999年，127页 [National Administration for the Protection of State Secrets, ed. *Manual of State Secrets Protection Knowledge* (Beijing: Jincheng Publishing House, 1999), 127].

“Central Committee General Secretary Jiang Zemin’s Address to the National Conference on the Work of Protecting State Secrets” December 12, 1996 (Excerpts)

在新的历史时期，保密工作做得好不好，直接影响着改革开放和社会主义现代化建设的进展。保密工作关系党和国家的安全、关系经济建设和社会社会主义发展的大局。全党同志特别是各级领导干部，必须从这样的政治高度充分认识保密工作的重要性。

在对外开放和发展社会主义市场经济的条件下，同志们还要充分认识到保密工作的复杂性和艰巨性。可以说：这种复杂性和艰巨性是前所未有的。

保密工作历来是党和国家的一项重要工作。革命战争年代，保密就是生存，保胜利；和平时期，保密就是保安全、保发展”，“越是深化

In this new period in history, whether or not we do a good job of protecting state secrets directly influences the rate of progress of reforms and socialist modernization. The work of protecting state secrets is related to the larger picture of Party and state security, as well as to economic construction and socialist development. All party comrades, in particular leading cadres, must comprehensively understand the importance of state secrets work from this political angle.

Under the current situation of opening to the outside world and developing a socialist market economy, our comrades must also comprehensively understand the complex and difficult nature of the work of protecting state secrets. It could be said that this level of complexity and difficulty is unprecedented.

Protecting state secrets has always been an important element of the work of the Party and the state. During the revolutionary years, protecting state secrets

改革，扩大开放，越要做好保密工作。

必须保持高度的政治敏锐性和警惕性，牢固树立“保守党的机密，慎之又慎”的思想，“必须十分注意保守党的机密，九分半不行，九分九也不行，非十分不可”，把保密工作作为保障改革开放、促进经济发展、维护党和国家安全的一项重要工作抓紧抓好。

要加强保密法制建设，健全保密法规，充分运用国家法律的权威性和约束力，强化保密执法监督，加大执法力度。保密部门要协同纪检监察、组织人事部门一起制定严密的制度规章。对失密泄密案件，必须从严查处，坚决依法打击，绝不能徇情袒护、姑息养奸。

我们应该转变过去以管好涉密文件为主的工作方式，努力探索加强保密工作的新路子。

was done for survival and to ensure victory; in times of peace, protecting state secrets is done to protect security and development. The deeper the reforms go and the more we open to the outside world, the more important it is to do a good job of protecting state secrets.

It is necessary to maintain a high level of political enthusiasm and alertness, and to securely establish the thinking that “In protecting secrets of the Party, we need to be even more careful.” It is imperative to pay the utmost attention to protecting the secrets of the Party: 95% [protection] is not good enough, 99% is not good enough either. Only 100% is acceptable. We must have a firm grasp of the importance of protecting state secrets in order to safeguard the reform process, advance economic development, and protect the security of the Party and the state.

We must strengthen the legal system to protect state secrets, establish complete laws and regulations for protecting state secrets, fully utilize the authority and restricting power of national laws, strengthen supervision of the implementation of state secret laws, and increase the power to implement laws. The departments that do the work of protecting state secrets must coordinate with the discipline inspection and personnel departments to formulate a strict system of rules. Cases of loss or disclosure of state secrets must be sternly resolved and strictly dealt with according to law, without any wavering.

We must change the past and make the proper protection of secret matters the core of our work methods, and strive to find a new road for strengthening the work of protecting state secrets.

DOCUMENT 2

The Overall Structure of State Secrets Administration

Editors' Note:

The following chart is a reproduction of an internal government graphic, with English translation added, that attempts to show the organizational structure of the state secrets system in China. The leading body is the General Office of the Committee on the Protection of State Secrets, directly under the authority of the Central Committee of the Communist Party of China (CPC). Reflecting the Party's direct management of the state secrets system, the National Administration for the Protection of State Secrets (NAPSS, also referred to here as the national State Secrets Bureau) is the administrative incarnation of the General Office (an arrangement described as “one body, two names”).

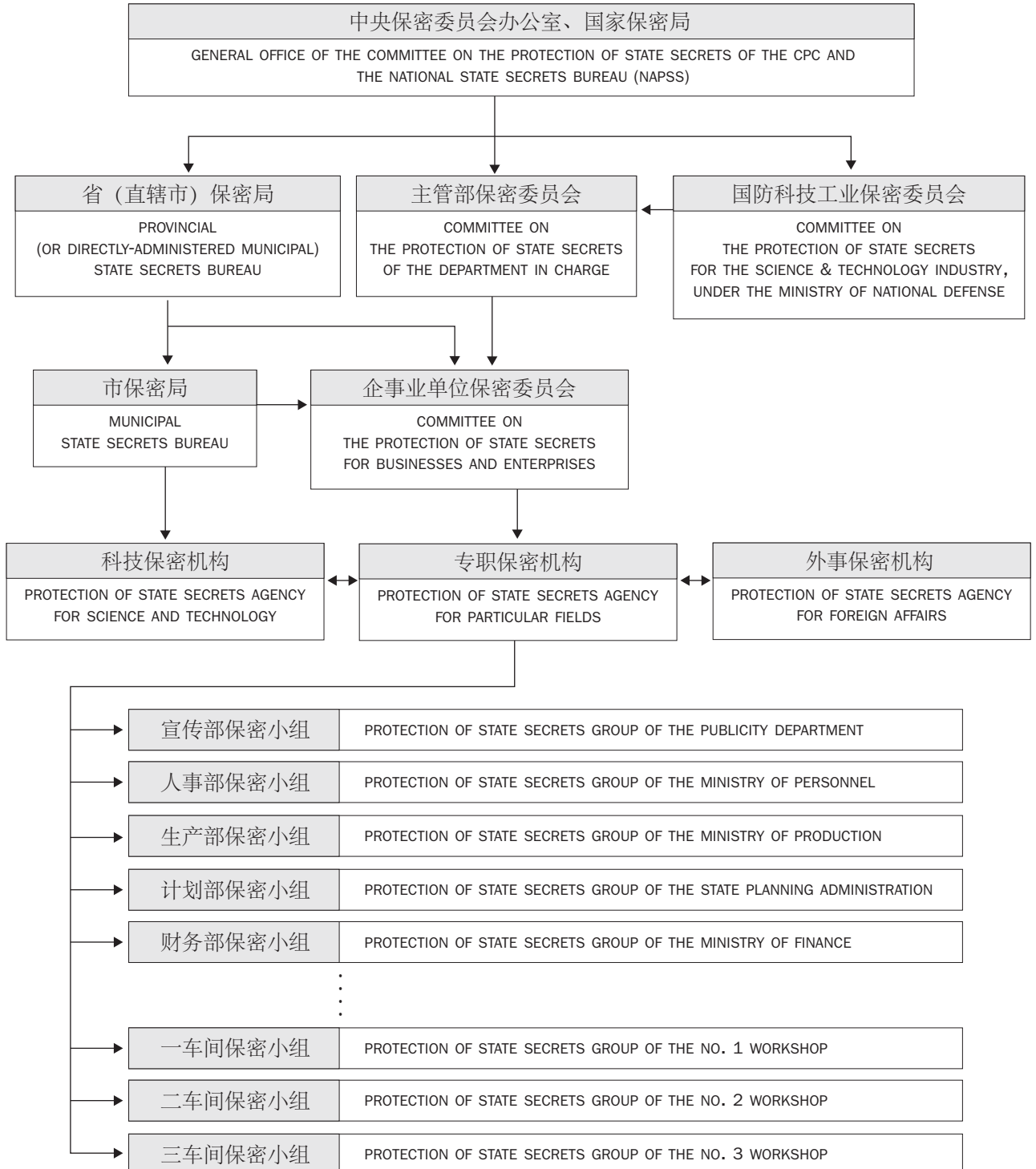
The Ministry of National Defense and other “leading state organs” each have a specific Committee on the Protection of State Secrets that contributes to national policy-making in state secret matters. Policy implementation is then divided into three main branches: Science and Technology, Foreign Affairs, and agencies—called “groups”—from the different ministries and central government departments (e.g., Publicity, Personnel, Planning, Finance), as well as three “workshops” whose roles are unknown (but are most likely in charge of the technical aspects of state secrets protection: cryptography, security and communications).

The national State Secrets Bureau has branches at the provincial and municipal levels. While the total number of personnel at the different levels of state secrets bureaus is unknown, other sources state that it runs in the order of the thousands.

Source:

王守信,《保密工作管理概论(修订版)》(内部发行)(北京:金城出版社,1999):24 [Wang Shouxin. *Overview of the Management of State Secrets Protection Work* (Revised Edition, Internal Circulation) (Beijing: Jincheng Publishing House, 1999), 24].

**ADMINISTRATIVE BODIES
IN CHARGE OF THE
PROTECTION OF SECRETS**



DOCUMENT 3

The “Basic” and “Specific” Scope of State Secrets

Editors’ Note:

The following chart is a reproduction of an internal government graphic, with English translation added, that attempts to describe the overall system of state secrets as seen from an administrative perspective.

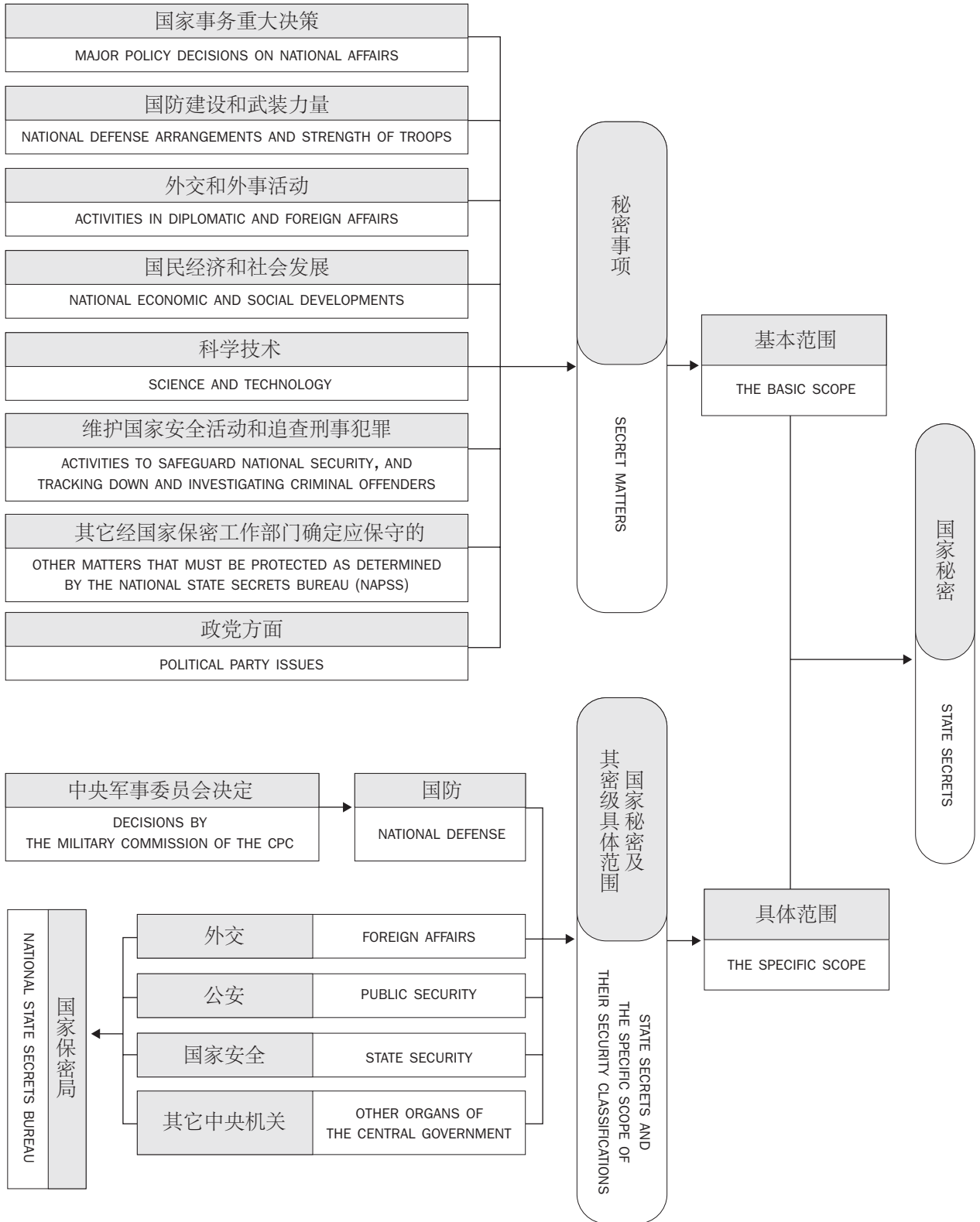
Matters belonging to the overall category of “state secrets” (at the right of the chart) come from two main overlapping areas: the “basic scope” and the “specific scope” of state secrets. “Basic scope” seems to refer to the nature of the information (i.e. “Major policy decisions on national affairs,” “National economic and social developments”) and proceeds from the Law on the Protection of State Secrets and implementing measures of that law; while “Specific Scope” refers directly to specific organs of the Party-state: State and Public Security, National Defense, Foreign Affairs and “other organs of the central government.”

Each organ has issued its own regulations defining the specific scope of classified information, in conjunction with the national State Secrets Bureau. Some of these regulations are themselves classified (e.g. the public security regulation featured in this report) and can therefore remain unknown to the public.

Source:

王守信,《保密工作管理概论(修订版)》(内部发行)(北京:金城出版社,1999):56 [Wang Shouxin. *Overview of the Management of State Secrets Protection Work* (Revised Edition, Internal Circulation) (Beijing: Jincheng Publishing House, 1999), 56].

THE SCOPE OF STATE SECRETS



DOCUMENT 4

Classification Procedures for State Secret Matters

Editors' Note:

The following chart is a reproduction of an internal government graphic, with English translation added, that attempts to show the procedural steps that must be taken when classifying a document “according to law.” Essentially, the process is one of self-classification by the issuing department, on the basis of regulations (public or not) that specify the scope of classified information in the domain over which the department has jurisdiction. The document is then marked (level of secrecy) and issued to “the relevant personnel.”

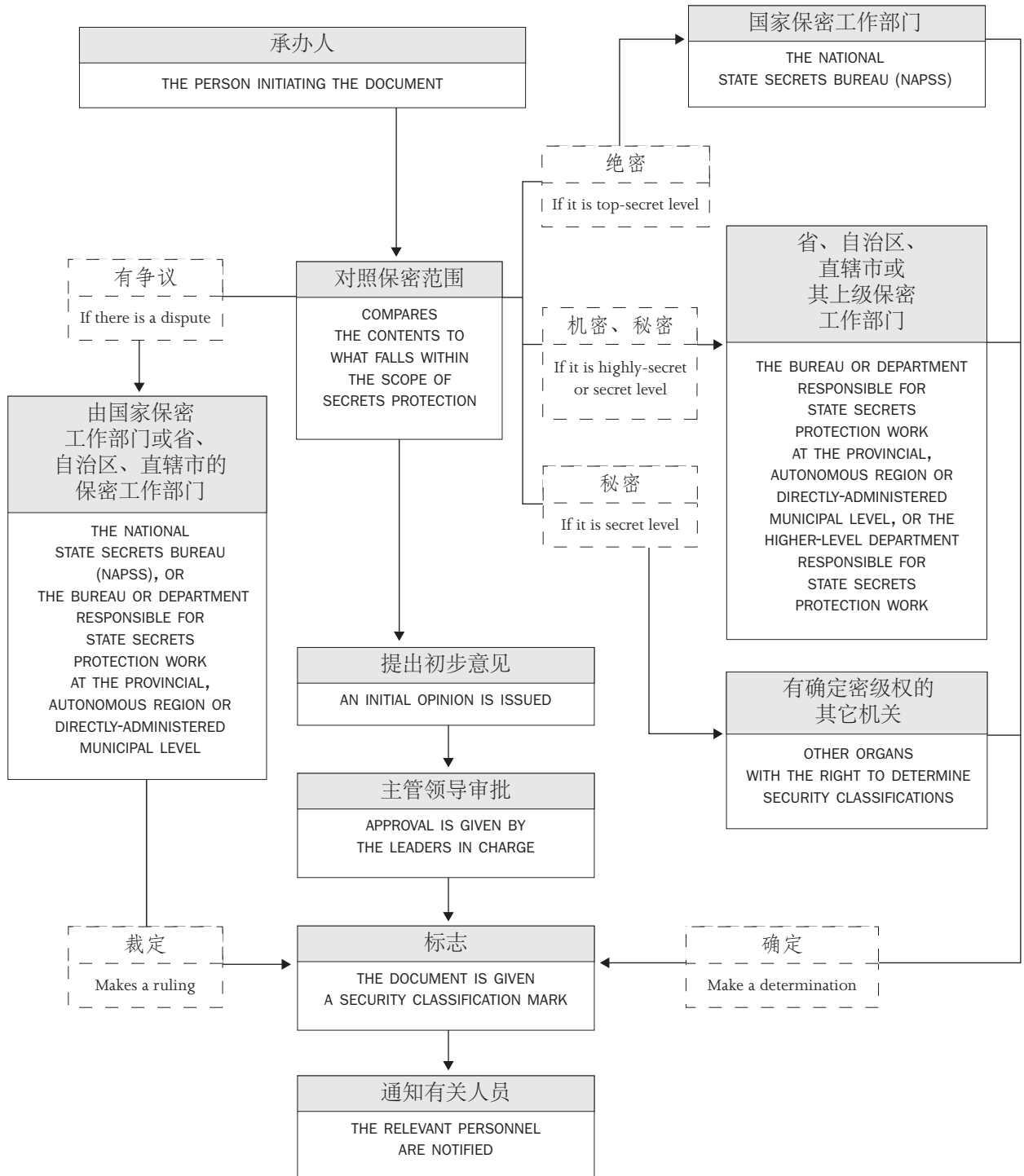
If the matter is top secret, the determination is made by the national State Secrets Bureau (NAPSS); if the matter is highly secret or secret, it is decided by a state secrets bureau at the provincial, autonomous region or directly-administered municipal level; or if it is secret, it could also be determined by “other organs.” In case of dispute, the NAPSS or another responsible bureau or department at the provincial (or equivalent administrative) level have the final say.

The likely reason behind this system is that the three levels of classification (top secret, highly secret, secret) are prescribed on the one hand by specific regulations, and on the other hand by the administrative level of the document. The procedure makes it apparent that, in practice, many bureaus and institutions at different levels have the authority to decide the classification of a specific matter, thus contributing to the systematically overextended classification of government-held information.

Source:

王守信,《保密工作管理概论(修版)》(内部发行)(北京:金城出版社,1999):59 [Wang Shouxin. *Overview of the Management of State Secrets Protection Work* (Revised Edition, Internal Circulation) (Beijing: Jincheng Publishing House, 1999), 59].

THE PROCEDURE FOR DETERMINING SECURITY CLASSIFICATIONS



DOCUMENT 5

The Determination and Handling of “Work Secrets”

Editors’ Note:

The status of “internal” (*neibu*) material in Chinese law and practice remains unclear. Although security organs and the courts have in practice associated *neibu* materials with state secrets on the basis that both types of information “shall not be made public,” the main statutes on the protection of state secrets makes explicitly clear that internal material “does not belong to state secrets.” Many of the regulations that define the scope of state secrets in various policy fields (of which a selection is reproduced in this report) include provisions for *neibu* matters, which “are not categorized as state secrets, but are matters to be managed internally, and [which] may not be disseminated without approval from the [relevant] organ.”

An operational distinction between state secrets and internal matters rests on the fact that *neibu* materials can be disclosed at will by the issuing organ itself, whereas state secrets declassification requires a specific procedure and the approval of other (generally higher) departments.

Many researchers and journalists in China write reports or articles that are “internal” and never published, but are often shared with professionals of the same field. Yet, individuals have been convicted of state secrets offenses for passing on or holding *neibu* documents.

The excerpt below discusses another type of “internal matter” called “work secrets.” Work secrets are documents that “come up in the course of one’s work and should not be publicly disseminated.” This self-classification procedure considerably extends the scope of information that is withdrawn from the public, and vests the bureaucracy with unchallengeable authority “not only to protect state secrets but also to protect any work matters that should not be made public without authorization.”

Source:

王守信,《保密工作管理概论(修订版)》(内部发行)(北京:金城出版社,1999):70–71 [Wang Shouxin, *Overview of the Management of State Secrets Protection Work* (Revised Edition, Internal Circulation) (Beijing: Jincheng Publishing House, 1999), 70–71].

DETERMINING AND MAKING REVISIONS TO WORK SECRETS

1. The Concept and Scope of Work Secrets

Work secrets refer to internal (*neibu*) matters, excluding state secrets, that come up in the course of one's work and should not be publicly disseminated. Once these secrets are disclosed, they could bring indirect harm to the work of that organ or unit. The method for determining work secrets is formulated by each organ or unit according to its needs.

Work secrets are internal matters and do not belong to the category of state secrets. Although "internal matters" are listed as matters that should fall under the protection of state secrets, this is because in the past, "internal matters" were largely state secrets, whereas now such matters are listed as "internal matters" to show that these things are no longer state secrets. The main purpose of this is to differentiate between what is a state secret and what is not.

Every state secrets protection agency within individual organs and units, as well as the staff of all organs and units, have the responsibility to not only protect state secrets but also to protect any work matters that should not be made public without authorization.

Each organ or unit should determine, based on what is practical in its individual circumstances, the scope of work secrets, or internal matters, in that organ or unit. Since the professional scope of each organ and unit is

different and their individual circumstances are different, there is no one, uniform standard or scope; these are up to each organ or unit to determine.

2. Steps for Making the Determination

- A. Under the guidance of the protection of state secrets organization within each organ or unit, the individual department should determine the scope of its work secrets based on the particular circumstances of its line of work. This includes departments such as the Organizational Department, Human Resources, Discipline Inspection, Auditing, Security, and so forth. For example, an Organizational Department can mark the following as internal matters: internal reference documents; details not yet made public on the appointment and dismissal of cadres in that unit; information on setting up echelons of cadres; all kinds of information, materials, Party publications and work briefs for circulation within the Party, and other matters not suitable for external circulation. A Human Resources Department can mark the following as internal matters: plans for sending personnel abroad; information on salary adjustments that have not yet been made public; details on assessments of job titles; files on cadres in general, and other information that is not suitable for external circulation.
- B. Based on the scope of internal matters as determined by the individual department, the person initiating a particular document, form or other internal matter should issue an opinion.

- C. The leader of the department checks and approves it.
- D. Work secrets are not divided according to level, so the words "for internal use only" should be written on the relevant documents, materials or other items.

3. Making Revisions to Work Secrets

Revisions to internal matters may be made providing the following circumstances are met:

- (i) Internal documents, materials, notices and other matters that have been publicly announced are automatically declassified on the day they are made public.
- (ii) According to the practical circumstances and work needs of an individual organ or unit, the decision [to make the revision] is made by the leader of that organ or unit.
- (iii) Regarding internal matters that cannot be made public for a long time, those kept in archives shall have the same time limit as for other records kept in storage, and they shall be destroyed once their time limit has expired. Records not yet placed in archives that have lost their usefulness or value can be registered by oneself, with larger quantities sent to an appointed location to be destroyed.

DOCUMENT 6

Assessing State Secrets Protection Work

Editors' Note:

The following table is a reproduction of an internal government document, translated into English, that details the criteria used by local state secrets protection departments when assessing the security of government (and government-operated) units.

An important part of the work of the local state secrets protection departments is to ensure that these units are in conformity with the requirements set by the national State Secrets Bureau (NAPSS) for the protection of classified information. In particular, they are required to establish a Protection of State Secrets Committee and appoint a “department leader.” According to the principle by which “the person in charge is the person who bears responsibility,” the designated person is directly liable for any “loss” of state secrets and can face Party, administrative or criminal charges.

Another important aspect of the work of these departments is to investigate cases of “major disclosures” of classified material and whether or not any of these incidents were “concealed and not reported.”

Source:

王守信,《保密工作管理概论(修订版)》(内部发行)(北京:金城出版社,1999):246–247 [Wang Shouxin, *Overview of the Management of State Secrets Protection Work* (Revised Edition, Internal Circulation) (Beijing: Jincheng Publishing House, 1999), 246–247].

GRADING STANDARDS FOR INSPECTING AND ASSESSING THE PROTECTION OF STATE SECRETS

NO.	ITEMS	WHAT IS BEING ASSESSED
1.	Staff provisions; organizational structure	<ol style="list-style-type: none">(1) Has a Protection of State Secrets Committee been set up?(2) Has a department leader been appointed to take responsibility for protection of state secrets work?(3) Has a suitable agency for that unit been set up to do protection of state secrets work and does it adequately fulfill this task?(4) Is fair compensation given to protection of state secrets personnel?
2.	Practical information; the regulations system	<ol style="list-style-type: none">(1) Is there a complete and effective system of regulations for the protection of state secrets?(2) Is it clear who is responsible for protection of state secrets work?(3) Are the regulations for protection of state secrets work strictly followed?(4) Is a system for making regular inspections in place?
3.	Education on the protection of state secrets	<ol style="list-style-type: none">(1) Are relevant regulations on protection of state secrets work transmitted in a timely manner?(2) Are regular classes organized on protection of state secrets laws and regulations?(3) Are personnel involved in the protection of state secrets familiar with the laws and regulations?(4) Are regular classes organized for protection of state secrets personnel to keep up on professional knowledge?
4.	Conditions for state secrets protection work	<ol style="list-style-type: none">(1) Is there an office location specifically dedicated for this work?(2) Are there facilities necessary to do the work?(3) Is there necessary funding to do the daily work?
5.	The management of personnel who handle state secrets	<ol style="list-style-type: none">(1) Before employees take up a position, are they assessed, examined and given protection of state secrets education?(2) Once employees take up a position, are they given protection of state secrets education and supervision on a regular basis?(3) After employees leave their position, have agreements on protecting state secrets been signed and supervision carried out?(4) Have outside staff been given education on the protection of state secrets and supervision?

GRADING STANDARDS FOR INSPECTING AND ASSESSING THE PROTECTION OF STATE SECRETS

NO.	ITEMS	WHAT IS BEING ASSESSED
6.	Key locations that do protection of state secrets work	(1) Are the locations of state secrets protection departments and the content of their work made clear? (2) Has the style for protection of state secrets work in key locations been formulated? (3) Has a system of responsibility for protection of state secrets work in key locations been formulated?
7.	Inspections of summaries of experience and supervision	(1) Are there opportunities for regular research into the protection of state secrets? (2) Are there regular inspections of protection of state secrets work? (3) Are reports on work experiences sincere and is encouragement given for outstanding work?
8.	Handling disclosures of state secrets	(1) Were there any incidents of major disclosures? (2) Were there any incidents of ordinary disclosures? (3) Were any incidents of disclosures concealed and not reported?

DOCUMENT 7

The Protection of State Secrets in News Publishing

Editors' Note:

The following document, excerpted from Chapter 15 of the internal manual *Overview of the Management of State Secrets Protection Work*, is an in-depth description of the state secrets system and routines in the news, media and publishing sectors. The manual emphasizes that protection of state secrets in news publishing is “not rigorous enough,” due to the fact that the media industry values above all “the openness, timeliness and value of the news” above state secrecy imperatives.

This chapter makes clear that the scope of information “that should not be made public” goes far beyond matters that are statutorily classified as state secrets, but rather encompasses any information that could lead one to obtain “valuable intelligence” if aggregated with other public sources. The chief rationale for imposing strict limits on news publishing, according to the manual, is that China has become “a center of focus for foreign intelligence organizations” and that these organizations “use our newspapers, publications, and radio and television broadcasts as channels for collecting and studying intelligence, with some even going so far as to shamelessly purchase newspapers and periodicals that are publicly distributed.”

The chapter details the goals, responsibilities and procedures that must be adhered to in order to protect information that has not yet been made public, or that is deemed to be protected by state secrets regulations. It describes the procedures for ascertaining whether information can be published or not, how to obtain approval from the state secrets organs, and the system of authorization and supervision for interviewing and filming. Filming requires arrangements by both the News Propaganda Department of the higher-level organ and a state secrets bureau.

Although in non-sensitive cases these burdensome procedures are routinely ignored by Chinese media professionals, in effect they give unchallengeable discretion to the bureaucracy on the disclosure of government-held information and cause news publishing units to constantly live under the threat of violating state secrets laws.

Source:

王守信,《保密工作管理概论(修订版)》(内部发行)(北京:金城出版社,1999):206 [Wang Shouxin, *Overview of the Management of State Secrets Protection Work* (Revised Edition, Internal Circulation) (Beijing: Jincheng Publishing House, 1999), 206].

**CHAPTER 15:
THE PROTECTION OF
STATE SECRETS IN NEWS
PUBLISHING (EXCERPTS)**

**SECTION 1
Introduction**

The responsibility of publishing the news is the duty of the Party and the state, which do the work of mass media circulation and the dissemination of scientific and cultural knowledge. It is an important part of the work of protecting secrets. In today's world of rapid development, doing a good job of protecting state secrets in news publications has great significance in terms of effectively safeguarding state secrets, upholding the security and interests of the state, and promoting the smooth modernization of socialism. (. . .)

4. The scrutiny of society. Our modern society is an information society, and news publications are the most basic vehicle for conveying all sorts of information, with each piece of information scrutinized by people all over the world. The main reasons for this scrutiny are: Firstly, the special characteristic of modern society is such that people's interest in information has become an important part of their lives and an essential aspect of their socialization. Secondly, news publications contain a large amount of valuable intelligence that frequently involves various aspects of politics, economics, military affairs, foreign affairs, scientific and technical knowledge, and ideology. If all this information is put together and analyzed, one can definitely sift out a great deal of valuable intelligence. Each country has specialized organs and personnel to collect and research

the latest news from other countries. This also means that an important aspect of intelligence activities—the theft of secrets and the struggle against such theft—is being reflected more and more in news publications, making them the easiest and most accessible method for collecting information. Therefore, the work of protecting secrets in news publications is becoming more complex and our duties are becoming much greater. (. . .)

(iii) The importance of looking at news publishing work from the perspective of how other countries pay attention to intelligence work

From an international viewpoint, the intelligence organ of each country does everything it can to collect large quantities of different kinds of information. On the other hand, it strictly controls the circulation of information and does everything possible to not allow its own secrets to be disclosed. Many countries also put the secrets that are contained in reports and publications into articles of law and thereby use legal structures as an added guarantee of protection. For example, the former Soviet Union adopted measures to prevent secrets from being disclosed in their news publications, while the United States mainly adopts methods of pursuing and punishing offenders. In brief, in this modern day there is unfortunately no country that does not deliberately plan to collect intelligence from other countries' publications, broadcasts and so forth. According to the information available, 90 percent of the intelligence obtained by the former Soviet Union was obtained through public channels, not through classified documents, industrial exhibitions, or scientific and technological publications.

(iv) The importance of looking at the protection of state secrets in news publishing work from the perspective of foreign intelligence organizations' determination to collect our secrets

In the wake of our country's policy of reforming and opening to the world, the speed of our economic growth has increased, the overall strength of our nation has improved, and our international standing has been raised. Due to the important role that we now play on the world stage, we have become a center of focus for foreign intelligence organizations. They use our newspapers, publications, and radio and television broadcasts as channels for collecting and studying intelligence, with some even going so far as to shamelessly purchase newspapers and periodicals that are publicly distributed. The quantity and quality of all kinds of intelligence collected by foreign intelligence organizations from publicly circulated reports—as well as the speed with which they collect such information—is quite alarming. Therefore, it can be said that news publishing work has become an important line of defense in the current struggle to prevent the theft of state secrets.

**SECTION 2
Principles for Protecting Secrets
in News Publishing**

**1. The reasons that state secrets
are disclosed in news publications**

(i) The awareness of how to protect secrets is weak and ideology is slack

During this important phase of a socialist market economy, when people have many different kinds of ideologies,

the lack of awareness of how to protect state secrets is quite pronounced. We can see this reflected in those who work in the news publishing industry, and a trend has arisen whereby people only consider their own special area of expertise. They emphasize the openness, the timeliness and the value of the news in news publishing, but they neglect the need to protect state secrets so that, over time, things that should not be made public are made public. For these reasons, leaks occur.

(ii) *The system for monitoring the protection of state secrets is lax*

The main cause for state secrets to be disclosed is the fact that the system for monitoring the protection of state secrets in news publishing is not rigorous enough. This is precisely the responsibility of news publishing departments, as well as that of all professional departments and writers. For example, although some news publishing departments have a system for examining written materials, they only check on the reliability and accuracy of the information, not on whether or not state secrets are being protected. Or, they only check the main page of their newspaper, not the later pages. Professional departments only care about making great achievements and expanding their influence, not about protecting state secrets. Writers “scramble for” the news, chase after sensational stories, and try to avoid having their unit monitored for the protection of secrets. For these reasons, leaks occur.

(iii) *There is a lack of general knowledge about protecting state secrets*

Protecting state secrets is not only a matter of thinking about protecting

them, it’s also a matter of having general knowledge and skill. For example, some people don’t know that news publishing needs to have a system for monitoring the protection of state secrets, some don’t know the principles of protecting state secrets in news publishing and can’t distinguish what is for internal circulation only and what is not, and some people don’t understand the scope of protecting state secrets in professional departments. For these reasons, leaks occur.

(iv) *A small number of people seek profit, forget what’s right, and lack organizational discipline*

In society, there are some people who have the ideology that “material gain” is the highest goal and, in order to impress people or to gain reputation, will even adopt the despicable method of sending materials to newspapers and periodicals that are either not allowed to be made public or have not been sent out to be checked. Even worse, they privately send documents that involve state secrets to foreign newspapers and periodicals. For these reasons, leaks occur.

2. The principles for protecting state secrets in news publishing

(i) *The principle of everyone following the same guidelines*

This principle means that important news stories issued by state-authorized news organs should all be issued in a unified way. Local governments that issue news stories should also follow this principle. The main organs authorized by the state to issue news stories include the Xinhua News Agency and the Ministry of Foreign Affairs. The news prop-

aganda units in every location and of every department must follow the same guidelines as state-authorized news units in issuing news stories, and they are not allowed to initiate such actions on their own. The goal of doing things this way is not only to prevent the disclosure of state secrets, but also to prevent other political mistakes from occurring. This so-called “important news” mainly refers to major events having to do with the policies and activities of the Party or state in regard to domestic politics or foreign affairs, as well as major events involving military affairs, science and technology, economics, and other such matters.

News publishing departments must firmly adhere to the relevant regulations set forth by the central authorities, and if important questions arise, the circulation guidelines must be the same as those used by the Party and central authorities. In no case are news publishing departments allowed to issue or publish, without authorization, any important Party guiding principles or policies, or any documents that would contradict regulations put out by the central authorities in newspapers, periodicals or broadcasts, or disseminate such information in any other way. Any questions that require a decision to be made by the central authorities or higher-level department heads should be immediately submitted in writing. When reports must be made on socially sensitive issues or important incidents that suddenly arise, attention must be paid to how they affect social stability, economic stability and development, and the smooth implementation of reform policies. Disseminating such reports must be done in accordance with the guiding principles and policies of the central authorities, and in a uni-

fied way with the central authorities. Any important statistics or situations that are to be published in the news must first be verified as true, then checked and approved by the head of the relevant department, before they can be publicly issued.

(ii) *The principle of differentiating between internal and external*

This refers to the fact that when news publishing units make public reports, and in the course of doing publishing work, they must strictly differentiate between internal and external matters; for example, matters that are internal knowledge of the Party, military or country must not be disseminated outside of the Party, military or country without authorization. This is because any given piece of news contains both public and secret information, and whether that information is public or secret is a relative matter. Some information would be considered public within the country, but would not be considered public if it were sent outside of the country. Likewise, some situations or news would be considered public for certain countries or regions, but not for others. This requires that news publishers have a very good understanding of how to distinguish between the two. If this principle is violated, then the work of protecting state secrets loses its validity.

(iii) *The principle of both checking materials oneself and sending them out to be checked*

The principle of both checking materials oneself and sending them out to be checked is an important principle in the Regulation on the Protection of State Secrets in News Publishing. This

regulation clearly stipulates that, after news publishing personnel have done the interviewing, editing and photography and have written the initial draft of an article, they should first check the article to see whether or not it contains secrets. On this basis, any relevant questions should be sent to the news publishing unit for verification. If there are questions that the news publishing unit is not sure about, it should immediately send the questions to the relevant professional department for verification. Once it has been checked and has been verified as containing no state secrets, it may be publicly issued.

(iv) *The principle of working in tandem with professional departments*

This refers to the fact that news publishing units should work together and cooperate with professional departments in the execution of their work. They should coordinate in unison, collectively obey the regulations on protecting state secrets, and take on the responsibility of protecting state secrets. Since state secrets are special matters that exist in many different professions, it is very difficult to effectively safeguard such matters once they have been checked, approved and are out of the hands of a professional department. If news publishing departments take the initiative to cooperate closely with professional departments, and if they mutually supervise each other, they will have sufficient resources to effectively do the work of news reporting, and they will be able to effectively prevent disclosures from occurring in news publications. At the same time, according to the nature of their work, all professional departments should establish regular channels through which they can provide infor-

mation. This should be a regular service provided to news publishers to help them carry out their work.

In summary, establishing principles for protecting state secrets that news publishers need to adhere to enables them to better deal with the relationship between news publishing and the protection of state secrets, between what is made public and the protection of state secrets, between accuracy of facts and the protection of state secrets, and between freedom of the press and the protection of state secrets. It also enables them to firmly put a stop to any disclosures that might occur in news publications. Furthermore, strictly adhering to the regulation on protecting state secrets is a necessary qualification and requirement for anyone who works in news publishing.

**SECTION 3
Circulation Guidelines for the
Protection of State Secrets in
News Publishing**

Strictly guarding state secrets in news publications is the sacred responsibility of each person working on the frontlines of news publishing. Understanding the basic scope of state secrets and having a good grasp of the circulation guidelines for the protection of state secrets in news publishing is a basic premise for doing this kind of work.

1. The basic scope of state secrets

Based on the definition of what a “state secret” is, the basic scope of state secrets is determined as follows: All matters having to do with national politics, military affairs, foreign affairs, economics, science and technology, and judicial

administration, as well as other matters that arise from activities in other spheres, should first be analyzed to determine which parts are secret and which parts are not secret. Then, in principle, a total number of all the matters that are secret can be determined. Those parts that are state secrets within a professional system are included in the basic scope of what a state secret is. According to Article 10 of the Law on the Protection of State Secrets, the scope of secrets to be protected should be first determined by the department that does the work of protecting state secrets, in cooperation with the relevant state organs of the central government and in accordance with their professional jurisdiction. Once this determination has been publicly announced, it will have widespread legal effect and, if it extends beyond the jurisdiction of a particular region or industry, it will become a uniform standard used across the country.

However, of the state secrets as formulated by the organ legally authorized to protect secrets, some are inherently and definitely state secrets and their level of secrecy is already quite high; thus, we must limit their scope in terms of making them public and in terms of who knows about them. Therefore, this section regarding the circulation guidelines is just a rough outline of the regulations. We request all those who work in news publishing to increase both their awareness of the protection of state secrets and their skill in protecting state secrets. We ask that they have a good understanding of all state secret and internal (*neibu*) matters that come up in their work, and we ask them to conscientiously take up the responsibility of protecting state secrets.

2. Circulation guidelines for the protection of state secrets in news publishing

(i) Internal (*neibu*) documents and materials that come from any organ at the level of directly-administered municipality, autonomous prefecture, province, or central government—including articles or materials published in *neibu* publications and important speeches given by leading cadres—cannot be publicly reported without first gaining permission from the unit responsible for issuing that document.

(ii) National economic plans, budget estimates, preparatory and final accounts, banking information and financial data that has not yet been publicly issued or published cannot be cited in reports. Information regarding the distribution of source materials that have been classified as secrets by the state, as well as other related data, cannot be publicly reported.

(iii) The following cannot be publicly circulated or reported: Programs, investments, and the layout of military installations or anything else related to the national defense industry, as well as the production capacity of such places; the different kinds and functions of products made by the military industry and their production capacity; anything involving scientific and technological advances of the state and scientific advances in the national defense industry; information on key engineering projects that are currently being developed or researched, as well as problems encountered in the research stages of such projects.

(iv) The following cannot be publicly reported: Plans for national defense or

for military matters; the designations, strength, postings, deployments and arrangements of troops, as well as the logistics of ensuring supplies; information on the development of weapons, national defense engineering projects, bases, strongholds, and so forth.

(v) The different stages of progress made in work on state scientific research, inventions that have been approved by the state, and items currently being tested that could become inventions or patented products cannot be publicly reported without having first obtained permission from the relevant state department. Traditional crafts, unique technical secrets and key technical “tricks of the trade” (such as how special components are used in processing, the key parameters of a craft, or combinations of the most beautiful materials) cannot be publicly circulated. Anything that could cause disputes over intellectual property rights cannot be publicly reported.

(vi) Specific policies and measures regarding foreign economic trade, as well as the production, craft, market price, information on storage, plans for import or export, foreign trade policies and other internal information or data related to key products for export cannot be publicly circulated or reported.

(vii) The content of contracts that our country has made with other countries that have an obligation with us to protect state secrets (e.g., contracts containing technological information or advanced equipment imported from abroad, or technical information or equipment imported via secret channels) cannot be publicly reported.

(viii) Sensitive matters that could influ-

ence the development of bilateral or multilateral relations between our country and neighboring countries cannot be publicly reported unless prior permission has been obtained from the government department in charge of such matters. In order to meet the requirements of the news spokespersons of the Xinhua News Agency and the Ministry of Foreign Affairs, any propaganda on national relations or foreign policy must not be issued in advance of these bodies, nor can its key content be added to or deleted.

(ix) The achievements or notable successes of famous experts and scholars whose jobs involve state secrets are generally not publicly reported. If there is a special need, permission must be first obtained by the government department in charge of such matters.

(x) Any other secret information that falls within the scope of the protection of state secrets cannot be publicly reported.

SECTION 4

The System and Procedure for Checking Materials to Protect State Secrets in News Publishing

1. The system of both checking materials oneself and sending them out to be checked

The work of protecting state secrets in news publishing is not only the legal obligation of news publishing units and their editorial staffs, it is also the legal obligation of the relevant organs, units and personnel who provide the information and articles to them. The two sides that bear this responsibility should practice mutual supervision and

should work together closely in order to help carry out the work of news publishing, to fully allow news publishing work to be done efficiently, and to effectively prevent any disclosures from occurring. To this end, in June 1992 the National Administration for the Protection of State Secrets and the central authorities jointly issued the Regulation on the Protection of State Secrets in News Publishing and circulated it to propaganda work units, news publishing offices and to the Ministry of Radio, Film and Television. Article 6 of this regulation clearly lays out the system of both checking materials oneself and sending them out to be checked as part of the protection of state secrets in news publishing work.

(i) *The concept of checking materials oneself*

Checking materials oneself means that those involved in news publishing work, writers, and units that provide information should, in accordance with the relevant regulations, check whether or not any information that will be publicly reported or published contains matters involving state secrets. It is the legal obligation of all news publishing staff (writers) to take on the burden of “bearing personal responsibility for one’s words.” Those units or personnel who are interviewed are the “sources” of information, and they not only have a responsibility to make sure the information they provide is accurate, they also have a legal responsibility to say whether or not something can be publicly reported. Therefore, the law also confers on those units and personnel who are interviewed the legal obligation to be the first ones to check information.

(ii) *The concept of sending materials out to be checked*

Sending materials out to be checked means that if either news publishing units or the units that provide information are not certain whether or not a particular piece of information falls within the scope of what is considered a state secret, it should be sent to either the relevant department in charge of that matter, or to a higher-level organ or unit, for checking and approval. In this way, a clear opinion will be given as to whether or not the material should be publicly disseminated and reported.

(iii) *The difference and the relationship between checking materials oneself and sending them out to be checked*

The differences are explained as follows:

1. The agent doing the checking is not the same. The agent doing the checking in the case of checking oneself is the news publishing unit or the unit that provides the information; in the case of sending materials out to be checked, the agent doing the checking is the higher-level professional organ or department that is above the unit providing information (or the unit that did the selection of materials). (Note: Although the editorial office of the news publishing unit is responsible for checking its own written materials, it is not the agent that does the checking when materials are sent out to be checked for the protection of state secrets.)
2. The content being checked is not the same. In checking materials oneself, all of the information should be comprehensively checked. When materials are sent out to be checked, specific questions such as whether or not something is permitted, or questions on definitions that are not clear, are what are being checked. Other-

wise, one should request that a comprehensive check be carried out. 3. The conclusions given are not the same. Checking oneself means that, if one is uncertain as to whether or not certain information falls within the realm of state secrets, one then makes a request to have it checked further. Or, if the information involving state secrets has gone through the process of having all its secrets removed, but one is still certain that it isn't correct, then a request to have it checked further is made. In both cases, a conclusion is made within a certain time period so that the information (or article) can be issued. On the other hand, when information (or articles) are sent out for checking, the conclusion is a report issued to agree or disagree with the initial determination on whether or not the materials involve secrets.

Indeed, state secrets are a special matter and exist in every type of professional work. Once they have been checked and approved and are out of the hands of a professional department, these matters are difficult to effectively safeguard. And once they have been sent for checking and are out of the hands of a news publishing department, oversights can also be made in safeguarding secret matters. Therefore, checking oneself and sending information out for checking are interdependent, complement each other, and are two indispensable links in the chain that allows for an article to be issued without any disclosures occurring.

2. The procedure for checking in the protection of state secrets (...)

(ii) *The system of how to be clear-cut about protecting state secrets when checking information oneself*

1. When dealing with written mate-

rials that involve state secrets, one should follow the principles of "check first, publish later" and "check first, issue later." No written materials submitted for publication to newspapers or periodicals, whether they are for internal or public distribution, can involve matters of state secrecy. Any articles written or chosen by the unit's internal staff must first go through the process of having all state secrets removed before they can be published.

2. Whenever units or personnel are interviewed for a story and provide information to the interviewer of a news publishing unit, such information must not contain any matters involving state secrets. If there is a truly a need, for work reasons, then permission must be first obtained in writing from the leader in charge of that unit or from a higher-level organ. In addition, one must clearly explain to the interviewer which parts involving state secrets cannot be publicly reported, and at the same time request that one be allowed to check the article after the interview. News publishing units have a duty to only allow articles that have been checked to be disseminated.
3. Every relevant organ and unit should establish a system for checking to protect state secrets, and they should appoint both a person and an agency within the unit to do the job of checking written materials. Offices that protect scientific or technological secrets should make it a priority to check news reports on the nat-

ural sciences and the content of their publications. Propaganda departments should make it a priority to check news reports on the social sciences and the content of their publications. Offices that protect state secrets within enterprises and businesses should take on the role of giving guidance, coordinating, supervising and investigating. Those who are responsible for checking on the protection of state secrets are also usually the leaders in charge of that unit, and the job of checking written materials is performed by the office responsible for protecting state secrets in that unit.

4. The editorial department of each news publishing unit must establish a system for checking on the protection of state secrets and appoint a person to be in charge of this task. Normally, a system of having an editor or editor-in-chief in charge of this is established. No written materials that have not yet been checked for state secrets by the unit that provided them can ever be published. Otherwise, if a problem occurs, the legal responsibility will fall on the editor or editor-in-chief.
5. Those who work in news publishing have a duty to not circulate internal information externally, to not disclose secrets obtained during interviews, and to handle in an appropriate manner all internal materials and destroy them after use.
6. Important information involving state secrets and other information whose limits are not clear

should be sent to a higher-level department for checking and approval. (. . .)

(iv) *The system for protecting state secrets in sending out materials to check: Some points to pay attention to and comply with*

1. When relevant organs and units are sent written materials to check and approve, they should comply with the time limit for checking and approval as requested by the news publishing unit. If the work cannot be completed within the requested time period, they should immediately notify the unit and discuss a way to solve the situation.
2. When dealing with state secrets in other industries or units, one should seek out the opinion of the relevant unit.

(v) *How to manage the protection of state secrets when checking written materials that involve state secrets*

1. Written materials that involve state secrets should be handled in an appropriate manner and should be strictly guarded against loss or theft.
2. If written materials that involve state secrets are transported, circulated for reading, lent out for reading, photocopied, destroyed, etc., they should be strictly handled according to the methods used for managing state secret documents.
3. Publications containing state secrets must be sent via a state se-

crets courier to a specified photocopying unit for printing (or photocopying).

4. News publishing units that deal with high-level state secrets must provide their office with a paper shredding machine.
5. It is forbidden for written materials that involve state secrets or for any books, newspapers, magazines, essays and so forth marked “neibu (internal) materials” or “for internal use only” to be sold for recycling as wastepaper.

SECTION 5

The Filming and Management of Audio-Visual Materials

The development of any large and important state-level project will invariably be a complicated and systematic project and will involve different industries and departments. In the course of working on such a project, these industries and departments not only use photographs as a form of recording and storing information in their archives; these days, they also frequently use modern technology to make high-quality audio-visual recordings of each step of the process. Therefore, in the filming and management of state secret matters, a unified form of management must be emphasized and standards must be very strict. We should not be so afraid of disclosing secrets that we leave behind no historical records, but neither should we lose control over such matters. Any unit and any individual can do filming, but if in so doing they let state secrets go unchecked, it could cause enormous harm to state security and interests.

1. The examination and approval procedure for filming audio-visual materials

(i) *When audio-visual materials involving state secrets are produced by an individual unit at its own location*

Normally, an individual unit’s news or propaganda department is responsible for submitting plans for filming and should appoint a specific person to do the filming. Once approval has been given by that unit’s protection of state secrets department, the unit may proceed with the shoot under the condition that someone from that department accompanies them.

(ii) *When the research, production and testing of audio-visual materials involving state secrets are produced between a local industry and an individual unit*

Firstly, there should be a definite work need that has to be fulfilled. Secondly, the unit that will be the location for the filming (the host unit) should do the coordinating. Thirdly, the unit doing the filming is responsible for providing detailed plans and personnel for the shoot, should give a definite time (or week) for the shoot to the best of their ability, should formally notify the host unit in writing, and should contact the host unit in advance. If the filming involves any state secrets at the highly-secret (*jimi*) level or below, permission must be obtained from the leader in charge of the host unit. The information must also be recorded in the files of the protection of state secrets department, which will dispatch someone to accompany the filming. If the filming involves top-secret (*juemi*) level secrets, permission must be obtained from the protection of state

secrets department of a higher-level organ.

(iii) *When the research, production, testing and so forth of audio-visual materials are organized and produced by the professional department of a higher-level organ*

This should normally be arranged in coordination with the News Propaganda Department of the higher-level organ, which will work out a plan for the shoot, will support the written testimony of permission granted by the protection of state secrets department, and will appoint a person to carry out the filming.

(iv) *When a unit that is outside of the system (or industry) needs to, for work reasons, request or film audio-visual materials at any unit within the system (or industry)*

1. The procedure to request permission for any shoot that involves state secrets is as follows:

(a) The unit doing the filming must clarify the particulars of what they are doing and provide a plan for the shoot, a list of the personnel doing the production and a time frame. They must also make a written report giving the name of the unit where the filming is taking place to the higher-level department. At the same time, they must provide, to the personnel department, materials showing government approval for the personnel doing the filming.

(b) Once an agreement between the News Propaganda Depart-

ment of the higher-level organ and the protection of state secrets department has been reached, the protection of state secrets department will provide written testimony that consent has been given to do the filming.

(c) Only after the host unit has seen the written testimony from the higher-level organ, the identification cards (e.g. reporter's ID, work ID, or letter of introduction) of the personnel doing the filming, and has carefully checked that the number of people is correct, can it can receive the film crew. In addition, it must dispatch a specialist to accompany the film crew based on the specific filming needs.

2. If the filming does not involve any matters of state secrecy, once permission has been given by the leader in charge of the host unit and the paperwork has been completed with the protection of state secrets department, a person will be dispatched to accompany the film crew.

(v) *When audio-visual materials involve interviews or filming by foreign journalists*

1. Journalists from abroad or from outside the mainland who request telephone interviews with any unit or individual that involves state secrets will, without exception, be politely refused.

2. Journalists from abroad or from outside the mainland who request interviews with enterprises

that involve state secrets will, in general, be politely refused. If there is truly a need, the host unit must fill out a "Form to Apply for Permission to Grant Interviews to Journalists from Abroad or from Outside the Mainland." On the form, the following information must be included: the name and country of the applicant's news organization, the main topic of the interview, the opinion of the unit submitting the application, and so forth. The form must be submitted for approval to a higher-level professional department and to the protection of state secrets department.

3. Once the host unit has seen the written testimony of the higher-level organ and has accepted the interview in strict accordance with the permission given, during the interview no matters involving state secrets may be discussed and no sensitive questions may be asked.

4. If a foreign journalist has not applied for permission and he or she carries out an illegal interview, even if he or she has made a special trip or is using another identity, and whether the topic of the interview is sensitive or not, he or she should be stopped on the spot, wherever he or she is discovered.

2. Managing the protection of secrets during production and distribution

(i) *Issues regarding the protection of secrets that should be kept in mind during the production process*

1. The host unit must appoint a special person to be responsible for accompanying the film crew throughout the entire process, especially if it is a person from another unit who has come to do the filming. This person should not only do the work of organizing and coordinating the shoot; more importantly, they should prevent any violations of the film plan. If other secret matters not contained in the film plan come up, effective measures such as evasion and concealment should be adopted in order to prevent state secrets from being disclosed and to avoid cause for regret later on.
2. The host unit should assign a department to do the film developing or production. If this condition is not met, the unit doing the filming has the responsibility to go to a state organ that has guaranteed security and have an internal department there do the developing and production. It is strictly forbidden for any department in society whose goal is to make a profit to do the developing or production.
3. Any photos (or negatives), films, audio tapes or video tapes that contain secret-level (*mimi*) secrets or above should be assigned a security classification by the unit that took the photos or made the film. Such items should have a registration number and should either be handed over to the information archives department of the unit that made them or to a department and staff appointed to take care of them; they should not be arbitrarily distributed.
4. The enlargement or reproduction of any photograph, the editing of any film, and the compilation of any video tape or audio tape that contains secret-level (*mimi*) secrets or above should all be regarded as falling within the scope of the system that controls state secrets. If there is any leftover or discarded film, magnetic tape or photographs remaining after the editing or compilation process is over, two people must be responsible for destroying them by burning or melting.
 - (ii) *Issues regarding the protection of state secrets that should be kept in mind during the process of distribution and broadcasting*
 1. The security classification of audio-visual materials should be determined according to their content, and they should be strictly handled based on the same requirements used for handling secret documents.
 2. Audio-visual materials at the highly-secret (*jimi*) level or above should, in principle, only be used by a business if it needs them for its work or by leaders in higher-level organs for making reports. If they are used for any other purpose, permission must be obtained from a higher-level department. Permission can be given for the use of secret-level (*mimi*) audio-visual materials by the leaders in charge of the individual unit that wants to use them.
 3. No transmission made on internal (*neibu*) closed-circuit television or broadcast internally may contain state secrets (and hotels that accept foreign guests may not install internal closed-circuit televisions on their premises).
4. Any audio-visual materials that are going to be publicly circulated must have gone through the process of both checking the materials oneself and having them sent out for checking. Only after such materials have been checked and approved by a higher-level department, and have been determined not to involve state secrets, can they be publicly circulated and reported.

Editors' Note:

Despite the difficulty in obtaining a comprehensive picture of how state secrets offenses are applied against individuals in China, HRIC has compiled information on the cases of 42 individuals charged with state secrets crimes, and 20 individuals who have been denied procedural protections likely due to the involvement of state secrets in their cases.

Statistics on the total numbers, regional variations and range of state secrets criminal cases in China are not disclosed. In its annual law yearbooks, the Chinese government does not disaggregate crimes of endangering state security by individual offense, including the crime of illegally providing state secrets abroad. Based on information available in domestic and international news, as well as in available court documents, the individuals below appear to have been imprisoned in connection with activities related to the legitimate exercise of their freedom of expression, including: exposing official corruption; exposing official repression of religious practitioners, ethnic minorities and other groups; making information about the 1989 democracy movement public; exposing information concerning government policies; or even undertaking historical research. In addition, it is a crime to disclose information classified as state secrets even if it is already published or circulating in the public domain at the time of disclosure. This information can include: published newspaper clippings, books and historical records; telephone interviews about local demonstrations; and handwritten notes. As a result, many individuals charged with leaking state secrets include those who e-mailed or faxed documents that were already public in some form. The range of individuals charged includes journalists, lawyers, religious activists, ethnic minority rights activists and other human rights defenders.

Sentences imposed for state secrets crimes, and for other state security crimes, range from one year to life imprisonment, and in some cases, the death penalty. For example, Wu Shishen, a former editor for the Xinhua News Agency, was sentenced to life imprisonment for disclosing an advance copy of Jiang Zemin's speech to the 14th CPC Party Congress to a Hong Kong reporter. In many cases of individuals charged with crimes of endangering state security, most frequently relating to subversion, defendants are denied a public trial, and sometimes denied access to their lawyers because their cases were said to "involve state secrets."

Unless otherwise cited, most of the information on the following cases comes from HRIC's human rights database, which was created over the years using primary sources, as well as information from other human rights organizations including Amnesty International, Human Rights Watch and the US Congressional-Executive Commission on China (CECC).

Cases Involving State Secrets

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Abdulghani Memetemin [阿布都拉尼·买买提米]	<ul style="list-style-type: none"> From Xinjiang Uyghur Autonomous Region (XUAR) Teacher and journalist 40 years old at time of arrest 	<p>Charges</p> <ul style="list-style-type: none"> Endangering state security (“separatism”) Violating state secrets laws Illegally providing “state secrets” abroad¹ <p>Activities Alleged</p> <ul style="list-style-type: none"> Sending news reports on human rights abuses against Uyghurs to East Turkistan Information Center (ETIC), Germany Translating speeches by government officials into Chinese Trying to recruit new reporters for ETIC 	<ul style="list-style-type: none"> Detention: July 26, 2002 Kashgar, XUAR Trial: Kashgar City Intermediate People’s Court Verdict: Guilty of violating state secrets law; not guilty of “separatism” Sentence: 9 years’ imprisonment on June 24, 2003 Projected release: July 25, 2011 	<ul style="list-style-type: none"> No access to lawyer or legal representation² Tried in secret
Bao Tong [鲍彤]	<ul style="list-style-type: none"> Former senior CPC official Close assistant of former CPC General Secretary Zhao Ziyang 	<p>Charges</p> <ul style="list-style-type: none"> Leaking important state secrets Counterrevolutionary propaganda and incitement <p>Activities Alleged</p> <ul style="list-style-type: none"> Having a private conversation with Gao Shan (see below) on May 17, 1989; information possibly involved impending declaration of martial law and resignation of Zhao Ziyang from CPC Secretary General post—both made public May 20, 1989 No indication in verdict of nature of state secrets allegedly leaked to Gao Shan 	<ul style="list-style-type: none"> Detention: May 29, 1989 Held: Qincheng Prison, Beijing House arrest: May 1990 Formal arrest and charge: January 1992, returned to Qincheng Prison Trial: July 21, 1992, Beijing Intermediate People’s Court.³ Sentence: 7 years’ imprisonment Appeal: Denied, August 6, 1992, Beijing Higher People’s Court Release: May 28, 1996 	<ul style="list-style-type: none"> Closed trial Met with lawyers only twice before trial Family refused entry to court but allowed to hear sentencing
Bai Weiji [白伟基]	<ul style="list-style-type: none"> CPC General Office staff (1981) Foreign Ministry - Information Department staff, monitoring and summarizing foreign news Organized colleagues (including wife Zhao Lei) to march during student and worker protests at Tiananmen (1989) As a result of 1989 activities, lost job and CPC membership 	<p>Charge</p> <ul style="list-style-type: none"> Illegally providing state secrets abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> Providing internal documents to Lena Sun (former classmate and correspondent for the <i>Washington Post</i>) Secret documents provided were confiscated by police May 17, 1992 	<ul style="list-style-type: none"> Detention: May 5, 1992, Beijing Trial: Together with his wife Zhao Lei (see below) in a closed trial Sentence: 10 years’ imprisonment, May 20, 1993, Beijing Intermediate People’s Court Appeal: Denied, Beijing Higher People’s Court, July 1993 Release: Early release, February 2, 1999 	

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Cao Yu [曹宇]	<ul style="list-style-type: none"> Owner and teacher of training center affiliated with Oriental University City, Hebei Province 	<p>Charge</p> <ul style="list-style-type: none"> Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Acquiring confidential examination paper for College English Test (Grade 4) from Shi Xiaolong (see below), with Liu Chen (see below) Copying exam paper at Shi's office (Sept. 19, 2003) Posting part of content on center's website with Liu; disclosing contents in seminar at training center 	<ul style="list-style-type: none"> Indictment: April 23, 2004 Sentence: 3 years' imprisonment, June 2, 2004, Beijing No. 1 Intermediate Court 	<ul style="list-style-type: none"> Closed trial
Chen Hui [陈辉]	<ul style="list-style-type: none"> Assistant to director of China Academy of Social Sciences (CASS) General Office 	<p>Charge</p> <ul style="list-style-type: none"> Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Selling classified documents to Japanese diplomats containing information on China's policy toward Japan No indication of nature of information allegedly leaked 	<ul style="list-style-type: none"> Detention: May 2005 Sentence: 13 years' imprisonment, June 2006, Beijing⁴ 	
Chen Meng⁵ [陈蒙]	<ul style="list-style-type: none"> Born Dec. 7, 1961, Henan Province Musician Participant in 1989 democracy movement 	<p>Charge</p> <ul style="list-style-type: none"> Illegally providing state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Obtaining official blacklist of "June 4" activists from brother-in-law and border guard Tang Tao (see below); contents were widely printed in many Hong Kong newspapers (<i>Oriental Daily</i> and <i>Sing Tao</i>)⁶ 	<ul style="list-style-type: none"> Detention: March 14, 1995 Formal arrest: May 25, 1995 Sentence: 12 years' imprisonment, 4 years' subsequent deprivation of political rights, April 15, 1997 Appeal: Denied, June 19, 1997, Shenzhen Intermediate People's Court⁷ 	<ul style="list-style-type: none"> Detained nearly two years without trial From 1995 to 1999, family only allowed to visit twice Unknown whether or not represented by legal counsel
Gao Shan [高山]	<ul style="list-style-type: none"> Economist and researcher in CPC Central Committee's Research Center for Reform of the Political Structure headed by Bao Tong 	<p>Charge</p> <ul style="list-style-type: none"> Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Spreading state secrets disclosed by Bao Tong (see above) Having conversation with Bao Tong, May 17, 1989, regarding impending declaration of martial law and resignation of Zhao Ziyang from CPC Secretary General post—both made public May 20, 1989 	<ul style="list-style-type: none"> Detention: May 1989 Trial: August 5, 1992 Sentence: 4 years' imprisonment Release: Paroled, January 1993 	

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
He Zhaohui [何朝辉]	<ul style="list-style-type: none"> Chenzhou Railway worker Involved in 1989 democracy movement Previous arrest as leading member of the Hunan Province Changsha Workers Autonomous Federation (2 years in prison) Following release, continued involvement in worker protests 	<p>Charge</p> <ul style="list-style-type: none"> Illegally providing intelligence/state secrets abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> Providing information about labor unrest in Hunan Province to media and human rights organizations in the USA Evidence used in trial included a \$130 check sent by a US university professor 	<ul style="list-style-type: none"> Detention: Changsha, April 1998 Escaped: During transfer, fled to Burma in April 1998. Established refugee center for democracy activists⁸ Detention again: August 1998 (upon entering Hunan) Formal arrest: October 4, 1998 Trial: June 30, 1999 Sentence: 10 years' imprisonment, August 24, 1999 Appeal: Denied, October 1999, Hunan Higher People's Court Status: Held at Chenzhou Prison, Hunan Province 	<ul style="list-style-type: none"> Detained for over 7 months between indictment and trial
Hua Di [华隼]	<ul style="list-style-type: none"> Missile expert Obtained political asylum in U.S. after June 4, 1989 democracy protests Affiliated with Stanford University 	<p>Charge</p> <ul style="list-style-type: none"> Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Leaking article "China's Ballistic Missile Plan," co-authored with John Wilson Lewis in <i>International Security</i>⁹ 	<ul style="list-style-type: none"> Detention: January 6, 1998 (upon return to China for family funeral) Arrest: Kept secret from public until October 1998 Sentence: 15 years' imprisonment on November 25, 1999, Beijing No.1 Intermediate People's Court Appeal: Verdict overturned, March 2000, Beijing Higher People's Court, on the grounds of insufficient evidence and unclear facts; the court ordered the case be retried.¹⁰ Retrial sentence: 10 years' imprisonment, November 23, 2000, Beijing No.1 Intermediate People's Court Appeal again: Filed, November 28, 2000¹¹; denied, March 2001, Beijing Higher People's Court¹² Status: Tilanqiao Prison, Shanghai 	<ul style="list-style-type: none"> Closed trial Numerous requests by family to grant medical parole due to advanced age and poor health denied

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Ji Liewu ¹³ [纪烈武]	<ul style="list-style-type: none"> Born 1963 Manager of Hong Kong subsidiary of a government metals company Obtained political asylum in U.S. after June 4, 1989 democracy protests 	<p>Charges</p> <ul style="list-style-type: none"> Illegally obtaining state secrets Organizing and using a heretical sect to undermine implementation of the law Causing death through sect activities <p>Activities Alleged</p> <ul style="list-style-type: none"> Holding a leadership position in the Falun Gong Helping organize a demonstration of thousands of Falun Gong practitioners, Zhongnanhai, April 25, 1999¹⁴ Exact nature of state secrets obtained, unknown 	<ul style="list-style-type: none"> Detention: July 20, 1999 Formal arrest: October 19, 1999 Indictment: November 19, 1999, Beijing People's Procuratorate Trial: with Li Chang, Wang Zhiwen, and Yao Jie (see below) Sentence: 12 years' imprisonment, December 26, 1999 	
Jiang Weiping ¹⁵ [姜维平]	<ul style="list-style-type: none"> Reporter and editor for <i>Dalian Daily</i> and Xinhua News Agency Worked for Hong Kong newspaper <i>Wen Wei Po</i>, stationed in its northeast China office (1994) 	<p>Charges</p> <ul style="list-style-type: none"> Leaking state secrets Illegally providing state secrets overseas Inciting subversion Illegally possessing confidential documents <p>Activities Alleged</p> <ul style="list-style-type: none"> Writing three articles for unnamed Hong Kong publication using pen name, criticizing the Dalian mayor and Liaoning Province governor (1998) Writing series of articles using pen name, exposing corruption of Liaoning government officials (1999) 	<ul style="list-style-type: none"> Detention: December 4, 2000, Dalian Formal arrest: January 3, 2001 Indictment: May 2001, Dalian Procuratorate Sentence: 8 years' imprisonment; 5 years' subsequent deprivation of political rights, September 5, 2001, Dalian Intermediate People's Court Appeal: sentence reduced to 6 years' imprisonment, March 2003 Release: (one year early) January 3, 2006 	<ul style="list-style-type: none"> Closed trial
Kong Jing [孔静]	<ul style="list-style-type: none"> Sichuan Institute of Foreign Languages graduate, 2001 Teacher at the School of Foreign Languages at the Southwest Agricultural University in Chongqing 	<p>Charge</p> <ul style="list-style-type: none"> Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Taking an examiner's advance copy of the College English Test (Grade 4), stamped "highly secret" Copying contents of examination paper and passed information to exam participants for money 	<ul style="list-style-type: none"> Arrest: May 2004 Sentence: 4 years' imprisonment, December 13, 2004, a Chongqing court 	

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Li Chang ¹⁶ [李昌]	<ul style="list-style-type: none"> Former deputy director of the Computer Administration Office of the Ministry of Public Security 	<p>Charges</p> <ul style="list-style-type: none"> Illegally obtaining state secrets Using a heretical sect to undermine implementation of law Causing death through sect activities <p>Activities Alleged</p> <ul style="list-style-type: none"> Holding a leadership position in the Falun Gong Helping organize a demonstration of thousands of Falun Gong practitioners at Zhongnanhai, April 25, 1999¹⁷ Exact nature of state secrets obtained, unknown 	<ul style="list-style-type: none"> Detention: July 20, 1999 Formal arrest: October 19, 1999, with Ji Liewu, Wang Zhiwen and Yao Jie Indictment: November 19, 1999, Beijing People's Procuratorate Trial: With Li Chang, Wang Zhiwen, and Yao Jie Sentence: 18 years' imprisonment, December 26, 1999 	<ul style="list-style-type: none"> Lenient sentence received as a result of providing facts, confessing and expressing regret
Li Hai ¹⁸ [李海]	<ul style="list-style-type: none"> Joined Students Autonomous Federation during student protests at Tiananmen while pursuing Master's degree in Philosophy at Peking University As a result of participating in protests, detained and held for 7 months, then released and expelled from university 	<p>Charge</p> <ul style="list-style-type: none"> Gathering state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Compiling list of persons from Beijing imprisoned for participating in 1989 democracy movement Giving list to international human rights organizations Helping to transmit overseas humanitarian aid to those imprisoned 	<ul style="list-style-type: none"> Arrest warrant: Issued May 25, 1995 Detention: May 31, 1995, on charges of "hooliganism" Formal arrest: September 19, 1995 Trial: May 31, 1996, Chaoyang District People's Court, Beijing Verdict: "Leaking state secrets" charge held groundless; guilty of "gathering state secrets" Sentence: 9 years' imprisonment; 2 years' subsequent deprivation of political rights, on December 18, 1996 Appeal: Denied, March 13, 1997, Beijing Municipal No. 2 Intermediate Court Release: May 30, 2004 	<ul style="list-style-type: none"> Court claimed open trail, but no family member allowed to attend No access to family during detention
Liu Chen [刘晨]	<ul style="list-style-type: none"> Owner and teacher of training center affiliated with Oriental University City in Hebei Province 	<p>Charge</p> <ul style="list-style-type: none"> Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Acquiring confidential examination paper for College English Test (Grade 4) from Shi Xiaolong (see below) in collaboration with Cao Yu (see above) Posting part of content on training center's website and disclosing contents in a seminar 	<ul style="list-style-type: none"> Indictment: April 23, 2004 Sentence: 2 years' imprisonment, June 2, 2004. Beijing No. 1 Intermediate Court 	<ul style="list-style-type: none"> Closed trial

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, cont.

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Liu Fenggang [刘凤钢]	<ul style="list-style-type: none"> • Factory worker in Beijing, fired 1990 • Following student and worker protests in 1989, joined underground Christian religious organization 	<p>Charge</p> <ul style="list-style-type: none"> • Gathering and illegally providing state secrets to foreign organizations <p>Activities Alleged</p> <ul style="list-style-type: none"> • Receiving money from Xu Yonghai (see below) to travel to Liaoning to see underground Christian held in an RTL camp (2001) • Writing article on findings; sent to <i>Christian Life Quarterly</i> for publication • Writing article on persecuted Christians, sent abroad by e-mail (2003) • Writing essay on experience being interrogated by police, typed up and sent abroad by e-mail by Zhang Shengqi (2003) 	<ul style="list-style-type: none"> • Residential surveillance: October 13, 2003, Hangzhou Public Security Bureau • Detention: November 14, 2003 • Arrest: December 4, 2003 • Trial: May 14, 2004, with Xu Yonghai and Zhang Shengqi (see below), Hangzhou City Intermediate People's Court • Inconclusive evidence: court placed the three defendants under residential surveillance • Second trial: August 6, 2004, Hangzhou Intermediate People's Court • Sentence: 3 years' imprisonment • Release: February 4, 2007¹⁹ 	<ul style="list-style-type: none"> • No arrest warrant • Closed trial • Evidence deemed inconclusive in first trial was accepted in second trial
Liu Zesheng [刘泽生]	<ul style="list-style-type: none"> • Falun Gong contact person in Tangshan, Hebei Province 	<p>Charge</p> <ul style="list-style-type: none"> • Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> • Reporting that police were persecuting Falun Gong practitioners • Sentence: 4 years' imprisonment, 2000 		
Lu Jianhua [陆建华]	<ul style="list-style-type: none"> • Prominent sociologist at CASS • Editor of annual book on China's social situation • In regular contact with journalist Ching Cheong (see below) 	<p>Charge</p> <ul style="list-style-type: none"> • Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> • Passing information on leadership talks to Ching Cheong, convicted of spying for Taiwan • Writing articles for <i>Singapore Straits Times</i> over the past few years, including three or four articles that state investigators said contained "high-level state secrets" 	<ul style="list-style-type: none"> • Detention: April 2005 • Trial: August 16, 2006, Beijing No. 2 Intermediate People's Court • Sentence: 20 years' imprisonment, December 18, 2006 • Appeal: Reportedly filed 	<ul style="list-style-type: none"> • Denied the right to choose his own lawyer; court-appointed attorney provided representation • Closed trial (wife was refused entry)

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Ma Tao [马涛]	<ul style="list-style-type: none"> • Editor for national health publication, <i>China Health Education News</i> • 29 years old at time of arrest • Married to Wu Shishen, with whom she was arrested and tried 	<p>Charge</p> <ul style="list-style-type: none"> • Illegally providing state secrets abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> • Handing over a document obtained by Wu Shishen (see below) to a Hong Kong reporter 	<ul style="list-style-type: none"> • Detention: October 26, 1992, with husband Wu Shishen • Arrest: November 6, 1992 • Sentence: 6 years' imprisonment; 1 year subsequent deprivation of political rights, August 30, 1993, Beijing Intermediate People's Court • Appeal: Denied, October 5, 1993, Beijing Higher People's Court • Release: No confirmation that projected release in November 1998 was carried out 	<ul style="list-style-type: none"> • Closed trial
Qu Wei [曲炜]	<ul style="list-style-type: none"> • Born 1954 • Senior official in charge of propaganda work directed at Taiwan, editor of <i>Taiwan Union Bulletin</i> • Published many articles on cross-strait relations, had extensive contacts with scholars working on Taiwan-related issues 	<p>Charge</p> <ul style="list-style-type: none"> • Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> • Leaking secrets, including some published materials he passed to Gao Zhan 	<ul style="list-style-type: none"> • Detention: February 10, 2001 • Trial: July 24, 2001, Beijing No. 1 Intermediate People's Court • Sentence: 13 years' imprisonment; 3 years' subsequent deprivation of political rights²⁰ 	
Rebiya Kadeer [热比亚卡德尔]	<ul style="list-style-type: none"> • Born 1946 • Uyghur businesswoman • Representative of XUAR National People's Congress (NPC), and served as a delegate to the 1995 United Nations World Conference on Women in Beijing 	<p>Charge</p> <ul style="list-style-type: none"> • Illegally providing state secrets abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> • Sending her husband, who fled to the US in 1996, clippings from XUAR newspapers • Bringing copies of local newspapers and other information concerning human rights abuses in the XUAR to a meeting with visiting U.S. congressional staff in China but was detained en route (August 1999) 	<ul style="list-style-type: none"> • Formal arrest: September 2, 1999 • Sentence: 8 years' imprisonment, March 10, 2000, Urumqi Intermediate People's Court • Sentence reduction: 1 year reduction, March 3, 2004, for "good behavior" • Release: Medical parole, March 17, 2005, following international pressure 	<ul style="list-style-type: none"> • Family reprisals: Following her exile in the U.S., her sons and daughters have been subject to pressure and harassment; her sons and daughters have also been held under house arrest and in detention, and two sons have been convicted of tax evasion and another convicted of state security crimes.

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Shi Tao [师涛]	<ul style="list-style-type: none"> Born 1968, Taiyuan City, Shanxi Province Journalist for <i>Dangdai Shangbao</i> (<i>Contemporary Business News</i>) prior to arrest Online essayist on overseas Internet forums 	<p>Charge</p> <ul style="list-style-type: none"> Illegally supplying state secrets abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> Posting on an overseas Web site, <i>Democracy Newsletter</i>, a summary of an official document alerting journalists to possible social instability around the 15th anniversary of the violent suppression of the 1989 democracy movement Article traced back to Shi with the assistance of Yahoo! Holdings (HK), Ltd. 	<ul style="list-style-type: none"> Detention: November 24, 2004 Formal arrest: December 14, 2004 Indictment: Sent to Changsha Municipal Intermediate People's Court, January 31, 2005. Trial: April 27, 2005 Sentence: 10 years' imprisonment; 2 years' subsequent deprivation of political rights Appeal: Denied, June 2, 2005, Hunan Province Higher People's Court 	<ul style="list-style-type: none"> Closed trial
Shi Xiaolong [史晓龙]	<ul style="list-style-type: none"> Senior administrative staff at Chinese People's Public Security University Responsible for safeguarding the examination paper for College English Test (Grade 4) 	<p>Charge</p> <ul style="list-style-type: none"> Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Intentionally passing examination paper for College English Test (Grade 4) to Cao Yu (see above), a teacher at the training center affiliated with the Oriental University City, who then posted the contents of the examination paper on the center's website 	<ul style="list-style-type: none"> Indictment: April 23, 2004, People's Procuratorate Sentence: 3 years' imprisonment, June 2, 2004, Beijing No. 1 Intermediate Court 	<ul style="list-style-type: none"> Closed trial
Song Yongyi [宋永毅]	<ul style="list-style-type: none"> Born 1950 Obtained two Master's degrees in US Librarian at Dickinson College, Pennsylvania (1995) Conducted research trips to China in the 1990s to research the Cultural Revolution 	<p>Charge</p> <ul style="list-style-type: none"> Procuring and illegally providing intelligence abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> Buying materials on the Cultural Revolution and conducting research for the library where he worked on a visit to China 	<ul style="list-style-type: none"> Detention: August 6, 1999, Beijing (wife was detained with him, released November 16, 1999) Formal arrest: December 24, 1999 Criminal charges dropped; released January 28, 2000 	
Tan Kai ²¹ [谭凯]	<ul style="list-style-type: none"> Computer repair technician Organized environmental watchdog group, Green Watch (<i>lüse guancha</i>), with Lai Jinbiao, Gao Haibing, Wu Yuanming, Qi Huimin and Yang Jianming 	<p>Charge</p> <ul style="list-style-type: none"> Illegally obtaining state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Creating back-up copy of computer files during a computer repair of employee of the Zhejiang provincial Party Committee 	<ul style="list-style-type: none"> Summons: October 19, 2005, with five other Green Watch members, Hangzhou Public Security Bureau; all but Tan released the day after questioning Arrest: December 7, 2005 Indictment: April 29, 2006 Trial: May 15, 2006 	<ul style="list-style-type: none"> Closed trial Family-appointed lawyers initially refused by Hangzhou Public Security Bureau because the case involved state secrets; permission granted after Tan persisted with another application

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Tan Kai, <i>cont.</i>		<p>Activities believed to have resulted in charges</p> <ul style="list-style-type: none"> Activism in Green Watch—declared an illegal organization by the Zhejiang provincial government on November 15, 2005—and monitoring pollution in Huashui Town, where protests in late March and April 2005 culminated in violent conflict with local police 	<ul style="list-style-type: none"> Sentence: 18 months imprisonment, August 11, 2006, Hangzhou Municipal Intermediate People's Court Appeal: Filed Released: April 19, 2007 	
Tang Tao [唐涛]	<ul style="list-style-type: none"> Born in 1970, Hunan Province Communist Party member; served in the military in Guangdong Province 	<p>Charge</p> <ul style="list-style-type: none"> Leaking state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Providing blacklist of “June 4” activists who were either barred from entering China or subject to arrest or other measures on arrival to brother-in-law, Chen Meng (see above) 	<ul style="list-style-type: none"> Detention: April 19, 1995 Arrest: May 25, 1995 Sentence: 6 years' imprisonment, April 15, 1997, Nanshan District Court of Shenzhen City Release: Planned for April 2001, but current status is unknown 	
Teng Chunyan [滕春燕]	<ul style="list-style-type: none"> Moved from Harbin to the U.S. and obtained U.S. citizenship Acupuncturist, taught Chinese medicine in New York 	<p>Charge</p> <ul style="list-style-type: none"> Gathering and illegally providing intelligence abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> Collecting, in February and March 2000, information about Falun Gong members who had been sent to psychiatric institutions or drug rehabilitation clinics 	<ul style="list-style-type: none"> Trial: November 23, 2000 by the Beijing No. 1 Intermediate Court Sentence: 3 years' imprisonment, December 12, 2000 Imprisonment: After undergoing three months of “study classes,” Teng was sent to the Beijing Women's Prison to serve her sentence Appeal: Denied, May 11, 2001, Beijing Higher People's Court Release: Early release, March 19, 2003, due to “good behavior” 	<ul style="list-style-type: none"> Closed trial
Tian Ye [田野]	<ul style="list-style-type: none"> Vice-director of the general office of the Foreign Affairs Bureau of the People's Bank of China Friend of journalist Xi Yang 	<p>Charge</p> <ul style="list-style-type: none"> Stealing and gathering state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Stealing state financial and economic secrets, including Bank of China international gold policy strategies and plans for modifications on deposit and loan interest rates Passing a document stamped “secret” to journalist and friend Xi Yang (see below) 	<ul style="list-style-type: none"> Sentence: 15 years' imprisonment; 3 years' subsequent deprivation of political rights, March 28, 1994, Beijing No.1 Intermediate People's Court Appeal: Denied, April 15, 1994 	<ul style="list-style-type: none"> Closed trial

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Tohti Tunyaz [图尼亚孜]	<ul style="list-style-type: none"> Also known as Tohti Muzart (pen name) Graduated from Beijing Minorities Institute (1984), sent to work for the Standing Committee of the NPC Pursued Ph.D. in Japan on the history of China's ethnic minorities (1995) 	<p>Charges</p> <ul style="list-style-type: none"> Stealing state secrets for individuals abroad Inciting separatism <p>Activities Alleged</p> <ul style="list-style-type: none"> Stealing records that were more than 50 years old obtained from and photocopied by a library worker 	<ul style="list-style-type: none"> Arrest: February 6, 1998 (upon return to China to collect research materials for his Ph.D. thesis) Charge: November 10, 1998 Sentence: 11 years' imprisonment; 2 years' subsequent deprivation of political rights, March 10, 1999, Urumqi Intermediate People's Court ²² Appeal: Denied, February 15, 2000, XUAR Higher People's Court Status: Serving sentence in XUAR No. 3 Prison in Urumqi Projected release: March 31, 2009²³ 	<ul style="list-style-type: none"> Detained for more than two years prior to trial Reportedly interrogated daily Closed trial No access to family
Wang Zhiwen ²⁴ [王治(志)文]	<ul style="list-style-type: none"> Engineer, living in Beijing 	<p>Charges</p> <ul style="list-style-type: none"> Organizing and using a heretical sect to undermine implementation of the law Using a heretical sect to cause death Illegally obtaining state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Holding a leadership position in the Falun Gong. Helping organize a demonstration of thousands of Falun Gong practitioners at Zhongnanhai, April 25, 1999²⁵ Exact nature of state secrets obtained, unknown 	<ul style="list-style-type: none"> Detention: July 20, 1999 Formal arrest: October 19, 1999 Indictment: November 19, 1999 Trial: with Li Chang, Ji Liewu, and Yao Jie Sentence: 16 years' imprisonment, December 26, 1999 	
Wu Shishen (Wu Shisen) ²⁶ [吴士深]	<ul style="list-style-type: none"> Born 1960 Editor for Xinhua News Agency Married to Ma Tao 	<p>Charge</p> <ul style="list-style-type: none"> Illegally providing state secrets abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> Leaking advance copy of Party leader Jiang Zemin's speech to the 14th Party Congress to a Hong Kong reporter 	<ul style="list-style-type: none"> Detention: October 26, 1992, with wife Ma Tao (see above) Formal arrest: November 6, 1992 Sentence: Life imprisonment, August 30, 1993, Beijing Intermediate People's Court. Appeal: Denied, October 5, 1993, Beijing Higher People's Court Release: August 2, 2005, following international pressure 	<ul style="list-style-type: none"> Closed trial

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Xi Yang [席扬]	<ul style="list-style-type: none"> Reporter for Hong Kong newspaper <i>Ming Pao</i> Mainland-born Hong Kong resident 	<p>Charge</p> <ul style="list-style-type: none"> Stealing and gathering state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Gathering and stealing state financial and economic secrets not yet officially released related to article he wrote discussing Bank of China international gold policy and strategies 	<ul style="list-style-type: none"> Detention: September 27, 1993 Formal arrest: October 7, 1993 Sentence: 12 years' imprisonment and 2 years' subsequent deprivation of political rights, March 28, 1994, Beijing No.1 Intermediate People's Court Appeal: Denied, April 15, 1994 Release: On parole, January 26, 1997 	<ul style="list-style-type: none"> Closed trial
Xiu Yichun [修宜春]	<ul style="list-style-type: none"> Senior Chinese manager, Royal Dutch Shell 	<p>Charge</p> <ul style="list-style-type: none"> Reportedly obtaining state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Obtaining state secrets related to plans of Royal Dutch Shell to build an oil refinery in Huizhou, east of Hong Kong, with a counterpart at the China National Offshore Oil Corporation (CNOOC) Information involved the financing and environmental implications of the project 	<ul style="list-style-type: none"> Detention: Early February, 1996 	<ul style="list-style-type: none"> Held incommunicado for almost one year
Xu Yonghai [徐永海]	<ul style="list-style-type: none"> Born 1960 Psychiatric doctor in Beijing hospital Imprisoned for two years for taking part in Wang Dan's democracy campaign Released, 1997; subsequently detained and released, and harassed 	<p>Charge</p> <ul style="list-style-type: none"> Illegally providing state secrets to foreign organizations <p>Activities Alleged</p> <ul style="list-style-type: none"> Providing Liu Fenggang (see above) with 1,000 yuan to go to Liaoning Province to see underground Christian in an RTL camp Passing article that Liu wrote on his findings to an overseas magazine for publication 	<ul style="list-style-type: none"> Detention: November 9, 2003 Arrest: December 4, 2003 Trial: May 14, 2004, with Liu Fenggang and Zhang Shengqi (see below), Hangzhou City Intermediate People's Court Inconclusive evidence: Court placed the three under residential surveillance New trial: August 6, 2004, Hangzhou Intermediate People's Court Sentence: 2 years' imprisonment Release: January 29, 2006 	<ul style="list-style-type: none"> Closed trial Court took no account of the evidence that had been considered invalid in the initial trial, and still found Xu guilty²⁷ Residence surveillance improperly imposed

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
<p>Xu Zerong (David Tsui) [徐泽荣]</p>	<ul style="list-style-type: none"> • Born in Guangzhou • Graduate of Fudan University (1982) • Moved to Hong Kong in 1985 • Guangdong Academy of Social Sciences staff member; Research Associate Professor at Zhongshan University Southeast Asia Institute • Helped found <i>The Chinese Social Sciences Quarterly</i> 	<p>Charges</p> <ul style="list-style-type: none"> • Illegally providing state secrets abroad • Illegal business activities <p>Activities Alleged</p> <ul style="list-style-type: none"> • Providing intelligence to individuals overseas (1992), including 4 books on the Korean War, whose contents contained information on the policy-making process of top leaders; books sent by the court for verification and determined to be top-secret level documents that had not yet been declassified • Illegally printing and selling large quantities of books in Shenzhen from 1993 to 2000 	<ul style="list-style-type: none"> • Detention: June 24, 2000 • Formal arrest: July 29, 2000 • Indictment: July 16, 2001 by the Shenzhen People's Procuratorate. • Trial: August 7, 2001, Shenzhen Intermediate People's Court • Sentence: 10 years' imprisonment for illegally providing intelligence abroad; 5 years' imprisonment for illegal business activities • Appeal: upheld the portion of the verdict of "illegal business activities" but overturned the court determination of the crime of illegally providing intelligence abroad and applied the same sentence for the crime of illegally providing state secrets abroad, December 2002, Guangdong Higher People's Court²⁸ • Status: Serving sentence in Dongguan Prison, Guangdong • Projected release: September 2012 (sentence reduced by nine months) 	<ul style="list-style-type: none"> • Closed trial
<p>Yao Jie²⁹ [姚洁]</p>	<ul style="list-style-type: none"> • Born 1960 • Leader of the CPC committee of a large real estate company 	<p>Charges</p> <ul style="list-style-type: none"> • Organizing and using a heretical sect to undermine implementation of the law • Using a heretical sect to cause death • Illegally obtaining state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> • Holding a leadership position in the Falun Gong • Helping organize a demonstration of thousands of Falun Gong practitioners, Zhongnanhai, April 25, 1999³⁰ • Exact nature of state secrets obtained, unknown 	<ul style="list-style-type: none"> • Detention: July 20, 1999 • Formal arrest: October 19, 1999 • Indictment: November 19, 1999, Beijing People's Procuratorate • Sentence: 7 years' imprisonment, December 26, 1999 • Trial: With Li Chang, Ji Liewu, and Wang Zhiwen • Release: Medical parole, August 22, 2000 • New detention: February 2, 2001, to complete her sentence 	

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Yu Meisun [俞梅森]	<ul style="list-style-type: none"> Secretary for Gu Ming, former deputy director of the State Council Office and vice-chairman of the Legal Committee of the Seventh NPC Associate law professor, Peking University 	<p>Charge</p> <ul style="list-style-type: none"> Leaking important state secrets <p>Activities Alleged</p> <ul style="list-style-type: none"> Showing CPC Central Committee and State Council documents to Wang Jienan, head of the Beijing Bureau of the Shanghai newspaper <i>Wenhuibao</i> Though Yu made clear that Wang could not make copies, he did so secretly, reporting the information in the newspapers 	<ul style="list-style-type: none"> Detention: January 3, 1994, Beijing State Security Bureau Sentence: 3 years' imprisonment, early August 1994, Beijing Intermediate People's Court Release: January 1997 	
Zhang Shanguang [张善光]	<ul style="list-style-type: none"> Born 1974 Primary and middle school teacher and business person Joined the democracy movement in 1989 and organized activities for the Hunan Workers Autonomous Federation Petitioned for the release of China Democracy Party's Wang Donghai, Wang Youcai and others Previously sentenced to 7 years' imprisonment on charges of counter-revolutionary propaganda, released in 1996 	<p>Charge</p> <ul style="list-style-type: none"> Illegally providing intelligence abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> Giving telephone interviews to reporters, including a reporter from Radio Free Asia, during which information about demonstrations near his home and about a kidnapping case under investigation was disclosed Attempting to register Association to Protect the Rights and Interests of Laid-Off Workers, Xupu County 	<ul style="list-style-type: none"> Detention: July 21, 1998 Formal arrest: August 28, 1998 Sentence: 10 years' imprisonment, December 27, 1998 Appeal: Denied, May 2000, Hunan Province Higher People's Court Status: In prison, Hunan Provincial No. 1 Prison 	<ul style="list-style-type: none"> Closed trial Denied access to family
Zhang Shengqi [张胜棋]	<ul style="list-style-type: none"> Born 1974 Computer technician 	<p>Charge</p> <ul style="list-style-type: none"> Illegally providing state secrets to foreign organizations <p>Activities Alleged</p> <ul style="list-style-type: none"> Transcribing and sending by email an essay written by Liu Fenggang in 2003 detailing his experience of being interrogated by the police 	<ul style="list-style-type: none"> Detention: November 17, 2003 Trial: May 14, 2004, with Xu Yonghai and Liu Fenggang (see above), Hangzhou City Intermediate People's Court Inconclusive evidence: Court placed the three defendants under residential surveillance Second trial: August 6, 2004, Hangzhou Intermediate People's Court Sentence: 1 year imprisonment Release: February 7, 2005 	<ul style="list-style-type: none"> Closed trial Evidence not authorized properly Residence surveillance improperly imposed

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Zhao Yan [赵岩]	<ul style="list-style-type: none"> Born in 1962 Graduated from Heilongjiang University Journalist with <i>China Reform</i>, an official publication, reporting on rural issues and official corruption Joined the <i>New York Times</i> Beijing bureau as a researcher (April 2004) 	<p>Charges</p> <ul style="list-style-type: none"> Illegally providing state secrets abroad Fraud (charge added June 1, 2005³¹) <p>Activities Alleged</p> <ul style="list-style-type: none"> Requesting 20,000 <i>yuan</i> from a peasant in exchange for advising him on how to avoid prison³² Leaking confidential information concerning Jiang Zemin's resignation as Chairman of the Central Military Commission before it was officially announced 	<ul style="list-style-type: none"> Detention: September 16, 2004 Formal arrest: around October 20, 2004 Trial: June 16, 2006, Beijing No. 2 Intermediate People's Court Verdict delayed: Court announced verdict to be delayed on June 23, 2006 Verdict: State secrets charges dismissed; guilty of fraud, Beijing No. 2 Intermediate People's Court Sentence: 3 years' imprisonment Appeal: September 4, 2006, Zhao filed an appeal; appeal denied, December 1, 2006, Beijing Higher People's Court Projected release: September 2007 	<ul style="list-style-type: none"> Detained nearly 2 years without trial Family notified only 34 days after his detention No access to family and lawyer Closed trial Not allowed to testify, present evidence or call witnesses in the appeal hearing, which lasted only 5 minutes
Zhao Lei [赵蕾]	<ul style="list-style-type: none"> Translator for foreign correspondents in Beijing Married to Bai Weiji (see above) 	<p>Charge</p> <ul style="list-style-type: none"> Illegally providing state secrets abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> Translating state secrets documents for her husband Bai Weiji that were passed to Lena Sun, a correspondent for the <i>Washington Post</i>; documents confiscated May 17, 1992 	<ul style="list-style-type: none"> Detention: April 21, 1993, Beijing. Trial: With her husband Bai Weiji Sentence: 6 years' imprisonment, May 20, 1993, Beijing Intermediate People's Court Appeal: Denied, July 1993, Beijing Higher People's Court Release: October 1998 	<ul style="list-style-type: none"> Denied public trial Closed trial
Zheng Enchong [郑恩宠]	<ul style="list-style-type: none"> Lawyer Assisted in over 500 cases of forced eviction stemming from urban redevelopment in Shanghai At time of detention in June 2003, was advising six Shanghai families in a lawsuit against Shanghai's Jing'an District Property Development Bureau 	<p>Charge</p> <ul style="list-style-type: none"> Illegally providing state secrets abroad <p>Activities Alleged</p> <ul style="list-style-type: none"> Disseminating information about events and news articles to international organizations and press Sending two faxes to Human Rights in China (HRIC), May 23 and May 28, 2003 containing information about the Shanghai Public Security Bureau's handling of a demonstration held by workers at the Shanghai Yimin Food Products No. 1 Factory, and the Xinhua 	<ul style="list-style-type: none"> Detention: June 6, 2003 Formal arrest: June 18, 2003 Indictment: August 15, 2003, Shanghai People's Procuratorate Trial: August 28, 2003, Shanghai No. 2 Intermediate People's Court Sentence: 3 years' imprisonment; one year's subsequent deprivation of political rights, October 28, 2003 Appeal: Denied, December 18, 2003 Release: June 5, 2006 New detention: July 12, 2006 for several hours along with 	<ul style="list-style-type: none"> Limited access to lawyers before trial; only two short visits allowed on August 22 and August 26, 2003, several days before his trial Closed trial Continued harassment following his release

A. INDIVIDUALS CHARGED WITH STATE SECRETS OFFENSES, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Zheng Enchong, <i>cont.</i>		News Agency's "selected internal briefing," also publicly available	his wife on suspicion of "impeding officials of state organs in the execution of their duties . . . during a period of deprivation of political rights"	

B. INDIVIDUALS LIKELY DENIED PROCEDURAL PROTECTIONS ON STATE SECRETS GROUNDS

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Huseyin Cellil [赛利尔]	<ul style="list-style-type: none"> Born 1969, Kashgar, XUAR Granted UNHCR refugee status (2001), resettled in Canada,³³ became citizen (2005) Imam, Hamilton Mosque, Ontario 	<p>Charge</p> <ul style="list-style-type: none"> Unknown <p>Activities alleged</p> <ul style="list-style-type: none"> Unknown; Ministry of Foreign Affairs states he was involved in terrorist activities³⁴ <p>Activities believed to have resulted in charges</p> <ul style="list-style-type: none"> Religious and political activism in XUAR 	<ul style="list-style-type: none"> Arrest: 1994 on allegations of forming a political party Escape: fled to Turkey after serving a month in prison; gained political asylum in Canada (2001)³⁵ Detention: March 27, 2006, Tashkent, Uzbekistan Extradition: June, 2006, to PRC Trial: Reportedly tried February 2, 2007 in Urumqi, XUAR³⁶ Sentenced: April 19, 2007 to life imprisonment for separatism and terrorist activities, Urumqi Intermediate People's Court 	<ul style="list-style-type: none"> Denied access to family during detention Reportedly tortured to force signature on confession Cellil's complaints concerning court appointed lawyer ignored and request to choose another lawyer denied Denied access to Canadian Consular officials before and after extradition
Chen Guangcheng [陈光诚]	<ul style="list-style-type: none"> Self-taught blind activist lawyer 	<p>Charges</p> <ul style="list-style-type: none"> Damaging public property Gathering people to block traffic <p>Activities alleged</p> <ul style="list-style-type: none"> Participating in a hunger strike and calling for the defense of human rights (March 2006) <p>Activities believed to have resulted in charges</p> <ul style="list-style-type: none"> Recording the stories of abuse of villagers, Linyi City, Shandong Province (March 2005) Publishing a report on abuses by family planning officials on a Web site (June 10, 2005) Filing a class-action lawsuit against the city of Linyi over its official policy of forced abortions and sterilizations (June 21, 2005) 	<ul style="list-style-type: none"> Residential surveillance: August 12, 2005³⁷ Detention: March 2006 Charge: June 10, 2006 Sentence: 4 years and 3 months' imprisonment, August 24, 2006, Yinan County Court Appeal: Verdict overturned; new trial ordered, October 31, 2006, Linyi Intermediate People's Court Retrial: November 27, 2006, Yinan County Court Verdict: Sentence upheld, December 1, 2006, Yinan County Court Appeal: Denied, January 12, 2007, Linyi Intermediate People's Court 	<ul style="list-style-type: none"> Detained for three months without notification to family or access to lawyers Family-appointed lawyers rejected, harassed and even detained by authorities Two lawyers appointed for Chen against his wishes one hour before his first trial No oral argument permitted at appeal
Ching Cheong [程翔]	<ul style="list-style-type: none"> Formerly journalist with Hong Kong's <i>Wen Wei Po</i>; resigned after the Tiananmen crackdown (1989) Chief China correspondent for the Singapore newspaper <i>The Straights Times</i> 	<p>Charge</p> <ul style="list-style-type: none"> Espionage <p>Activities alleged</p> <ul style="list-style-type: none"> Buying information containing state secrets and passing it to Taiwan's intelligence services over a period of five years from mid-2000 to March 2005 <p>Activities believed to have resulted in charges</p> <ul style="list-style-type: none"> Attempting to obtain a manuscript of an interview with the 	<ul style="list-style-type: none"> Detention: April 22, 2005 Formal arrest: August 5, 2005 Supplementary investigation: Insufficient evidence, case sent back to Beijing State Security Bureau, February 2006 Sentence: 5 years' imprisonment; 1 year's deprivation of political rights, August 31, 2006, 	<ul style="list-style-type: none"> Detained without charge for four months Detained for over 12 months before trial Denied access to family and lawyers Closed trial

B. INDIVIDUALS LIKELY DENIED PROCEDURAL PROTECTIONS ON STATE SECRETS GROUNDS, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Ching Cheong, <i>cont.</i>		late Chinese leader Zhao Ziyang (April 2005)	Beijing No. 2 Intermediate People's Court ³⁸ <ul style="list-style-type: none"> • Appeal: Denied, November 24, 2006, Beijing Higher People's Court • Status: Transferred to a Guangzhou prison to serve out his sentence³⁹ • Projected release: August 3, 2010 	
Gao Zhan [高瞻]	<ul style="list-style-type: none"> • Political scientist, American University, Washington, DC • Chinese citizen; U.S. green card 	<p>Charge</p> <ul style="list-style-type: none"> • Spying for Taiwan <p>Activities alleged</p> <ul style="list-style-type: none"> • Involved in activities of endangering state security • Accepting missions from overseas intelligence agencies; taking funds for spying activities in mainland China. 	<ul style="list-style-type: none"> • Detention: February 11, 2001 • Formal charge: March 27, 2001 • Sentence: 10 years' imprisonment, July 24, 2001, Beijing No.1 Intermediate People's Court • Release: Medical parole, July 25, 2001 • Deportation: to U.S., July 26, 2001 	<ul style="list-style-type: none"> • Denied access to family and lawyers for five months after detention • Closed trial • Husband and US Consular officials denied access to trial
Gao Zhisheng [高智晟]	<ul style="list-style-type: none"> • Human rights lawyer who defended underground Christians, dissidents and other human rights activists • License to practice law revoked in 2005 	<p>Charge</p> <ul style="list-style-type: none"> • Inciting subversion <p>Activities alleged</p> <ul style="list-style-type: none"> • Organizing hunger strike, calling attention to the attack on activist-lawyer Guo Feixiong (February 2006) 	<ul style="list-style-type: none"> • Residential surveillance: March 2006 • Detention: August 16, 2006 • Formal arrest: September 21, 2006 • Formal Charge: October 12, 2006 • Trial: December 12, 2006, Beijing No. 1 Intermediate People's Court • Sentence: 3 years' imprisonment with a 5-year reprieve; 1-year deprivation of political rights, December 22, 2006; subsequently released⁴⁰ 	<ul style="list-style-type: none"> • Denied access to family-appointed lawyers during detention • Closed trial
Hada [哈達]	<ul style="list-style-type: none"> • Political activist, Inner Mongolia Autonomous Region (IMAR) • A founder of the Southern Mongolian Democratic Alliance (SMDA) 	<p>Charges</p> <ul style="list-style-type: none"> • Espionage • Separatism <p>Activities alleged</p> <ul style="list-style-type: none"> • Forming and organizing the SMDA (declared illegal in December 1995), an organization engaged in separatist activities, and writing the organization's by-laws 	<ul style="list-style-type: none"> • Detention: December 11, 1995 • Formal arrest: March 9, 1996 • Indictment: August 19, 1996 • Trial: November 11, 1996, Hohhot Municipal Intermediate People's Court • Sentence: 15 years' 	<ul style="list-style-type: none"> • Closed trial

B. INDIVIDUALS LIKELY DENIED PROCEDURAL PROTECTIONS ON STATE SECRETS GROUNDS, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Hada, <i>cont.</i>		<ul style="list-style-type: none"> Organizing conferences and “political training sessions” with the SMDA Publishing separatist articles and an underground journal with the SMDA (<i>The Voice of Southern Mongolia</i>) and wrote a book (<i>The Way Out of Southern Mongolia</i>), detailing information regarding abuse of Mongolians by the authorities 	<p>imprisonment; 4 years’ subsequent deprivation of political rights for inciting separatism and espionage</p> <ul style="list-style-type: none"> Appeal: Denied, January 24, 1997, Inner Mongolia Supreme People’s Court Status: Chifeng Prison, Inner Mongolia⁴¹ 	
Huang Qi [黄琦]	<ul style="list-style-type: none"> Internet essayist, owner of Tianwang website 	<p>Charge</p> <ul style="list-style-type: none"> Inciting subversion of state power <p>Activities alleged</p> <ul style="list-style-type: none"> Posting subversive material on his website (www.6-4tianwang.com) between March and June 2000, on matters such as “democracy,” “June 4,” and “Falun Gong” Using “rumor-mongering and defamation” to incite subversion of state power and overthrow China’s socialist system 	<ul style="list-style-type: none"> Arrest: June 2, 2000 Formal charge: August 21, 2000 Trial: January 2001, Chengdu Intermediate People’s Court Sentence: 5 years’ imprisonment, May 9, 2003 Appeal: Denied, August 2003, Sichuan Higher People’s Court Release: June 5, 2005 	<ul style="list-style-type: none"> Denied access to family during detention; family was allowed to visit once in May 2003 Closed trial
Li Zhi [李志]	<ul style="list-style-type: none"> Internet essayist, expressing critical political views of the government 	<p>Charge</p> <ul style="list-style-type: none"> Inciting subversion of state power <p>Activities alleged</p> <ul style="list-style-type: none"> Posting reactionary essays on the Internet Communicating with overseas dissidents in Internet chat rooms; evidence used included that provided by Yahoo! Holdings (HK) Ltd., connecting Li Zhi to the yahoo.com.cn e-mail address used to send postings to Internet chat rooms 	<ul style="list-style-type: none"> Initial detention: August 8, 2003 Formal detention: August 11, 2003 Formal arrest: September 3, 2003 Trial: December 10, 2003, Dazhou City Intermediate People’s Court Sentence: 8 years’ imprisonment; 4 years’ subsequent deprivation of political rights Appeal: Denied, February 26, 2004, Sichuan Province Higher People’s Court 	<ul style="list-style-type: none"> Closed trial Met defense lawyers only 10 minutes before his trial Lawyers only allowed to submit written argument for appeal

B. INDIVIDUALS LIKELY DENIED PROCEDURAL PROTECTIONS ON STATE SECRETS GROUNDS, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Qin Guangguang [覃光广]	<ul style="list-style-type: none"> • U.S. green-card holder • Former editor, <i>China Economic Information News</i> (1986–1989) • Visiting scholar at several universities in the U.S. (1989–1992) • Research work on ethnic minorities in China (1994) 	<p>Charge</p> <ul style="list-style-type: none"> • Leaking state secrets <p>Activities alleged</p> <ul style="list-style-type: none"> • Providing information to Taiwan intelligence personnel on China's economy and changes in top leadership 	<ul style="list-style-type: none"> • Detention: December 2000, Beijing State Security Bureau • Formal arrest: April 2001 • Sentence: 10 years' imprisonment, July 23, 2001, Beijing No. 1 Intermediate People's Court, for spying for Taiwan • Release: Medical parole, July 26, 2001 • Return to the US: August 8, 2001 	<ul style="list-style-type: none"> • Denied access to lawyers and family members in the pre-trial period • Closed trial
Sang Jiancheng [桑坚城]	<ul style="list-style-type: none"> • Born in 1942 • Imprisoned in the late 1970s for taking part in the China Democracy Wall movement • Retired real estate broker in Shanghai 	<p>Charge</p> <ul style="list-style-type: none"> • Inciting subversion of state power <p>Activities alleged</p> <ul style="list-style-type: none"> • Distributing copies of an open letter to the 16th Party Congress signed by 162 dissidents, calling on the government to reassess the verdict on the 1989 Tiananmen Square incident and release prisoners of conscience (November 2002) 	<ul style="list-style-type: none"> • Detention: November 10, 2002 • Formal arrest: December 18, 2002 • Indictment: June 5, 2003, Shanghai People's Procuratorate • Sentence: 3 years' imprisonment, January 9, 2004 	
Tao Haidong [陶海东]	<ul style="list-style-type: none"> • Outspoken internet essayist, actively posted his views in on-line discussion groups under his real name 	<p>Charge</p> <ul style="list-style-type: none"> • Inciting subversion of state power <p>Activities alleged</p> <ul style="list-style-type: none"> • Receiving 500 <i>yuan</i> from a foreign organization to post "subversive" articles, predicting the collapse of China's economy and describing China as the modern world's largest base of feudalism, on Chinese and overseas Web sites (official state newspaper, <i>Urumqi Metropolitan News</i>) • Slandering Chinese leaders <p>Activities believed to have resulted in charges</p> <ul style="list-style-type: none"> • Writing and publishing articles on the <i>Democracy Forum</i> website and other websites that focused on political and legal reform in China • Writing in an essay, "Strategies for China's Social Reforms," that "the Communist Party of 	<ul style="list-style-type: none"> • Detention: July 9, 2003 • Trial: January 8, 2003, Urumqi People's Intermediate Court • Sentence: 7 years' imprisonment; 3 years' subsequent deprivation of political rights, February 16, 2003 • Appeal: Denied, XUAR Higher People's Court 	<ul style="list-style-type: none"> • Whereabouts unknown until trial was reported in a state newspaper • Closed trial

B. INDIVIDUALS LIKELY DENIED PROCEDURAL PROTECTIONS ON STATE SECRETS GROUNDS, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Tao Haidong, <i>cont.</i>		China (CPC) and democracy activists throughout society should unite to push forward China's freedom and democratic development or else stand condemned through the ages"		
Tenzin Delek Rinpoche (Trulku Tenzin Delek) [阿安扎西]	<ul style="list-style-type: none"> Influential and highly respected Tibetan Buddhist leader Recognized by the Dalai Lama as a tulku, a reincarnated religious teacher 	<p>Charges</p> <ul style="list-style-type: none"> Causing explosions Inciting separatism <p>Activities alleged</p> <ul style="list-style-type: none"> Involvement in "splittist activities," taking part in "causing explosions," central Chengdu, April 3, 2002 <p>Activities believed to have resulted in charges</p> <ul style="list-style-type: none"> Attempting to set up monasteries and schools for children from poor local families in Nyagchu area in Lithang, eastern Tibet Was ordered by the authorities to close a school; 20,000 local people reportedly signed a petition in his support (2000) Traveling and teaching in Kardze prefecture (2000–April 2002)⁴² 	<ul style="list-style-type: none"> Arrest: April 7, 2002, during police raid, Jamyang Choekhorling Monastery, Kardze Trial: November 29, 2002, Kardze Intermediate People's Court Sentence: death sentence with two-year reprieve, December 2, 2002 Appeal: Denied, January 23, 2003, Sichuan Higher People's Court⁴³ Sentence commuted: life imprisonment, January 2005⁴⁴ 	<ul style="list-style-type: none"> Family-appointed lawyers denied, two court-appointed lawyers provided instead Unclear if he was actually represented by lawyers Restricted access to trial
Wu Jianmin [吴建民]	<ul style="list-style-type: none"> Born 1951, Hebei Province Reporter for <i>Shenzhen Youth News</i> from 1986 to 1988 Left China for U.S. in 1988, became citizen in 1996 Under pen name, published, in Taiwan, <i>The Tiananmen Papers</i> 	<p>Charges</p> <ul style="list-style-type: none"> Spying Endangering state security <p>Activities Alleged</p> <ul style="list-style-type: none"> Joining a Taiwanese espionage organization and going into China on several occasions to gather intelligence 	<ul style="list-style-type: none"> Detention: April 8, 2001 US Embassy notified: April 10, 2001; visited by consular official, April 14, 2001 Formal arrest: May 26, 2001 Release: September 28, 2001, expelled from country 	
Xu Wanping [许万平]	<ul style="list-style-type: none"> Human rights activist Previously imprisoned for involvement in the 1989 Tiananmen democracy protests 	<p>Charge</p> <ul style="list-style-type: none"> Inciting subversion of state power <p>Activities alleged</p> <ul style="list-style-type: none"> Participating in a signature campaign related to an anti-Japanese protest in 2005 Recruiting members on behalf of the outlawed China Democracy Party 	<ul style="list-style-type: none"> Detention: April 30, 2005 Formal charge: May 24, 2005 Sentence: 12 years' imprisonment; 4 years' subsequent deprivation of political rights, December 2005, Chongqing No.1 Intermediate People's Court Appeal: Denied, February 28, 2006, Chongqing Municipal Higher People's Court 	<ul style="list-style-type: none"> Detained by public security police without a warrant Denied access to family-appointed lawyer Family refused visitation rights Closed trial

B. INDIVIDUALS LIKELY DENIED PROCEDURAL PROTECTIONS ON STATE SECRETS GROUNDS, cont.

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Xu Wenli [徐文立]	<ul style="list-style-type: none"> Previously imprisoned for 12 years for participation in the Democracy Wall Movement A founding member of the China Democracy Party (CDP) 	<p>Charge</p> <ul style="list-style-type: none"> Endangering state security <p>Activities alleged</p> <ul style="list-style-type: none"> Founding and recruiting members for the CDP in Beijing and Tianjin Attempting to establish a human rights monitoring group and publishing two unauthorized issues of a newsletter on March 23–24, 1998 	<ul style="list-style-type: none"> Arrest: November 30, 1998 Trial: December 12, 1998, Beijing No.1 Intermediate People's Court⁴⁵ Sentence: 13 years' imprisonment; 3 years' subsequent deprivation of political rights, December 21, 1998 Release: Medical parole, December 24, 2002 	<ul style="list-style-type: none"> Only his wife was permitted to attend the hearing
Xiao Yunliang [肖雲良]	<ul style="list-style-type: none"> Former worker, Liaoyang Ferroalloy Factory Led workers in a series of protests alleging corruption in factory and demanding back pay (2002–2003) 	<p>Charges</p> <ul style="list-style-type: none"> Illegal assembly and demonstration Subversion of state power <p>Activities alleged</p> <ul style="list-style-type: none"> Leading approximately 2,000 workers from the Liaoyang Ferroalloy Factory, and 15,000 workers from other factories, in a series of major public demonstrations with Yao Fuxin (see below) (March 2002) Protesting alleged corruption in the factory and demanding back pay 	<ul style="list-style-type: none"> Detention: March 20, 2002 Formal arrest: March 29, 2002 Trial: January 15, 2003, Liaoyang Intermediate People's Court Sentence: 4 years' imprisonment; 2 years' subsequent deprivation of political rights, May 9, 2003 Appeal: Denied, June 27, 2003 Release: February 23, 2006, 24 days before his four-year jail sentence ended 	<ul style="list-style-type: none"> Closed appeal hearing
Yan Zhengxue [严正学] ⁴⁶	<ul style="list-style-type: none"> Artist from Taizhou, Zhejiang 	<p>Charge</p> <ul style="list-style-type: none"> Inciting subversion of state power <p>Activities alleged</p> <ul style="list-style-type: none"> Participating in a "hostile organization" <p>Activities believed to have resulted in charges</p> <ul style="list-style-type: none"> Assisting farmers in filing lawsuits and petitions against corrupt officials 	<ul style="list-style-type: none"> Detention: October 18, 2006 Indictment: Late January, 2007 Trial: April 5, 2007, Taizhou Intermediate People's Court Sentence: 3 years' imprisonment; 1 year's deprivation of political rights, April 13, 2007⁴⁷ 	<ul style="list-style-type: none"> Denied access to lawyer after detention
Yao Fuxin [姚福信]	<ul style="list-style-type: none"> Former worker, Liaoyang Ferroalloy Factory Led workers in a series of protests alleging corruption in factory and demanding back pay (2002–2003) 	<p>Charges</p> <ul style="list-style-type: none"> Illegal assembly and demonstration Subversion of state power <p>Activities alleged</p> <ul style="list-style-type: none"> Leading approximately 2,000 workers from the Liaoyang Ferroalloy Factory, and 15,000 	<ul style="list-style-type: none"> Detention: March 17, 2002 Formal arrest: March 29, 2002 Trial: January 15, 2003, Liaoyang Intermediate People's Court Sentence: 7 years' imprisonment; 3 years' subse- 	<ul style="list-style-type: none"> Lawyer repeatedly refused access to Yao for over four months Closed appeal hearing

B. INDIVIDUALS LIKELY DENIED PROCEDURAL PROTECTIONS ON STATE SECRETS GROUNDS, *cont.*

NAME	BACKGROUND	CHARGES AND ACTIVITIES ALLEGED	PROCEDURAL HISTORY	PROCEDURAL PROTECTION DEROGATIONS
Yao Fuxin, <i>cont.</i>		workers from other factories, in a series of major public demonstrations with Xiao Yunliang (see above) (March 2002) <ul style="list-style-type: none"> Protesting alleged corruption in the factory and demanding back pay 	quent deprivation of political rights , May 9, 2003 <ul style="list-style-type: none"> Appeal: Denied, June 27, 2003 	
Ulan Shovo [乌兰少布]	<ul style="list-style-type: none"> Former lecturer, Inner Mongolia University, IMAR 	Charge <ul style="list-style-type: none"> Counterrevolutionary propaganda and incitement Activities alleged <ul style="list-style-type: none"> Writing two documents relating to human rights conditions in IMAR that were subsequently released abroad 	<ul style="list-style-type: none"> Arrest: July 31, 1991 Trial: May 16, 1992, Hohhot Municipal Intermediate People's Court Sentence: 5 years' imprisonment, April 13, 1994 Release: Reportedly late 1997 	<ul style="list-style-type: none"> Closed trial
Zhao Changqing [赵常青]	<ul style="list-style-type: none"> Dissident from Shaanxi Formerly imprisoned twice for participation in the 1989 democracy movement and protests against unjust local elections 	Charge <ul style="list-style-type: none"> Inciting subversion of state power Activities believed to have resulted in charges <ul style="list-style-type: none"> Signing, with 191 dissidents from all over the country, an "Open Letter to the 16th Party Congress," calling, in particular, for political reforms, progress with regards to democratization, the protection of humans right in the country, the right to return for exiled Chinese politicians, and the release of prisoners of conscience 	<ul style="list-style-type: none"> Disappearance: November 7, 2002, authorities denied that he was in detention Criminal detention: November 27, 2002 Indictment: December 27, 2002 Sentence: 5 years' imprisonment, August 4, 2003, Xi'an Intermediate People's Court 	<ul style="list-style-type: none"> Closed trial

III

Incidents of Official Cover-Ups

Editors' Note:

The following table provides a collection of incidents in which the Chinese authorities, either at the local level or the central government, have attempted to control the flow of information. The chart highlights a selected number of cover-up incidents including epidemics, fatalities during natural disasters, corruption, incidents of protests and their subsequent crackdowns, and pollution. The lack of transparency and control of information that these cases illustrate has proven to have adverse effects on policy and program design, implementation, monitoring and evaluation by state and non-state actors. It hampers the ability of the Chinese government to analyze and assess situations and form relevant and useful solutions, which brings serious and harmful effects to society. For example, covering up the real scale of the impact of natural disasters could prevent the deployment of effective and efficient rescue efforts. When Typhoon Saomai, the strongest typhoon to hit China in the past half-century, swept the Fujian and Zhejiang shores, the local people were the ones to suffer due to an insufficient disaster response, while officials played down death and casualty figures.

The control of information also limits the ability of non-governmental actors, including civil society organizations, individual activists and business entities to review and assess situations, and contribute to and monitor the protection and promotion of the rights of Chinese people. All of these factors undermine the ability of the Chinese government to build meaningful partnerships with non-governmental actors in formulating relevant and useful solutions to a wide range of human rights issues. The Henan AIDS epidemic is a vivid but tragic example of the damage brought about by the control of information. In the early 1990s, thousands of Henan peasants contracted the HIV virus through selling their blood. The government not only denied the epidemic and did nothing to contain the mass contamination, but also punished individuals and NGOs trying to work on the issue. Cited in the table below are two cases related to this incident: that of Wan Yanhai, who was detained on the basis of “leaking state secrets,” and the intimidation of the highly acclaimed Dr. Gao Yaojie, who criticized official conduct during the epidemic.

Lack of transparency and the control of information have also negatively affected the development of an independent media in China. Many of the cases cited in the table show that a media blackout was ordered by the authorities in order to cover up administrative wrongdoing. Press freedom is a positive force in preventing governmental abuse of power worldwide. Without press freedom, local authorities can easily hide both their own administrative wrongdoings and potentially embarrassing incidents. In real emergencies, no one will know where to turn for reliable information. The 2003 SARS outbreak has already demonstrated how cover-ups and media censorship can be lethal. An uncensored press could speedily disseminate information and potentially save lives.

INCIDENTS OF OFFICIAL COVER-UPS

DATE	EVENT	LOCATION	DESCRIPTION
1994–2002	HIV/AIDS epidemic ⁴⁸	Henan Province	<ul style="list-style-type: none"> • 1994: First case of HIV discovered among Henan blood sellers. • Health authorities (including the Ministry of Health, the Henan Province Department of Health and county health bureaus) hid information. • Blackouts on official websites and in newspapers concerning the seriousness of the AIDS epidemic and the blood-selling network in Henan. The government claimed that it had made great progress in strengthening management of medical organizations and ensuring the safety of the blood supply. • 2000–2002: Some international and domestic journalists who tried to visit the province detained and expelled. • Outspoken critics of the blood collection scandal, including retired Dr. Gao Yaojie (高耀洁), reported harassment by local officials, and were ordered not to speak to the press about Henan's AIDS epidemic. • Police questioned NGO workers offering help and confiscated tapes containing interviews with villagers. • August 2002: AIDS activist Wan Yanhai spent a month in custody on state secrets charges for delivering a government report on the spread of AIDS in Henan to people, the media, and on websites.
2000–present	Avian flu epidemic ⁴⁹	Nationwide	<ul style="list-style-type: none"> • Pre-2003: Chinese officials deny avian flu is present in China. • July 2003: Avian flu pandemic declassified. • 2004: Monitoring and information dissemination system on the disease established. • 2005: <i>Caijing Magazine</i> lists bird flu research in China that took place before 2003, illustrating that the official line was inaccurate. • December 2005: University of Hong Kong virologist accuses authorities of a cover-up because human cases of bird flu have been reported in areas that never announced an outbreak. Only one government-controlled laboratory is officially allowed to conduct bird flu tests, and its findings are not openly shared with foreign experts. • March 6, 2006: 9-year-old girl diagnosed with avian flu dies, Anji, Zhejiang Province. She is the tenth victim in the epidemic. No cases of avian flu reported in Zhejiang, although there are several accounts of infection and death there. • March 18, 2006: at a press conference, National Chief Veterinary Officer and the Director General of Veterinary Bureau says China has adopted a stringent reporting system regarding avian flu and has not covered up incidents. However, several suspected cover-ups are reported at this time, including the discovery of an H5N1-positive chicken smuggled into Hong Kong, suggesting a possible avian flu outbreak in Guangdong Province. Post-press conference, there are repeated pledges of transparency, but cover-up attempts continue to be documented, including: <ul style="list-style-type: none"> • April 2006: Approximately 8,000 chickens culled at a poultry farm in a village in Laixi City, Shandong Province, following the deaths of 400 chickens there. Farm-owner says officials told him not to talk about the cull because of state secrets concerns. Shandong Bird Flu Control Office official subsequently denied a bird flu outbreak.

INCIDENTS OF OFFICIAL COVER-UPS, *cont.*

DATE	EVENT	LOCATION	DESCRIPTION
2000–present	Avian flu epidemic	Nationwide	<ul style="list-style-type: none"> • April 26, 2006: <i>The Wall Street Journal</i> reports that China's bird flu fatalities may be higher than the 12 reported by the central government, as local officials may have concealed suspected cases of avian flu. • June 2006: A letter to the <i>New England Journal of Medicine</i> by eight Chinese researchers reveals that a Beijing man classified as having died of SARS in November 2003 in fact died of H5N1 avian influenza. One researcher is later asked to withdraw the letter. • November 2006: Hong Kong and U.S. researchers publish a paper in the "Proceedings of the National Academy of Science," stating that a new H5N1 virus sub-lineage, "the Fujian-like variant," may have broken out in Hong Kong and Southeast Asia in 2005. Ten days after the release of the findings, the head of the Veterinary Bureau at the Ministry of Agriculture refutes the report findings, saying the data was false and collected without official approval. • November 2006: China is criticized for its slow approach to supplying samples of new strains to the WHO for analysis.
March 2001	School blast ⁵⁰	Wanzai County, Jiangxi Province	<ul style="list-style-type: none"> • March 6, 2001: At least 42 children and teachers die in a blast at Fanglin Primary School. • Villagers claim that pupils were forced to make fireworks during school hours to fund their education. Authorities initially blame a "madman" who allegedly entered the school with explosives and set off the blast. • Villagers also claim that telephone lines were cut immediately after the explosion and police roadblocks were set at the only road into the village. • Sina.com shuts down its chat room in response to a flood of angry comments accusing the government of covering up the explosion. • Premier Zhu Rongji initially denies that fireworks were made at the school, relying on police reports. Ten days after the blast, he revokes his previous statement and orders the Public Security Ministry to send a taskforce to investigate the explosion.
December 2002– July 2003	Severe Acute Respiratory Syndrome (SARS) outbreak ⁵¹	Nationwide	<ul style="list-style-type: none"> • November 2002: First SARS case appears in China. To date, SARS has infected thousands of people and killed nearly 800 worldwide. In China, the deadly virus claimed 348 lives and infected more than 5,300 people. Hong Kong registered 298 deaths out of 1,755 infections. • February 2003: When Hong Kong officials try to confirm media reports on SARS, a Guangdong health official says there is a legal requirement that infectious diseases have to be classified as state secrets. • February 10, 2003: Guangdong health authorities first publicly acknowledge a SARS outbreak. The first case had surfaced in December 2002 in Heyuan, and an investigative team compiled a report at that time, but no one was notified other than the central authorities. • April 10, 2003: When SARS reaches Beijing, local authorities cover it up, especially when the National People's Congress is

INCIDENTS OF OFFICIAL COVER-UPS, *cont.*

DATE	EVENT	LOCATION	DESCRIPTION
			<p>in session. Military doctor Jiang Yanyong (蒋彦永) writes letter to the media and exposes the cover-up in the capital, leading to the dismissal of Health Minister Zhang Wenkang and Beijing mayor Meng Xuenong. The government subsequently admits that the real number of SARS cases is 10 times higher than official numbers. Meng re-emerges as a top official overseeing the South-North Water Transfer Project in October 2003.</p>
November 2004–February 2005	Bacterial meningitis outbreak ⁵²	Nationwide	<ul style="list-style-type: none"> • November 2004: Cases of meningitis are reported, but covered up. • End of January 2005: Ministry of Health issues an emergency notice calling on the whole country to step up preventive measures against the disease. The Ministry of Health is criticized for withholding information on the outbreak until the epidemic had affected 24 provinces, with 546 reported cases and a death toll of 16.
June 2005	Flood ⁵³	Xinshao, Hunan Province	<ul style="list-style-type: none"> • May 31–June 6, 2005: Torrential rain sparks flooding in Xinshao. • June 7, 2005: The <i>Chongqing Morning Post</i> cites county government sources indicating that the number of fatalities resulting from the Xinshao flood could be in the hundreds, despite official statements that the total death count stood at only 40. The reported number had been scaled down because officials did not want to scare off foreign investment.
July 2005–present	Attempted removal of Taishi village head ⁵⁴	Panyu District, Guangdong Province	<ul style="list-style-type: none"> • Villagers in Taishi press for the removal of their village chief, who was charged with embezzling public funds. The villagers block the village office where the evidence in account books is kept, and go on a hunger strike in front of the district government office. • Officials seize the account books during a confrontation and break up the hunger strike. Thugs suspected of having connections with the authorities are hired to guard the entrances to the village. • Foreign journalists and grassroots activists, including Lü Banglie (吕邦列), who tried to enter the village, are beaten up. Yang Maodong (杨茂东), a lawyer who assisted the villagers, is detained for four months and continued to suffer from beatings and harassment after his release. Web sites with information on the beating are blocked, and discussions are deleted in some online forums. Due to the harassment and intimidations, a majority of the villagers who originally supported the removal of their village chief withdrew their support. • Crackdowns continue after villagers drop the motion to remove the village head: <ul style="list-style-type: none"> • February 2006: Taishi villagers claim they are harassed and receive death threats if they attempt to leave the village following the visit by Yang Maodong. • 2005 and late June, 2006: Taishi villager He Jinchao, who

INCIDENTS OF OFFICIAL COVER-UPS, *cont.*

DATE	EVENT	LOCATION	DESCRIPTION
			<p>put other villagers in touch with activists and foreign reporters, is detained for 105 days in 2005 and taken into custody again in late June 2006 for driving without a license and riding an unlicensed motorcycle.</p> <ul style="list-style-type: none"> • 2006: A <i>South China Morning Post</i> reporter is detained for eight hours in a police station and strip-searched for not carrying an identification document. However, the journalist claims that the real reason she is detained is to prevent her from reporting on the first anniversary of the Taishi incident. • September 28, 2006: Yang Maodong is formally arrested for running an illegal business.
November 2005	Pollution of the Songhua River resulting from a petrochemical plant blast ⁵⁵	Jilin Province	<ul style="list-style-type: none"> • November 13, 2005: An explosion at a petrochemical plant in Jilin releases more than 100 tons of toxic chemicals, including benzene, subsequently polluting the Songhua River. Water is cut off to nine million residents in Harbin, and the polluted water flows across the Russian border. The blast itself is not a secret, but the contamination of the Songhua River is covered up. • November 14, 2005: The Jilin government says the surrounding environment has not been contaminated, but simultaneously states that water has been released from a nearby reservoir in order to dilute the effects of any spillage of toxins. • November 18, 2005: The Jilin government notifies Heilongjiang. The Harbin city government initially says the water supply is only being suspended for maintenance, and only publicizes the contamination nine days after the spill. • November 23, 2005: The State Environmental Protection Administration admits serious pollution of the Songhua River. Environmental Minister Xie Zhenhua is dismissed and Wang Wei, a vice-mayor in charge of environmental protection and production safety of Jilin city, is reported to have committed suicide.
November–December 2005	Reporting deaths to the national health surveillance network ⁵⁶	Nationwide	<ul style="list-style-type: none"> • August 17, 2006: A Ministry of Health report reveals that mainland hospitals failed to report about a third of all deaths to the national health surveillance network; the notification failure rate peaked at 86% in one unnamed province. • Authorities delayed submitting data to the ministry in an average of 27% of instances, and 25% of causes of death were not pinpointed. • The survey was conducted in 130 local medical institutions in 29 provinces, autonomous regions and municipalities.
December 2005	Shooting at protesters ⁵⁷	Shanwei, Guangdong Province	<ul style="list-style-type: none"> • December 6, 2005: Police open fire to disperse protesters in Dongzhou, who were rallying against the construction of a power plant and inadequate compensation for confiscated land. The Shanwei government says three people were killed, while villagers put the toll as high as 20. • December 2005: Hundreds of paramilitary police, traffic

INCIDENTS OF OFFICIAL COVER-UPS, *cont.*

DATE	EVENT	LOCATION	DESCRIPTION
			<p>police, public security officers and border control officers are deployed to seal the village, and media coverage is limited to a few articles published by the official Xinhua News Agency and local Guangdong papers.</p> <ul style="list-style-type: none"> December 2005: The commanding officer that ordered the police to open fire is dismissed and three other senior law enforcement officials are reprimanded. May 24, 2006: 12 residents are jailed for up to seven years for illegally manufacturing explosives, illegal assembly and disturbing public order.
January 2006	Cadmium pollution of the Xiang River ⁵⁸	Hunan Province	<ul style="list-style-type: none"> January 6, 2006: The Xiang River in Hunan Province is contaminated with toxic cadmium during a silt cleaning operation. Workers at the Water Conservancy Company of Zhuzhou City mistakenly diverted river water into two basins used to separate cadmium discharged by a smelting factory. The water overwhelmed the basins and washed back into the Xiang River, which supplies potable water to Xiangtan City and the provincial capital Changsha. January 8, 2006: The Hunan Environmental Protection Bureau states that the water supply is still drinkable, but an emergency report sent from the Xiangtan Environmental Protection Bureau to the provincial environmental protection bureau is exposed by the media; the report states that the cadmium level was 22 to 40 times above safe levels.
January 2006	Police clash with villagers over protests against unreasonable land compensation ⁵⁹	Sanjiao Township, Guangdong Province	<ul style="list-style-type: none"> January 14, 2006: Several thousand policemen indiscriminately attack approximately 10,000 to 20,000 people, including protesters and passers-by, on a large highway. Villagers had been negotiating with the Sanjiao Township government for reasonable compensation after farmland in seven villages in the area was confiscated in order to build a highway and a factory for a Hong Kong-owned textile group. Villagers state that a 15-year-old schoolgirl was beaten to death; her family later allegedly receives 130,000 <i>yuan</i> from the local government to say that their daughter had died after a heart attack. Xinhua reports on the incident, stating that no one died in the protest and that two policemen and three villagers were injured due to stones and firecrackers that were thrown by village protesters. February 24, 2006: Zhongshan party secretary Cui Guozhao denies the violence, arguing, "Where did you see police beating people? There was no such thing. . . . The [media] is irresponsible." Cui continued by stating that the farmers were not protesting over the requisition of their land but were rather seeking unreasonable compensation.
July–August 2006	Deadly clindamycin phosphate glucose injections ⁶⁰	Nationwide	<ul style="list-style-type: none"> August 2006: Six people from Heilongjiang, Hubei, Hebei, Shaanxi, Sichuan and Hunan are confirmed dead from clindamycin phosphate glucose (CPG) and over 80 cases of severe reactions were reported from over 10 provinces after

INCIDENTS OF OFFICIAL COVER-UPS, *cont.*

DATE	EVENT	LOCATION	DESCRIPTION
			<p>people received injections produced by the Anhui Huayuan Worldbest Biopharmaceutical Company.</p> <ul style="list-style-type: none"> July 29, 2006: The State Food and Drug Administration admits receiving a report about an adverse reaction case in Qinghai, but it did not issue a warning or a recall of the drug until a week later. The agency also denies cover-up attempts and defends its decision to keep the case from public knowledge to prevent “disrupting normal social life and causing unnecessary panic in society.” November 4, 2006: 10 victims, including four who had already died and were represented by their family members, file a lawsuit against the drug maker. The Shanghai Pudong New District People’s Court reject the lawsuit on the grounds that the drug maker does not fall within Shanghai’s jurisdiction and that Shanghai Worldbest and China Worldbest did not directly produce the drug.
August 2006	Typhoon Saomai death toll cover-up ⁶¹	Southeast China	<ul style="list-style-type: none"> August 2006: More than 400 people die and up to 4 million people lose their homes when Saomai, the strongest typhoon in the past half-century, sweeps through Fujian and Zhejiang provinces. Locals criticize the government’s rescue efforts as being too little too late and insist that the death toll is much higher than official figures. Immediately after the typhoon, a local newspaper puts the death toll at two, despite the massive destruction everywhere. Online sources say that they needed to rely on overseas media to report on the magnitude of the destruction.
August–November 2006	Lead and zinc poisoning ⁶²	Gansu Province	<ul style="list-style-type: none"> August 2006: Media first reports on lead poisoning from factories in Gansu province. People from Xinxi village and its six neighboring villages with a population of around 5,000 have repeatedly complained, petitioned and protested about lead poisoning from factories in their area. Protesters are often detained by the police for questioning. Soon after these reports, authorities order closure of the polluting factories, but villagers tell Radio Free Asia that six or seven factories still continued to pump out large quantities of black smoke and release untreated toxic sludge laden with heavy metals. October 2006: Authorities put the number of people suffering from lead poisoning to just over 300, but local residents say the real figure is probably 2,000–3,000.
January–December 2006	Environmental statistics ⁶³	Nationwide	<ul style="list-style-type: none"> 2006: The State Environment Protection Administration (SEPA) identifies a 2% discrepancy in its own annual calculations on nationwide carbon dioxide and sulfur dioxide emissions as compared to figures submitted by local governments. The environmental watchdog suspects that it had received fake data, as local governments had been under great pressure to meet clean air targets.

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