

# **Falling Short**

*Olympic Promises Go Unfulfilled as China Falters on Press Freedom*



A special report of the Committee to Protect Journalists

Updated and reissued June 2008

Founded in 1981, the Committee to Protect Journalists responds to attacks on the press worldwide. CPJ documents hundreds of cases every year and takes action on behalf of journalists and news organizations without regard to political ideology. To maintain its independence, CPJ accepts no government funding. CPJ is funded entirely by private contributions from individuals, foundations, and corporations.

*Falling Short: Olympic Promises Go Unfulfilled as China Falters on Press Freedom*  
Updated Edition

Editorial Director: Bill Sweeney  
Deputy Editor: Lauren Wolfe  
Designer: Justin Goldberg  
Copy Editor: Barbara Ross  
Proofreader: Sebastian Dettman

Cover photo credits:

Clockwise from top left: newspaper reader (European Pressphoto Agency); police officer (Reuters); camera operator (Associated Press); flags (Reuters); scaffolding (European Pressphoto Agency); Olympic flame (European Pressphoto Agency). Back cover: photographers (Associated Press).

© 2008 Committee to Protect Journalists, New York  
All rights reserved.  
Printed by United Book Press in the United States of America.

#### BOARD OF DIRECTORS

Honorary Co-Chairman Walter Cronkite	Chairman Paul E. Steiger	Honorary Co-Chairman Terry Anderson	Executive Director Joel Simon
---	-----------------------------	--	----------------------------------

#### DIRECTORS

Andrew Alexander	Gwen Ifill	Clarence Page
Franz Allina	Jane Kramer	Norman Pearlstine
Christiane Amanpour	David Laventhol	Dan Rather
Dean Baquet	David Marash	Gene Roberts
Rajiv Chandrasekaran	Kati Marton	Sandra Mims Rowe
Sheila Coronel	Michael Massing	Diane Sawyer
Josh Friedman	Geraldine Fabrikant Metz	Paul C. Tash
Anne Garrels	Victor Navasky	Mark Whitaker
James C. Goodale	Andres Oppenheimer	Brian Williams
Cheryl Gould	Burl Osborne	Matthew Winkler
Charlayne Hunter-Gault	Charles L. Overby	

#### ADVISORY BOARD

Tom Brokaw  
Steven L. Isenberg  
Anthony Lewis  
Erwin Potts  
John Seigenthaler

# About This Report

The Committee to Protect Journalists, which first published *Falling Short* in August 2007, updated and reissued this report in June 2008. The bulk of the report was researched and written by **Kristin Jones**, former senior Asia research associate for CPJ, and **Bob Dietz**, CPJ's Asia program coordinator. Updating for this edition was led by **Sophie Beach**, executive editor of *China Digital Times*, and CPJ research associate **Madeline Earp**.

In its bid to host the 2008 Games, China promised the International Olympic Committee (IOC) that it would allow the media complete freedom. Yet CPJ research shows that domestic journalists face severe threats and restrictions, while foreign media are obstructed. In the months leading up to the Games, CPJ has repeatedly urged Chinese leaders, IOC officials, and corporate sponsors to ensure that Beijing fulfills its Olympic promises. This report describes press conditions in detail and makes known our recommendations for change.

CPJ gratefully acknowledges the vital work of several contributing writers. Chapter 3, "Commerce and Control: The Media's Evolution," was written by **David Bandurski**, a freelance writer and media expert based in Hong Kong. **Ashley Esarey**, a political science professor at Middlebury College in Vermont who has written extensively about the Chinese media, wrote the Chapter 5 sidebar, "The Media Managers." Esarey also provided guidance for Chapter 5, "Censorship at Work: The Newsroom in China." Earp wrote the Chapter 8 sidebar, "Defending the Press."

The Chapter 9 sidebar, "Search Engines Sift and Censor," was written by **Xiao Qiang**, director of the China Internet Project at the University of California Berkeley Graduate School of Journalism. Xiao also provided guidance for Chapter 9, "Online Rules: A Study in Paradox." **Jonathan Watts**, Beijing correspondent for *The Guardian* and member of the Foreign Correspondents Club of China, wrote Chapter 10, "Opportunity Dissolves: Foreign Media Still Obstructed." **Jocelyn Ford**, who reports from Beijing for U.S. public radio programs, wrote the sidebar for that chapter, titled "Guidelines for Reporters on the Ground."

CPJ also wishes to acknowledge the important research by **Benjamin Liebman** of the Columbia University School of Law and **Chen Zhiwu** of the Yale University School of Management, which is cited in Chapter 7, "The Libel Card: Suits that Inhibit." CPJ also acknowledges the valuable research conducted by the OpenNet Initiative, a partnership of four academic institutions, which is cited in Chapter 9. We are grateful to **Li Datong** for allowing us to reprint excerpts of his address to the Society of Publishers in Asia, and to **Pu Zhiqiang** for allowing use of his letter in defense of clients Chen Guidi and Wu Chuntao.

Translations of Chinese laws were provided by the law firm TransAsia and by the Congressional-Executive Commission on China. We are also grateful to **Roland Soong**, *New Century Net*, and TransPerfect for other translations used in this report. *New Century Net* graciously granted reprint rights to Cheng Yizhong's 2005 remarks in acceptance of the 2005 Guillermo Cano Award. Soong's blog, *EastSouthWestNorth*, was an important source throughout.

# Table of Contents

## Preface

1	<b>Summary</b>	8
2	<b>Words and Deeds: Confronting the Contradictions</b>	10
	What They Said	12
3	<b>Commerce and Control: The Media's Evolution</b>	14
	Politics and the Press: A Timeline	15
4	<b>Inwardly Restricted: Domestic Repression Remains</b>	18
	An Editor's View: Tunneling Through Stone	21
5	<b>Censorship at Work: The Newsroom in China</b>	24
	The Media Managers	26
	Directing the News	29
6	<b>Local Threats: The Bureaucrat's Tyranny</b>	31
	Common Sense as a Weapon	32
7	<b>The Libel Card: Suits That Inhibit</b>	35
	Waiting for a Verdict	36
8	<b>'Secrets' and Subversion: The Limits of Expression</b>	38
	Defending the Press	40
9	<b>Online Rules: A Study in Paradox</b>	42
	Search Engines Sift and Censor	44
10	<b>Opportunity Dissolves: Foreign Media Still Obstructed</b>	46
	Guidelines for Reporters on the Ground	47
11	<b>Recommendations</b>	50

12	<b>Appendix I: Constitutional and International Guarantees</b>	52
	Article 35 of the Constitution of the People’s Republic of China	52
	Article 19 of the Universal Declaration of Human Rights	52
	Article 19 of the International Covenant on Civil and Political Rights	52
	<b>Appendix II: Media Law in China</b>	53
	Excerpts of the Regulations for the Administration of Publishing	53
	Excerpts of the Regulations for the Administration of Radio and Television	55
	Excerpts of the Provisional Rules for the Administration of Online Publishing	56
	Excerpts of the Provisions on Administration of Internet News Information Services	58
	Excerpts of the Secrecy Rules in Respect of News Publishing	60
	Full Text of the Law of the People’s Republic of China on Guarding State Secrets	61
	Excerpts of the Criminal Law of the People’s Republic of China	65
	Excerpts of the Law of the People’s Republic of China on Responding to Sudden Incidents	68
	Full Text of the Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and their Preparatory Period	68
	Full Text of the Rules for Taiwan Reporters Reporting in the Mainland During the Beijing Olympic Games and their Preparatory Period	69
	Full Text of the Rules for Hong Kong and Macau Reporters Reporting Inland During the Beijing Olympic Games and their Preparatory Period	70
	<b>Appendix III: Journalists Imprisoned in China</b>	72

When this report first appeared, in August 2007, we expressed hope that China would honor the Olympic Games by fulfilling its pledge to free the media. But in the past 10 months, the government has instead tightened its control of the press. It is imperative that journalists at the Beijing Games be aware of the conditions faced by their colleagues in the world's most populous country. For this reason, CPJ has updated and reissued *Falling Short*.

Despite temporary rules promising them more access to ordinary Chinese citizens, foreign journalists find they are harassed and blocked from traveling to hot spots such as the Tibet and Xinjiang autonomous regions. Some of the people these journalists interviewed were later questioned by police and jailed. Chinese journalists, while operating in an increasingly commercial environment, still work under the watchful eye of a censorship apparatus that issues daily, sometimes hourly, directives. Authorities boast of their efforts to monitor the flow of information across the Internet, even as high-speed Web access has brought more than 210 million users online.

Since China was awarded the Olympics on July 13, 2001, dozens of journalists have been imprisoned for their work, and many remain behind bars today. As of May 1, at least 26 reporters and editors were being held in Chinese prisons. Most have been jailed on vague security-related charges such as revealing state secrets or inciting subversion. Relying on such catchall accusations, China has led the world in the number of imprisoned journalists since 1999.

It is the failure of China and the International Olympic Committee to carry out the promises they made when the Games were awarded that prompted CPJ to write this report. In 2001, both sides assured the public that all journalists would have unrestricted freedom to cover the Games. Buoyed by Olympic ideals, China was supposed to ease its control of information and abandon its harsh punishment of those who work outside the system. That vision has not been realized.

Visiting journalists may not be fully aware of the restrictions and pressures placed on their Chinese colleagues. Reporters who venture beyond the Olympic Village should be prepared to work in an environment where harassment is common and where sources are at risk.

We believe change is possible. We encourage China to make permanent the looser restrictions on foreign media, to extend those freedoms to domestic journalists, to halt its recent backsliding into repression, and to end its dubious status as the world's leading jailer of journalists. With these changes, China would create a media environment worthy of its economic power.



Paul E. Steiger  
Chairman, Committee to Protect Journalists



China jails journalists, imposes vast censorship, and allows harassment, attacks, and threats to occur with impunity. It has failed to meet its Olympic promises to provide media freedom.

The Committee to Protect Journalists prepared this report in 2007, updating and reissuing it this year, to illustrate the yawning gap between China's poor press freedom record and the promises made in 2001 when Beijing was awarded the Olympic Games. The International Olympic Committee awarded the 2008 Games to the Chinese capital based on assurances that authorities would allow the media "complete freedom," and that they would apply "no restrictions" to coverage. The government did ease restrictions on foreign journalists in January 2007—but failed to adhere to the liberalized rules during March unrest involving Tibet. Chinese journalists are in jail. Vast censorship rules are in place. Harassment, attacks, and threats occur with impunity.

China has fallen short in its pledge to the international community. It should do much more to honor its promises and to foster a truly free press. Here is an overview:

### **Domestic Censorship in Full Force**

Domestic censorship remains in force across all regions and types of media, operating at a particularly high level since October 2007. All news outlets are subject to orders from the Central Propaganda Department. Provincial officials cooperate with their counterparts in other regions to shut down coverage of sensitive local issues.

Journalists face blanket coverage bans. They must avoid stories about the military, ethnic conflict, religion (particularly the outlawed spiritual movement Falun Gong), and the internal workings of the party and government. Coverage directives are issued regularly on matters large and small. Authorities close publications and reassign personnel as penalties for violating censorship orders.

By law, all news outlets must be overseen by some state body, which in turn is responsible for ensuring that party propaganda orders are followed. At the national level, the Xinhua News Agency, China Radio International, China Central Television, the *Guangming Daily*, and the *People's Daily* are under the control of central government and party leadership. Provincial and municipal authorities oversee regional and local newspapers and television stations.

### **Chinese Media, Past and Present**

Starting in 1979, the Chinese media enjoyed a general revitalization, with serious efforts made to safeguard press freedom and to protect journalists. That trend was abruptly reversed when the government cracked down on pro-democracy demonstrators at Tiananmen Square in 1989.

While Communist Party "guidance" of the news remained tight after 1989, media were swept up in the country's economic growth. The result: media conglomerates with party and government ties, producing modern, commercially savvy products for an increasingly sophisticated audience.

The salary system for journalists is a principal means of regulating content. Reporters are paid a low base salary, supplemented by bonuses when articles are published. Reporters typically pursue stories sure to make it into print or broadcast, reporting them in a way that will satisfy the censors. In awarding pay, many news outlets also apply a ratings system that judges the political merits of a reporter's coverage.

Journalists say these controls are effective at quashing investigative reporting in the state-controlled

media. Despite the restrictive climate, many Chinese reporters pursue difficult stories and post their work on blogs or online message boards.

### **Threats to Chinese Journalists**

At least 26 journalists are in Chinese prisons as a direct result of their work, most of them on vague anti-state charges. These cases typically involve reporting and commentary that promote democracy or embarrass party leaders. China is the world's leading jailer of journalists, a notorious distinction it has held for nine consecutive years.

Violent attacks on the press, though uncommon in Beijing, occur with frequency in the rest of the country. Local officials and businesspeople suppress coverage by using brute force, hiring thugs to threaten or attack journalists. These local figures also use civil defamation lawsuits to silence critical coverage. Since the local courts do the bidding of local party bosses, such cases are usually decided against journalists. Truth is not a defense.

Chinese journalists do not have the right to organize to protect their interests. The officially sanctioned All-China Journalists Association has failed to address their needs, and Chinese journalists lack an official venue to recommend reforms.

### **Controlling Cyberspace**

China's efforts to control the Internet have met with success, but its many thousands of censors are struggling to stay ahead of its Web-using citizens. An estimated 210 million people are online in China, and subscription rates are rising at double-digit rates.

Internet censorship is both technological and regulatory. The government demands that individual service providers monitor content. These providers filter searches, block Web sites, delete content, and monitor e-mail traffic. A study of China's e-mail filtering system conducted by the Internet censorship research organization OpenNet Initiative found that messages with politically offensive subject lines or text had been blocked.

International service providers have proved susceptible to Chinese government pressure. Yahoo turned over e-mail account information that led to the arrest and imprisonment of a journalist and several dissidents. Microsoft came under fire for deleting a well-regarded reporter's blog. And Google launched a self-censoring Chinese search engine.

### **Risks and Rules for Foreign Reporters**

In January 2007, the government introduced temporary regulations that were supposed to allow foreign correspondents the freedom to travel without government permission and to interview anyone who consents. The liberalized rules are due to expire in October 2008.

Government officials have not adhered to the relaxed regulations. The Foreign Correspondents Club of China has recorded more than 230 cases of harassment, obstruction, and detention since the rules were adopted. Many of the complaints came when the looser regulations were put to their first real test: coverage of the ethnic demonstrations that led to rioting in the Tibet Autonomous Region in March. Foreign journalists were barred from Tibet and from three neighboring provinces where protests were being staged.

In official statements, the government alleged an anti-China bias in foreign news coverage, stoking national pride and anger at outsiders in the press. At least 10 foreign correspondents reported receiving anonymous death threats; numerous other Western journalists said they had received harassing phone calls, e-mails, and text messages.

Foreign news organizations are instructed to hire local assistants through authorized service organizations only. Sources and assistants remain vulnerable to government pressure. Chinese citizens who speak to the media about sensitive issues or help reporters cover such matters can be subject to reprisal. ■

As part of the Olympic bid process, Beijing pledged complete freedom for all accredited journalists. Yet as the Games are set to begin, China has fallen far short in allowing free and unfettered news coverage.

Seven years ago, when Chinese officials filed their official bid to host the 2008 Olympics, they made a crucial promise. “There will be no restrictions on media,” the Beijing organizers said, an assurance that helped them win the Games and one that they repeated frequently in the months and years that followed.

Yet China has failed to meet its obligation as judged by international press freedom standards: More than two dozen journalists are jailed for their work. Domestic media remain tightly controlled by the state. Internet censorship is more elaborate than ever. Foreign media are heavily obstructed.

The International Olympic Committee (IOC) has been remiss in confronting Beijing on its unfulfilled promises, although China’s failure was not always a given. Many journalists were optimistic, in fact, when the Ministry of Foreign Affairs eased restrictions on foreign media in January 2007. The new rules said foreign reporters could travel without government permission and could interview anyone who would speak with them. But the relaxed regulations crumbled when put to their first test: coverage of the ethnic demonstrations that led to rioting in Tibet in March 2008.

As soon as antigovernment demonstrations broke out, foreign journalists were expelled from Lhasa, capital of the Tibet Autonomous Region. Foreign travel to the Himalayan region was cut off after peaceful pro-independence demonstrations escalated into clashes with security forces and Han Chinese migrants. As the crisis grew, the government expanded its obstruction of foreign media into the neighboring provinces of Gansu, Qinghai, and Sichuan. In the six weeks after the March 14 crackdown in Tibet, more than 50 foreign journalists were obstructed while trying to report on the unrest. The Foreign Correspondents Club of China (FCCC) said its members had been “detained, prevented from conducting interviews, searched, and subjected to the confiscation or destruction of reporting materials. Authorities have intimidated Chinese sources and staff, and in some cases ordered them to inform on foreign correspondents’ activities.”

A situation sharply at odds with the Olympic slogan, ‘One World, One Dream.’

Foreign news reports on the unrest, from sources as diverse as CNN and YouTube, were blocked within the country. Domestic news outlets, which are controlled by the state, carried reports from the official Xinhua News Agency, which played up nationalist themes and described the demonstrators as “separatists” who threatened the country’s unity. In official statements, the government alleged an anti-China bias in foreign news coverage, stoking both national pride and anger at outsiders in the press. A nationalist campaign raged online as Chinese pointed to inaccuracies in news coverage as evidence of a bigoted foreign press. At least 10 foreign reporters received death threats, according to the FCCC, while CPJ and other rights organizations saw their e-mail systems come under cyber-attack.

The situation was sharply at odds with the 2008 Olympic slogan, “One World, One Dream.” Conditions deteriorated so severely by late April that FCCC President Melinda Liu, Beijing bureau chief for *Newsweek*, felt compelled to say that “the reporting interference and hate campaigns targeting international media may poison the pre-Games atmosphere for foreign journalists.”

Back in 2001, the IOC was also reviewing bids from Istanbul, Osaka, Paris, and Toronto to host the Games. But China, ascendant as a world economic power, and its leaders, seemingly eager to create a more open society, made a powerful argument that Beijing deserved this international showcase. To quell

concerns over China's repressive media practices, the IOC's evaluation commission, in a report issued on April 3, 2001, cited the government's promise that "there will be no restrictions on media reporting and movement of journalists up to and including the Olympic Games."

During the IOC's deliberations, Chinese officials repeated this commitment to press freedom and other human rights. "By allowing Beijing to host the Games you will help the development of human rights," Liu Jingmin, vice president of the Beijing bid committee, told Agence France-Presse in an April 2001 interview. "China and the outside world need to integrate. China's opening up is irreversible." Others offered broad assurances. "We will give the media complete freedom to report when they come to China," Wang Wei, secretary-general of the Beijing bid committee, told reporters the day before China was awarded the Games in July 2001.

These were encouraging words—and credible ones given that China's media universe had been expanding for more than a decade, driven by commercialization and the demands of an increasingly sophisticated readership. Many Chinese reporters, then and now, have pursued stories in a competitive atmosphere similar to that faced by reporters worldwide.

But the state continues to oversee all news outlets—and the Central Propaganda Department has stepped up censorship when tested by sensitive events. In the days before the important 17th Communist Party Congress in October 2007, authorities imposed such strict content requirements that the major dailies all used the same Xinhua political stories with the same headlines. Security agents shut Internet data centers that hosted even a single Web site considered politically offensive. Tens of thousands of Web sites were affected during that time.

Over all, Internet censorship is so extensive that in February, the government boasted that it had removed more than 200 million "harmful" online items during the prior year. Web sites that have not been established by an official news outlet such as a newspaper or broadcaster are barred from posting their own news or commentary. By law, they may only reproduce material that has passed through censors at approved media organizations.

China continues to hold 26 journalists behind bars, more than any country in the world. The cases have many common elements: Eighteen of these journalists are jailed for their online work, and 20 are being held on vague antistate charges such as subversion. In case after case, authorities have punished reporters for exploring issues that might embarrass the government or challenge its public officials. But one trend stands apart: Two-thirds of these journalists were imprisoned *after* China made its 2001 promise to free the media.

The detainees include Lü Gengsong, a freelancer jailed in August 2007 for "inciting subversion" in online articles that detailed government corruption and organized crime. Zhang Lin, a political essayist, was imprisoned in January 2005 after writing about unemployed workers and official scandals. Zhang Jianhong was jailed in September 2006 for an online commentary that decried the recurrence of human rights and press freedom violations in the run-up to the Games. He called the situation "Olympicgate."

**H**ow did the IOC allow this to happen? At times, IOC officials have been ambivalent about the importance of press freedom at the Games and their own obligation to enforce the commitments made by China. "In this country there are laws and they have to be respected—that is something we have to accept and everybody has to accept," Hein Verbruggen, head of the IOC's coordination commission for the Beijing Games, told reporters at a May 2006 press conference in Beijing. "As long as the media behaves in the normal way, then I'm sure there will be no problems. ... If it's in the law, then it is in the law."

Concerned by such statements, CPJ met with IOC Olympic Games Executive Director Gilbert Felli and his staff at their headquarters in Lausanne, Switzerland, in November 2006. CPJ board member Jane Kramer urged IOC officials to take a strong position on press freedom because the Olympics stand for principles of open exchange and transparency.

## What They Said

*“Blending sport with culture and education, Olympism seeks to create a way of life based on the joy of effort, the educational value of good example, and respect for universal fundamental ethical principles.”*

—From the Olympic Charter, Fundamental Principles.

*“There will be no restrictions on journalists in reporting on the Olympic Games.”*

—Beijing Olympics organizers in their official bid to host the 2008 Games, filed on January 17, 2001.

*“We will give the media complete freedom to report when they come to China.”*

—Wang Wei, a vice president of the Beijing organizing committee, at a press conference on July 12, 2001, the day before the International Olympic Committee (IOC) named the city as host.

*“But one day after the Chinese promised press freedom in reporting from this country as a key part of the bid, CBS News got a taste of a very different and very repressive reality.”*

—Barry Petersen, reporting from Beijing on the “CBS Evening News” of July 13, 2001, the day Chinese censors blocked the network from sending footage of the Falun Gong.

*“Sites are prohibited from spreading news and information that goes against state security and public interest.”*

—The official Xinhua News Agency in announcing new restrictions on Internet content on September 25, 2005. Stories about “illegal” demonstrations and organizations are among the barred content.

The meeting was unpromising. “It is not within our mandate to act as an agent for concerned groups,” Felli told CPJ. “Journalists are imprisoned all over the world, sometimes for good reasons, sometimes for bad reasons.” While the IOC representatives said that they would consider CPJ’s press freedom concerns, their subsequent statements were equivocal. At a press conference in April 2007, Verbruggen, pressed on the broader question of China’s human rights offenses, repeated the IOC’s stock response that the Games would bring “positive change” to China. IOC President Jacques Rogge said the Games are “a force for good wherever they are staged”—a vague formulation the committee stuck to whenever media issues were raised.

Only recently—after the clampdown on Tibetan coverage—has IOC leadership expressed serious concern about the press situation. At an April 10, 2008, press conference with foreign correspondents in Beijing, Rogge called on China to live up to its “moral engagement” to improve human rights and provide greater media freedom. “We will do our best to have this be realized,” he said, referring to the regulations that were supposed to grant foreign reporters the freedom to travel throughout the country. “It is very easy with hindsight to criticize the decision” to award the Games to Beijing, he added.

Tepid though it was, Rogge’s admonition drew a strong government response. A Foreign Ministry spokeswoman said her government expected the IOC to adhere to “the Olympic charter of not bringing in any irrelevant political factors.” In effect, Chinese officials were now dismissing their own promise of greater press freedom as a political irrelevancy.

China’s media policies were tested again within weeks by two disasters—one resulting from human error, the other from natural causes. In April, authorities restricted foreign media and tightly controlled domestic reporting after two trains collided in Shandong province, killing 70 and injuring hundreds. Coverage of the May 12 Sichuan earthquake, which killed thousands and left many more homeless,

was far less restricted as Chinese reporters broadcast live from the quake area and foreign journalists were given wide access. The nature of the events appeared to affect the coverage controls. The train accident betrayed a flaw in the transportation system—officials failed to relay information about track construction—while the quake offered an opportunity to show leaders responding aggressively to citizen needs.

So what should visiting journalists expect when they come to China? Veteran foreign correspondents, for example, assume that their phone may be tapped and their e-mail scanned. They know they run the risk of confrontation if they look too closely at issues such as the military, Taiwanese independence, pro-democracy activists, AIDS villages, the banned Falun Gong religious movement, or underground churches that meet without the government's permission. Advocacy groups report heightened government surveillance of pro-Tibet, pro-democracy, and religious groups in the run-up to the Games.

Experienced Chinese journalists know the limits of their freedom; not one journalist interviewed by CPJ plans to break new ground while the Games are being held. But thousands of young, inexperienced Chinese will be hired by foreign media as production assistants, translators, runners, and drivers for the Games. Foreign journalists should realize that their Chinese counterparts face potential risk if they arrange sensitive interviews or reporting trips.

Visiting journalists should also understand the realities of reporting in China. For those who venture beyond the sports venues to capture a wider view of China, a different and far more restrictive set of rules applies. If non-Olympic events suddenly become newsworthy—as events in Tibet did in March—every journalist should be prepared to work in an environment that has been traditionally unfriendly and sometimes hostile to the media, no matter how glittering the Games appear. ■

*“No one in China has been arrested simply because he or she said something on the Internet.”*

—Liu Zhengrong, deputy chief of the Internet Affairs Bureau of the State Council Information Office, to the official *China Daily* on February 15, 2006. At the time, at least 15 journalists were jailed for online writings.

*“If our existing regulations and practice conflict with Olympic norms and our promise, we will make changes to conform with the International Olympic Committee’s requirements and Games norms. But all reporters will have to abide by China’s laws.”*

—Jiang Xiaoyu, vice president of the Beijing organizing committee, at a press conference on August 8, 2006.

*“We should all remember that the Games are not judged solely by the technical proficiency of the project, but also through the perception that the world has of the Games.”*

—IOC President Jacques Rogge, addressing an IOC coordination commission meeting on October 24, 2006.

*“I would definitely ask China to respect this moral engagement.”*

—Rogge, referring to the country’s pledges to improve human rights and press freedom, at a press conference in Beijing on April 10, 2008.

*“I believe IOC officials support the Beijing Olympics and adherence to the Olympic charter of not bringing in any irrelevant political factors.”*

—Jiang Yu, Foreign Ministry spokeswoman, in an April 10, 2008, response to Rogge’s comments.

The story of Chinese media since the 1990s is one of commercial growth and political control. This uneasy policy alliance is critical to understanding the domestic press today.

**T**he massacre of demonstrators around Beijing's Tiananmen Square on June 4, 1989, marked a violent interruption to the many hopes cherished by Chinese reformers. Substantive press reform was among the casualties.

In the early 1980s, as supreme leader Deng Xiaoping propelled China along the path of economic reform and opening, a changing political climate brought a general revitalization of Chinese media. Reacting against the falsehood and emptiness of the Cultural Revolution, during which newspapers were effectively house organs of the Communist Party under Chairman Mao Zedong, media trended away from their former role as propaganda "mouthpieces" and sought greater public relevance. A more formal effort at media reform began in the mid-1980s, as a number of liberal senior officials, including former *People's Daily* editor-in-chief Hu Jiwei, spearheaded an effort to create a press law that, according to key drafters, would have sought to safeguard press freedom and to protect journalists.

The political events of spring 1989 brought to a swift end any attempts to forge a new, more independent role for the media. In the aftermath of June 4, ousted Premier Zhao Ziyang, a reformist, was faulted for failing to rein in news media, which had voiced support for demonstrators, and for letting the situation get out of hand. China's leader ascendant, Jiang Zemin, crafted a new supreme principle for party media control: "guidance of public opinion," the idea that the party would strictly control messages to the public in order to maintain its hold on power and achieve social stability.

When the notion of "media reform" re-emerged in the 1990s, it had a different character altogether. Deng Xiaoping's "southern tour" of 1992, in which he visited key economic bases in south China, gave a shot of adrenaline to commercial reform nationwide. Media, too, began to commercialize, albeit more slowly because of their central role in party politics. By the mid-1990s, a host of new commercial newspapers, magazines, and television programs was coming onto the market. The notion of the media as an "industry" was itself a rather revolutionary change for China.

**I**n many ways, the story of Chinese media since the 1990s is the story of commercialization. While political controls on the news remained tight after June 1989, media were swept up in the changes of the day. The country's priorities lay with economic reform, and it was as politically important to encourage change as it was to maintain control. In other words, controlling the message in an era of social and economic transition required a new approach that retained the principle of party "guidance" while allowing the changes necessary for strategic competitiveness. Understanding this uneasy policy alliance is critical to understanding the state of Chinese media since 1989, and especially today.

In the 1990s, as China enhanced its trade ties with the outside world, it had to ready itself for the "coming of the wolves," as competition from outside media was sometimes branded. This was done by the creation of domestic media conglomerates that could turn out modern, commercially savvy media products even as the party controlled the message under the banner of "guidance." Change happened from within the existing media structure. Provincial-level party newspapers, for example, which were chock-full of propaganda about official goings-on among senior cadres, began launching commercial spin-offs that could rake in sizable advertising revenue by commanding larger circulations.

The winning formula was to offer content relevant to China's growing population of urban consumers,

who were willing to pay at the newsstand. Metropolitan newspapers were the most representative of this change in the 1990s. By mid-decade, *Chutian Metropolis Daily*, a metro daily launched in the Yangtze River city of Wuhan, was reaching more than one in 10 local residents, with a total circulation surpassing one million. But the changes were happening almost everywhere. Even China Central Television, the broadcast network controlled by party leaders in Beijing, developed programs such as “News Probe,” an investigative newsmagazine styled after “60 Minutes” and launched in 1996.

Direct political motivations were also behind media commercialization in the 1990s. One systemic problem had become clear: Government offices that held publishing licenses and received central government subsidies for licensed periodicals were using their publications to squeeze money from local governments by requiring them to subscribe to this or that official pamphlet. The claim of these publications on central government coffers was burdensome in itself. Even more troubling, though, was the way they sapped the fiscal resources of local governments and residents. By 1996, more than 50 percent of China’s 2,100 registered newspapers relied almost exclusively on public-fund subscriptions. In effect, newspaper subscriptions amounted to a form of indirect taxation.

More relevant lifestyle and consumer-oriented content has burst onto the scene.

On July 15, 2003, an official order known as Document 19 pulled the plug on dicey official publications by eliminating the unpopular practice of forced subscriptions. While the purpose of the order was to relieve the “peasants and the grassroots,” it served the further purpose of clearing the propaganda field of unessential noise and, in the view of senior party officials, increasing the effectiveness of key party mouthpieces. As early as the mid-1990s, some members of the party leadership had expressed alarm at the sharp decline in circulation for core media such as the *People’s Daily*, whose circulation had dropped roughly 70 percent from 1979 to 1996. By pulling funding from nonessential publications, party leaders could reduce both the national and the local burden, and at the same time invigorate the market by making media a contributor to the economy.

While media control remained the number one priority for the party leadership, commercialization did result in a number of developments for the press. Generally speaking, the reorientation of media toward the consumer meant content had to become more relevant and attractive. This brought a burst of lifestyle content, local news stories, and other consumer-oriented fare—a far cry from the official party papers. Even as control persists in Chinese media—most directly evidenced by crackdowns against particular publications seen to have made errors of “guidance”—an important gap has opened between coverage in the official party newspapers and that offered by commercial publications.

Breakthrough news coverage, commentary, and analysis are most often found in commercial outlets such as *China Newsweekly*, a magazine published by the state-run China News Service, and

## Politics & the Press: A Timeline

December 4, 1982 China adopts new constitution. Article 35 states: “Citizens of the People’s Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration.”

1984-92 Period of economic reform and influx of foreign investments paves the way for development and privatization.

1986 Qian Gang publishes *The Great Tangshan Earthquake*, a landmark investigative report about the 1976 disaster.

September 20, 1987 China Academic Network, the country’s first computer network, is initiated.

June 4, 1989 The crackdown on Tiananmen Square demonstrators represents a turning point for the press in China. In the months leading up to June 4, journalists join the debate on censorship and reform, producing sympathetic coverage of the protests.

June 24, 1989 Zhao Ziyang ousted as general secretary of the Chinese Communist Party after voicing sympathy for student demonstrators at Tiananmen Square. Jiang Zemin replaces him, and Zhao spends the rest of his life under house arrest.

1989 After the June 4 crackdown, many journalists are dismissed from their jobs, relocated, or detained. Liu Binyan, an influential journalist, writer, and dissident, is blacklisted and goes into permanent exile.

October 1989 Accused of “counter-revolutionary” activities affiliated with Tiananmen, Chen Ziming and colleague Wang Juntao are imprisoned for publishing reformist literature as leaders of the progressive think tank Beijing Social and Economic Research Institute. Chen and Wang are awarded CPJ’s International Press Freedom Award in 1991.

January–February 1992 Senior leader Deng Xiaoping’s “southern tour” emphasizes the importance of economic reform and development.

March 27, 1993 Jiang Zemin becomes president, serving until 2003.

1996 China Central Television launches the popular investigative program, “News Probe.”

July 1, 1997 The United Kingdom transfers Hong Kong to China.

1998 The Golden Shield Project, a governmental surveillance and censorship initiative, is launched in part to police information on the Internet.

December 4, 2000 Journalist Jiang Weiping is imprisoned for disclosing “state secrets” after reporting on corruption in northeastern Chinese cities. Jiang is named one of CPJ’s International Press Freedom Awardees in 2001. He is released on January 3, 2006.

July 13, 2001 Beijing wins bid to host the Olympics in 2008.

December 11, 2001 China gains entry to the World Trade Organization.

November 15, 2002 Hu Jintao is elected Communist Party general secretary.

November 2002–May 2004 The government attempts to downplay the SARS outbreak and suppress media coverage. The effort backfires under a storm of international criticism.

March 15, 2003 Hu Jintao becomes president.

2004 Three top journalists with *Nanfang Dushi Bao* are imprisoned after the paper reports on SARS and the death of a suspect in police custody. One, Yu Huafeng, serves three years in prison.

November 24, 2004 Journalist Shi Tao is imprisoned for leaking state secrets after e-mailing notes from an official document instructing the media how to cover the 15th anniversary of the Tiananmen crackdown.

*Nanfang Dushi Bao* (Southern Metropolis News), a newspaper spun off from Guangdong province’s major party paper. The seeming irony is the development of a kind of nascent journalistic independence at the intersection of commercialization and professionalism (a product of China’s pre-Communist journalistic tradition and increased contact with the Western media), but still within the context of the party media apparatus.

The 1990s also saw a relative surge in watchdog journalism, or what the Chinese call “supervision by public opinion” (*yulun jian-du*). While many cases of press supervision involved little more than party-sanctioned monitoring of low-level officials—“supervision by public opinion” had been listed in official documents as a recognized form of monitoring by the late 1980s—some of the best investigative reports of the past decade have been on par with Western standards. Chinese investigative reporting made important breakthroughs on a variety of topics—the rural AIDS epidemic for one—even when officials weren’t ready to address the issues.

The flip side of commercialization is a profit-driven mindset that, combined with limitations imposed by state media control, has led to a crisis of ethics in Chinese media, involving phenomena such as “news extortion” (forcing advertising contracts by threatening “watchdog” journalism), paid-for content, and the manufacturing of news stories. In 2005, for example, a regional newspaper in western China persuaded a young woman to donate her liver so it would have a news exclusive. These problems seem to be worsening in China, presenting new challenges and temptations for journalists.

**P**olitical conditions remain the biggest obstacle to healthy journalism. When President Hu Jintao came to power in 2002, there were many, including some journalists, who hoped he would deal more tolerantly with the press. Hu’s media policy, introduced early in his tenure, was called the “three closenesses”—closeness to reality, to the masses, and to true life. It boiled down to less staid and more enjoyable content, and was a reaffirmation of the commercialization efforts that had promoted media relevant to the public but still under party control. Hopes for fundamental change, which crested during the brief period of openness that followed the cover-up of the SARS epidemic, were dashed in subsequent press crackdowns: against a group of 10 publications in the summer of 2003, against *Xin Jing Bao* (The Beijing News) in December 2005, and against the weekly *Bing Dian* (Freezing Point) in January 2006. In the *Xin Jing Bao* case, Chief Editor Yang Bin and two other senior editors were removed after the newspaper reported on a crackdown against protesting farmers in which six people were killed. The next month, the two top editors at *Freezing Point* were removed and the paper briefly suspended after it ran an essay by historian Yuan Weishi criticizing the nationalist bent of Chinese history textbooks.

Many journalists say that investigative reporting has regressed

## Political power, and not the rule of law, still holds sway in China.

have been censored more vigorously. These memos are essentially compilations of news stories circulated among party leaders after having been deemed too sensitive for public consumption. Hu and core leaders have lately tweaked the terminology of press control in China, introducing fresher-sounding terms like “core values,” but the primacy of the Tiananmen legacy of “guidance” remains, and the principle is regularly instilled through the propaganda apparatus. While the official policy of control and commercialization continues to complicate the media environment in China, there is so far little sign within the party of a return to the kind of discussion of media reform that began in the mid-to-late 1980s. Discussions along these lines—for example, the need for a press law (which some free press supporters see as dangerous and others as promising)—are confined mostly to academic and professional circles.

Within China’s government (as opposed to the party), a number of notable moves have been made to improve access to state information. The State Council, the country’s chief administrative and policy-making body, passed a kind of freedom of information law in 2007 that outlined procedures by which citizens may gain access to government information. The legislation took effect in May 2008. Officials see the measure as an important part in building transparent government, but major questions remain as to whether the ordinance can be enforced at a local level—and to what degree journalists will be allowed to take advantage of it. As the text of the legislation was released, there were already hints that journalists would be treated as special cases, unable to use the law to obtain government information for news stories. Zhou Hanhua, an expert on freedom of information laws who played a key role in drafting the ordinance, told one Chinese newspaper that “the media’s right to interview and the citizen’s right to know are different.”

While some experts within China remain optimistic about the new legislation, there are already examples of similar ordinances failing at the local level because they are not backed by political will. When a journalist in Shanghai, Ma Cheng, attempted in June 2006 to sue the City Planning Bureau for failing to release information despite a similar local ordinance, his case was dropped, and he was later dismissed by his newspaper under pressure from city officials. The Ma case serves as a reminder that political power, and not the rule of law, still holds sway in China, and that more fundamental political reform is necessary for journalism to thrive, professionally as well as commercially. ■

under Hu, and that even the media-produced internal party memos, or “internal references,”

Now serving a 10-year sentence, Shi was awarded CPJ’s International Press Freedom Award in 2005.

February 2005 Reporter Li Changqing is arrested in Fujian province and sentenced to three years in prison for “fabricating” news. The charge is based on his 2004 reporting for the overseas Web site *Boxun* in which he detailed an outbreak of dengue fever.

January 24, 2006 The government suspends *Freezing Point*, a well-regarded weekly supplement to *China Youth Daily*. Editors Li Datong and Lu Yuegang are reassigned. The moves come after *Freezing Point* publishes an article criticizing official interpretation of Chinese historical events.

January 1, 2007 Regulations take effect that ease travel and reporting restrictions for foreign journalists in the run-up to the Olympics. The new guidelines are set to expire October 17, 2008. Foreign journalists report numerous problems.

October 15, 2007 Government officials ramp up censorship prior to the 17th Party Congress in Beijing. Blogs and Web sites containing “illegal information” are shut down.

December 27, 2007 Dissident Hu Jia is taken into police custody after spending much of the year under house arrest. He is sentenced to three and a half years in prison on subversion charges related to comments he made to foreign journalists and articles he wrote about his activism.

March 2008 Chinese police suppress Tibetan protests in Lhasa and three western provinces. Beijing clamps down on coverage of the protests. Foreign journalists are prohibited from entering the areas.

March 18, 2008 National People’s Congress renews terms for Hu Jintao and Premier Wen Jiabao. ■

Despite Beijing's promises, restrictions on the domestic press have tightened in the years leading up to the Olympic Games. The administration of President Hu Jintao uses administrative measures, ideological mandates, and punitive actions such as imprisonment.

In July 2001, crowds rushed into the streets of Beijing in celebration. The Chinese capital's massive advertising campaign in support of its bid to host the Summer Olympic Games in 2008 had resonated deeply among its citizens. The International Olympic Committee's decision, telecast live from Moscow, brought a flood of collective joy—even the police dispatched to control the crowds couldn't keep themselves from grinning.

If you asked a Beijinger then about the Olympics, you were likely to hear the word *kaifang*, or open. Open to reform, open to change, open to competition, and open to joining the international community. The last time that so many people had flooded the streets may well have been during the protests at Tiananmen Square in 1989. For the few whose memories weren't dulled by time and censorship, the events there had come to symbolize the closing of possibility. In 2001, well into a transformative economic boom that would lead to its accession to the World Trade Organization, China seemed poised to open its arms to the world. Seven years later, in the place of real change for the Chinese public, an expression of frustration has settled in. *Wai song nei jin*. Outwardly relaxed, inwardly restricted.

China's domestic press situation is a paradox. In an increasingly rich media environment, ordinary people transmit their digital recordings of news events before censors have time to act, bloggers argue against the Communist Party line, and commercial news outlets compete for readers. At the same time, the administration of President Hu Jintao has boosted efforts to keep the news under its control through administrative measures and party-driven ideological mandates, hiring and firing heads of news outlets and jailing journalists. Chinese reporters face more threats than their foreign colleagues at the local level, where government officials and businesses hire thugs to quiet negative coverage.

Physical attacks against journalists occur regularly. In January, as many as 30 men attacked a journalist with the Hong Kong-based *Ta Kung Bao* as he was photographing forced evictions in Wuhan, China's central Hubei province, Radio Free Asia reported. Last year saw a high number of serious work-related attacks. In January 2007, a *Nanfang Daily* journalist was hospitalized after five unidentified men attacked him outside his home. The next month, a group of men beat two Guangxi cameramen and seized their cameras as the journalists tried to report on workers' efforts to get back wages. And in August 2007, a local agriculture official and his staff assaulted five reporters as they conducted interviews with relatives of the victims of a deadly bridge collapse in Hunan province.

As alarming as these assaults have been, however, official repression in the form of arrests, censorship, and demotions has had more lasting and wide-ranging effect. When Guangzhou's *Nanfang Dushi Bao* (Southern Metropolis News) took on the role of public watchdog, for example, it got a bitter taste of government retribution. In 2004, three of its staff members were jailed after the paper reported the death of a young college graduate in police custody. The exposé forced the government to change national laws for detention and custody, but the story also prompted bureaucrats to lash out at the messengers. Editor-in-Chief Cheng Yizhong was detained for five months. Former Editor Li Mingyong spent three years in jail before being released in 2007. And General Manager Yu Huafeng was freed in February after serving four years on trumped-up corruption charges.

The jailings of *Nanfang Dushi Bao* staff illustrate the prevailing tension in the Chinese media. The popular commercial newspaper has genuine sway; its exposés and editorials have informed its readers, changed laws, and transformed the consciousness of the Chinese public more than any foreign news outlet could do. But the imprisonment of its staff members—two of whom, Li and Yu, were not even involved in the

reporting of sensitive stories—stand as a warning to those who would offend powerful Communist Party officials.

In June 2006, a brief Xinhua News Agency report announced that Beijing Vice Mayor Liu Zhihua, who oversaw building for the Olympics, had been removed from his post for “corruption and dissoluteness.” The dispatch did not provide information about the specific wrongdoings of which Liu was accused, and Chinese party-run and commercial newspapers were ordered to carry only the official report. Though commercial papers outside of Beijing drew attention to the news with large headlines and additional information culled from official Web sites, Chinese journalists were forbidden from conducting their own interviews or investigations into the case.

The accusation of corruption raised serious questions about the 300 billion yuan (US\$40 billion) allocated for construction and infrastructure development in Beijing ahead of the Games. International Olympic Committee representatives assured reporters that they had been told the case was unrelated to Olympics construction. But even foreign reporters faced a wall of silence when they attempted to investigate the case.

“Anything involving construction or development for the Olympics involves high-level officials,” said Charles Hutzler, an Associated Press journalist who reported extensively on the city’s preparations for the Games. “It’s impenetrable.”

Like other sensitive or forbidden topics in Chinese media, bad publicity in the Liu Zhihua case could pose a potential threat to the political power of the top Communist Party leadership. At its heart, the aim of the propaganda machine in China is to preserve the hegemony of those in power, and any restriction on reporting can be traced back to this objective. Along the way, a flurry of crucial information has been lost, hidden, or unexamined.

Li Datong, former chief editor of the progressive *China Youth Daily* supplement *Freezing Point*, said the last decade has seen far too many important issues go unreported until too late: corruption within the Politburo; AIDS transmission in Henan caused by official greed and missteps; huge and potentially catastrophic mistakes in the building of the Three Gorges Dam; and the ambitious and costly South-to-North Water Diversion Project—approved in 2002, it has yet to deliver a drop of potable water to Beijing.

Journalists are forced to tread carefully on issues of major public interest, or lose their jobs. Li himself became a vocal critic of official control over the media after he was demoted from his editorial position in 2006.

The level of risk facing individual writers, intellectuals, and journalists is a function of personal connections, professional status, and the tone and context of his or her critique. Direct criticism of national leadership or the current system of governance is sure to bring trouble, but the extent varies. Beijing University law professor He Weifang, who has written frequent editorials for newspapers such as *Xin Jing Bao* (Beijing News), has not been able to publish his writings since April 2006, when his calls for multiparty reform and his praise of the Taiwanese model of democracy, made during a closed government meeting, became public. But, protected by his employers and his reputation, He continues to teach classes, post his writings in a blog (one that is occasionally deleted by its hosting service), and speak to the foreign media.

The propaganda machine is designed to support those in power. Crucial information goes unexamined.

Writers without such protection face more severe consequences. In these ranks are people like Yang Tianshui, a dissident writer who spent the entire decade of the 1990s in prison on a charge of “counter-revolution.” After his release, he became a frequent contributor to the banned U.S.-based Web sites *Boxun News* and *Dajiyuan* (Epoch Times), the latter an outlet that authorities particularly revile for its connection with the anti-Communist spiritual movement Falun Gong. Yang came under surveillance by state security agents in connection with his work and was frequently detained. In 2005, a group of overseas Chinese elected him (without his knowledge, he said) as “secretariat” of a fictional “democratic Chinese transitional government” in a fantasy online exercise. He was sentenced to 12 years in prison on charges of “subverting state power.”

For writers like Yang with a history of activism or a perceived connection to anti-Communist groups, authorities seem to read criticism of the party as a call to action. The merciless punishments in these cases reflect the ruling party's mandate to suppress any organized opposition.

Daily journalists are less likely to face prison because they are blanketed by layers of censorship. Party-run news outlets must please their masters at local and central party committees, and content is under the oversight of an in-house official hierarchy. At commercial news outlets, where editors may steer clear of straight propaganda in an attempt to solicit increasingly discerning audiences, a mandatory affiliation with a state agency nonetheless forestalls complete independence. No specific orders need to be given to journalists to remind them not to offend the Communist Party leadership, and matters of greater nuance are handled by communiqués from local propaganda departments to the relevant officials connected to each outlet.

Direct criticism of national leadership or the current system of governance is sure to bring trouble.

"The government doesn't want to harm journalists," said Li, the former *Freezing Point* editor. "It controls them."

In the nearly 30 years that have passed since Deng Xiaoping initiated economic reform in China, there have been many occasions to hope for press freedom. Commercialization, technology, and an apparent desire by the public for more and better information have pushed the press to be increasingly liberal and consumer-friendly. But each sign of a door's opening seems to trigger the instinctive slamming of it by Beijing authorities.

While the scope of topics available to Chinese media consumers today is greater than in the past, criticism of the national leadership remains a largely unchallenged taboo. In this aspect, the media has yet to reach the level of serious political debate with which it engaged the public in the 1980s, the early years of reform that some journalists still see as a golden age for the press.

The Tiananmen Square crackdown was the turning point for the press, and even those journalists who merely covered the events there were condemned and "re-educated." A 1993 CPJ publication, *Don't Force Us to Lie: The Struggle of Chinese Journalists in the Reform Era*, documented the demoralizing process of re-education that faced the journalists not jailed or relocated after 1989. In that book, a *China Daily* journalist described the aftermath of the crackdown: "Writing self-criticisms. Attending a lot of meetings to read aloud my self-criticisms so other people could criticize my self-criticisms. Really terrible."

In the 1990s, central authorities reimagined the news media as a commercially viable entity tied financially and legally to the government and the Communist Party. The contradictory forces of this new arrangement seemed to come to a head in the SARS crisis.

At the end of 2002, a deadly pneumonia-like virus spread quietly throughout southern China. It was months before the Ministry of Health made its first report about SARS, and another two weeks before Guangzhou media reported it. Coverage was then shut down by orders of the Central Propaganda Department. In the early months of 2003, Chinese authorities systematically covered up new cases of the virus before vocal international concern at the global spread of SARS prompted a change in policy.

For a moment, the freshly installed administration of President Hu seemed to take this lesson to heart. Health Minister Zhang Wenkang was sacked along with several other high-level officials, including the mayor of Beijing, and the government pledged to boost transparency. In the spring of 2003, one former newspaper editor told CPJ, "We realized that we could break the rules." Despite propaganda department orders to play down the spread of SARS, the Chinese press sent reporters into hospitals and reported new cases of the disease. The moves by Hu and Premier Wen Jiabao to penalize officials responsible for the cover-up encouraged hopes for media reform.

The opening was short-lived. "There was a three-month spring," said He, the Beijing University professor, "but it wasn't followed by summer. It went straight to winter." President Hu, still an enigmatic figure both in and out of China, proved disappointing to those who had him pegged as a reformist. The next five years saw increased restrictions on the press, the prosecution of several high-profile journalists, and a string of progressive editors removed from their posts.

## An Editor's View: Tunneling Through Stone

“Chinese media are evolving. They are in the process, as we say in Chinese, of ‘tunneling through stone drip by drip.’”

**L**i Datong has been a critic of media controls in China since January 2006, when he was removed from his position as chief editor of *Freezing Point*, a supplement to the national *China Youth Daily*. His demotion was triggered by publication of an essay that alleged ideological bias in textbook accounts of Chinese history, but it followed a career of struggle against official censorship. In May 2007 in Hong Kong, he addressed the Society of Publishers in Asia on the future of Chinese news media. Here are translated excerpts.

“China has a vast media industry. We are a country of 1.3 billion people in the midst of an historic period of transition, and the relationship between media and China’s social development is growing ever closer. That this is happening under an autocratic system goes without saying. Unavoidably, progress is punctuated by setbacks. It is a game of wits between the media and the system. ...

“If we dwell on the setbacks, we are sure to despair at the prospects for Chinese media. And yet, the solid ice is melting, the layers are beginning to soften and split apart, and beneath the crushing of this ice of autocracy, the Chinese people are demanding democracy and freedom. ...

“I began working as a journalist in 1979, just as China began its path of opening and reform. Over the course of 29 years, we have poured our energy into changing Chinese journalism and have seen it for ourselves. Judging from the depth and breadth of news reports today, Chinese media have already made epochal progress. We’re not remiss in saying these changes have already lodged in the hearts of the people and that they cannot be reversed. ...

“In point of fact, there has never been a loosening of controls. The censorship system has never undergone substantive change, even if its methods have become more nuanced and concealed. But in spite of this fact, change is unavoidable. ...

“Chinese media are evolving. They are in the process, as we say in Chinese, of ‘tunneling through stone drip by drip.’ This evolution may, perhaps, lack dramatic action. It may not command attention. But as someone who has participated in and observed this evolution, I know it is real, and that it cannot easily be reversed. Don’t get me wrong. The traditional system of media controls in China grinds on. Many of the most important political topics in contemporary China cannot be talked about openly. News that authorities deem harmful to the legitimacy of their rule is suppressed.

“In realizing their right to freedom of expression, as set down in the constitution, Chinese citizens have a long road ahead. That road will be winding and cursed with setbacks. But the seed of freedom of speech has been planted already. Chinese have awakened to a consciousness of their legal rights and the need to defend them. Their fear is ebbing away.

“The power and legitimacy of China’s censors have already been questioned publicly, and actions to close newspapers or ban books have met with an unprecedented degree of public resistance, forcing compromise on the part of authorities. This should make us feel encouraged. I believe the yearning for freedom of speech in China has never been more powerful than it is today. If journalists in China persist in upholding their professional conscience, if they work tenaciously to expand the space for truth, I believe the day when we truly enjoy freedom of expression in China, as guaranteed in our constitution, will not tarry much longer.” ■

One of the chief ways that authorities have limited investigative reporting during Hu's tenure is empowering provincial officials to cooperate with their counterparts in other regions to block coverage of sensitive local issues. For years, each local propaganda department minded only its own media, allowing reporters from outside the region to parachute in and do some real reporting. But now, through the support of the party's Central Committee, the lines of communication between officials in each region have opened—and the reporting opportunities have closed. There is now less of what reporters call *yidi jiandu*, or cross-territorial reporting, which had become a common way for commercial news outlets to keep their stories interesting without angering authorities in their home region.

In addition, provincial and city-level officials often collude with local businesses to suppress potentially embarrassing information. Ideology becomes a stick used by businesses to protect their own commercial interests; propaganda authorities are easily influenced by businessmen who claim that critical reports will threaten stability. As an increasingly common line of defense for public figures and corporations, civil libel cases against media outlets and journalists have created a further disincentive to critical reporting. These cases are usually decided against the press, according to separate research by professor Benjamin Liebman at Columbia University Law School and professor Chen Zhiwu of the Yale School of Management.

**H**ere is a line you are unlikely to read in a Chinese newspaper today: *Full press freedom will only follow serious political reform.* As long as the party's department of propaganda has authority over media content, journalists will not be free or safe. As long as the government maintains the right to decide who can publish or broadcast news to a mass audience, the press will always have strict limits. And without an independent judiciary, journalists will remain at risk of arrest and prosecution in connection with their reporting.

Public debate over press conditions in China stops at the point of mentioning the underlying political causes. Up to that point, the press has been vocal in defending its rights to report the news safely and without interference. The domestic media's interest in their own working conditions was illustrated last year by two very different cases. The first involved a well-known reporter for a state-run news outlet who had just been released after eight years in jail. The second, which occurred in the same coal-mining province of Shanxi, involved a young man bludgeoned to death in a case that raised questions about the ethics of the Chinese press.

Gao Qinrong, an established reporter for the official Xinhua News Agency, was imprisoned in 1998 after doing what any good investigative journalist is supposed to do. Suspecting that something was awry in the construction of a costly public irrigation project in his home province, he discovered that not one of the thousands of tanks was connected to a water source. Xinhua wouldn't publish his report, but it ended up in the internal edition of the *People's Daily*, which is distributed to high-ranking party members only. It wasn't long, however, before other news outlets had caught on to the extraordinary scoop, and national TV cameras flocked to cover the corruption scandal.

Local authorities held Gao responsible for the embarrassment, and he was sentenced to 12 years in prison on charges that included fraud, pimping, and embezzlement. Gao spent eight of those years in jail and was finally released in December 2006.

Gao went to the media, giving interview after interview to domestic and international news outlets describing his ordeal and calling for his conviction to be vacated. The regional Chinese newspapers *Nanfang Zhoumo* (Southern Weekend) and *Nanfang Dushi Bao* published lengthy interviews with Gao in which he described his reporting, his imprisonment, and his efforts to get the charges dismissed. By the time the Central Propaganda Department acted to shut down coverage of the case, Gao had again become national news, a high-profile example of what seemed to be the worst fate that could befall an enterprising journalist in China. CPJ honored Gao in 2007 with its International Press Freedom Award.

A few weeks after Gao's release, another Shanxi media employee was in the news. This one, a young man named Lan Chengzhang, was a former coal miner who had been working for a Beijing-based newspaper for just a few days when he was killed. Chinese news reports on his death debated whether or not to

With the Central Committee's blessing, regional officials are working more closely than ever to restrict local reporting.

## A reporter who exposed corruption ends up jailed for eight years.

call Lan a journalist; like many reporters, he didn't hold official journalist accreditation. Too, when he arrived at the site of an illegal coal mine, Lan may have been looking for what dozens of other reporters, accredited or not, had also been seeking: hush money from an owner of a mine that should not have been operating. Men hired by the mine boss brutally beat him in full view of a colleague.

The case sparked public outrage, and President Hu called for an investigation. Six men were quickly brought to trial and convicted. It remains unclear whether Lan was soliciting a bribe.

Chinese media used these two cases as a platform to draw attention to their own rights. Gao was presented as a hero, a journalist whose dedication to the truth had stolen him from his wife and young daughter. The press presented his attempt to restore his name as a fight for justice. In the coverage of Lan, the news articles debating his status as a journalist clearly placed a premium on this distinction. Obviously, his killing was wrong. If he was a journalist, then his killing indicates something larger—an obstruction of the right and duty of the press to seek and publicize the truth. If he was not a journalist, or if he was an unethical one, then his death takes on a much different meaning.

Together, coverage of these two cases points to an awareness among the domestic media about their circumstances, their obligations to the public, and their limitations. Yet Chinese journalists are unable to speak in concert.

Unlike foreign reporters in China, who presented a united case to the International Olympic Committee and the Foreign Ministry for improving their working conditions in the run-up to the Games, mainland Chinese journalists do not have the right to organize independently. The official All-China Journalists Association has failed to address their needs, and Chinese journalists lack an official venue for making specific recommendations for reform. The press has so far been unable to take advantage of the hosting of the Olympic Games to further its own right to report the news.

Political reform—however likely or unlikely it is in the long run—will not happen before the opening ceremony on August 8. But China could make significant improvements in press conditions by reforming its libel laws to allow for criticism of public figures, by narrowing the terms of national security legislation, and by ensuring that local officials who punish journalists for their reporting are held accountable. ■

The state has weaned the media from subsidies and pushed outlets to rely on advertising revenue, all while keeping control over news content through financial incentives, administrative measures, and the threat of punishment.

June to September is recruitment season at Nanfang Daily Newspaper Group, which runs some of the nation's most commercially successful newspapers. An astounding 40,000 résumés flooded its offices in 2006, according to news reports, though only about 100 applicants were hired to work at *Nanfang Dushi Bao* (Southern Metropolis News), *Nanfang Zhoumo* (Southern Weekend), *Ershiyi Shiji Jingji Baodao* (21st Century Business Herald), and the group's other publications. The thousands who applied to these top papers did so for all sorts of reasons, and money was among them. Reporters at *Nanfang Zhoumo* say that their average monthly income is around 5,000 yuan (US\$715)—nearly twice the average monthly salary for urban workers, according to Ministry of Labor and Social Security statistics. Performance-based bonuses can double or triple the base salaries.

Publishing and broadcasting have been growth industries in China. Since 1979, when the sale of advertisements in state-controlled newspapers became legal, the media industry has undergone a dramatic commercial reform. In 2007, advertising revenue in China grew by 15 percent, to 441.5 billion yuan (US\$62 billion), as income from newspaper and especially television and magazine advertising grew dramatically, according to figures from Nielsen Media Research. Even as Chinese authorities have shut down hundreds of television stations and newspapers for publishing internal news, offending the Communist Party's propaganda authorities, or violating the complex rules governing the media, the overall trend of growth over nearly three decades is unmistakable.

The state has weaned the media from subsidies and pushed outlets to rely on advertising revenue, all while keeping control over news content through financial incentives, administrative measures, and the threat of punishment. Since Hu Jintao became president in 2003, journalists say, these restrictions have become more stringent.

Though the Chinese constitution protects freedom of the press, speech, and expression, there are institutional barriers to the free distribution of news in China. All news outlets must be authorized by the State Council and must comply with specific media regulations guarding almost every aspect of operation: hiring and training practices, amount of registered capital, location of premises, ties to any sponsoring state agency, and number of news bureaus.

All news outlets must be authorized by the state and comply with a wide range of official rules.

By law, a journalist must hold a government-issued press card, which requires a minimum junior college education. The card must be renewed every five years and can be revoked for failing to “respect and follow government-issued laws, regulations, and professional journalist ethics.”

Regulations for operating broadcast, print, and Internet news outlets also list broad categories of unacceptable content, including anything that “disrupts the social order or undermines social stability” or is “detrimental to social morality or to the finer cultural traditions of the nation.” Outlets that violate regulations can be punished with fines or shutdowns. By law, all news outlets must be affiliated with a state entity, but the degree of direct party oversight, the level of financial pressure, and the influence of reporters and editors vary across regions and types of media. National state-controlled media such as the Xinhua News Agency, *Guangming Daily*, *People's Daily*, and China Central Television, for instance, enjoy the backing of the central party leadership, and are known to do critical reporting at the local level even as they praise the Beijing elite. Print and Internet media tend to have more leeway than broadcast

news outlets. Authorities in Shanghai have a reputation for tolerating little political criticism from the city's media, while those in Guangzhou preside over an aggressively commercial press. Liberal management can make a difference, as can the kinds of topics that a news outlet focuses on; because of the official desire to promote commercial growth and foreign investment, financial reporting is given a wider berth by propaganda authorities and media owners.

The most significant distinction, however, is the one between news outlets directly controlled by the state and those with a largely commercial aim. At the national level, Xinhua, China Radio International, China Central Television, *Guangming Daily*, and *People's Daily* are controlled by ranking party cadres in the government and the Central Propaganda Department; their expressed aim is to communicate the official line. Provincial and municipal authorities, too, run their own newspapers and television stations. At the same time, all levels of government also oversee commercial spin-offs, like the Guangdong provincial party committee's Nanfang Daily Group, that are intended to bring in revenue. Journalists' experiences with censorship, and the extent of official control in their daily work, depend greatly on whether they work for the commercial or party-run news media.

For a successful example of a market-oriented news outlet, look no further than *Caijing*. A financial magazine based in Beijing, it has grown under the leadership of Editor-in-Chief Hu Shuli into a publication with a solid reputation for well-researched journalism. Its reports on SARS, avian influenza, pharmaceutical scams, corruption, and other crucial issues have won it an affluent readership and wide admiration.

Yang Daming, *Caijing*'s deputy editor-in-chief, attributes the magazine's success to its coming of age during a time of market reform in China, when professional reporting on financial news became both necessary and commercially viable. In addition, Yang notes that *Caijing* has avoided one pitfall that traps other media outlets competing for advertising revenue. "From the beginning, there has been a clear line between editorial and advertising at *Caijing*," Yang said. "The advertising department is in a separate building. They give us the independence we need to work." Journalists at *Caijing* work on a different pay scale than most others in Chinese media. Only about 30 percent of a junior journalist's pay at *Caijing* comes from politically influenced performance bonuses—the mirror opposite of the typical pay structure. *Caijing* senior staffers receive relatively high salaries that are not affected by performance bonuses at all.

The profitability of the magazine also gives it leverage in its inevitable tussles with authorities. *Caijing* is owned by the SEEC Media Group, a firm with mainly commercial interests, and is under the oversight of the All-China Federation of Industry and Commerce (ACFIC), an official organization that describes its political aims, in part, as "to hold high the great banner of Deng Xiaoping's theory." When propaganda officials were alarmed by a March 2007 article concerning use of public funds to bail out a private company, the ACFIC acted. The issue was pulled from the printer, but *Caijing* journalists succeeded in revising the copy and publishing the work the next week.

For chief editors, though, miscalculating official reaction carries significant risk. No case illustrates this more clearly than the crackdown at *Nanfang Dushi Bao* in 2004. Cheng Yizhong, a young party member who was appointed to bring in profits, led the newspaper as it investigated the death in police custody of college graduate Sun Zhigang. The newspaper's powerful reporting resonated with the public, forcing the government to make nationwide changes in detention policies. Yet the very same reporting caused the newspaper itself to come under investigation. Cheng was subsequently held in police custody for five months, and two colleagues served several years in prison on corruption charges.

All news outlets are subject to orders from the party's Central Propaganda Department. These directives range from relatively broad guidance to mentions of specific cases and issues in the news. An office at the Nanfang Daily Group receives the orders from local party officials—often by telephone—and then relays them to the editors-in-chief of the group's various newspapers. Editors are told they should carry only Xinhua's reports of a corruption trial, for example; that they should cease coverage of anti-Japanese

## The Media Managers

An array of committees and agencies collaborate to promote the official line. For party officials, ‘propaganda’ is no dirty word.

**A**mong party officials responsible for media content, the word *xuanchuan*, or “propaganda,” does not have a negative connotation. In recognition of the discomfort it evokes among foreigners, however, the department overseeing China’s media was renamed in 1998—in English only—from Central Propaganda Department to Central Publicity Department. (CPJ uses the Chinese translation elsewhere in this report.)

Under the leadership of Politburo Standing Committee Member Li Changchun and Publicity Department Director Liu Yunshan, the Central Publicity Department (CPD) and its local branch offices scrutinize appointments of media managers, keep media abreast of issues to stress in reports, and inform managers via telephone conversations of topics to avoid. Groups of senior cadres working in *yueping xiaozu* or “monthly evaluation small groups” critique news coverage seen as inaccurate or politically undesirable, providing the written rationale for how news content should conform to the wishes of the party. News content is also monitored by media employees with close ties to the Publicity Department whose charge is to protect their organizations from making political “mistakes.”

The CPD’s hold on the media is facilitated by intimate collaboration with state institutions such as the General Administration of Press and Publications (GAPP) and the State Administration of Radio, Film, and Television (SARFT), which frequently issue regulations, reminders, and reprimands restricting the conditions under which Chinese journalists can report the news. For example, in November 2006 the CPD and GAPP criticized the Beijing-based weekly *Lifeweek* for running a cover story on the 30th anniversary of the tumultuous Cultural Revolution, along with a photo of Mao Zedong’s last wife, Jiang Qing, on trial for persecuting Communist leaders and attempting to seize power. (She eventually committed suicide while serving a commuted death sentence.) In January 2007, according to the *South China Morning Post*, the CPD issued an internal regulation requiring media to seek permission prior to reporting on major historic events involving revolutionary leaders or controversial political figures. Chinese media were later instructed, at a meeting held by SARFT, to avoid reporting on 20 specific historical events and issues, including the 1957 antirightist campaign affecting as many as one million people, the Cultural Revolution, the flashy lifestyles of China’s newly wealthy, and the debate over media freedom.

Openly flouting CPD directives can lead to immediate closure of a media outlet or precipitate an investigation of editors or journalists, leading to imprisonment on charges that, in recent years, have included corruption, leaking state secrets, false reporting, inciting unrest, and political subversion. Relatively few journalists (as a proportion of the country’s total number) experience repression directly, which is due in large part to financial incentives for self-censorship, or performance-based salary schemes in which journalists receive payment only for reports deemed politically acceptable. Many Chinese reporters steer clear of controversy to receive higher financial compensation.

Areas of the media industry that have been difficult to “manage” are privately owned Internet sites and blogs that feature content concerning military affairs, foreign relations, and protests in Tibet and Xinjiang. China had nearly 47 million active bloggers in 2007 and some 210 million Internet users by 2008, according to the China Internet Network Information Center. To monitor content, Internet portals employ computerized “filters” based on regularly updated lists of politically sensitive terms. In-house censors, some of whom work for state organizations, delete undesirable content and shut down blogs that display pornography, directly challenge party ideology, or advocate political activism. Despite attempts to tighten control over the Internet, growing numbers of Chinese have access to large amounts of information. In the blogosphere, the influence of propaganda has waned and millions of Chinese enjoy unprecedented freedom to articulate coded or vaguely worded dissent. ■

demonstrations; or that they should emphasize positive aspects of newly proposed legislation. Municipal and provincial media like those in the Nanfang Daily Group are also subject to orders from the propaganda departments of the local Communist Party committees, whose members may wish to silence coverage of a nearby mining accident or a land dispute.

In addition to the specific orders, journalists understand they have to stay away from stories about the military, ethnic conflict, and religion (particularly Falun Gong and underground churches), along with articles on the inner workings of the party and, to a lesser extent, the government. Savvy journalists carry their own internal compasses for issues like these. They openly admit that self-censorship is just as stringent a master as the Central Propaganda Department.

The penalties for crossing the censors' line are mostly administrative. Serious infractions are noted in a journalist's employment record. Seeing a pattern of controversial reports, propaganda authorities may close down a publication or "reorganize" its personnel. These are not uncommon practices: Each year, several high-profile publications disappear, or have offending staff demoted and shuttled off to publications where they can have less impact. In early 2007, Huang Liangtian, editor-in-chief of the Beijing-based magazine *Baixing* (Ordinary People), was removed from his post after the publication ran one too many news reports about corruption and official land grabs. His magazine was reconfigured as a cultural affairs publication, carrying reprints of innocuous material and no original news reports. Huang was transferred to a position at *Agricultural Products Weekly*, taking much of the staff with him.

Another example: In June 2007, after the *Chengdu Evening News* published a small classified ad in support of "the strong mothers of 6/4 victims"—referring to the events of June 4, 1989, at Tiananmen Square, a subject that is strictly off-limits to the Chinese media—the paper's deputy editor-in-chief and two others on the editorial staff were fired, according to news reports. Sources at the newspaper told reporters that the young staff members simply had no idea what "6/4" referred to, a plausible explanation since reporting on the 1989 military crackdown has been officially suppressed.

In China's commercial press, the payment system for journalists has emerged as a central method of content control. At most papers, reporters receive bonuses when their articles are published, and those bonuses make up the bulk of their income. The end result is that staff reporters are more likely to go after stories that will make it into print, or at least cover them in a way that will not offend the censors.

The impact of such a system is clear. Most reporters with the Nanfang Daily Group are better paid than their colleagues elsewhere in the country, and they can better afford to lose some income when editors spike their stories for political or business-related reasons, or by orders of propaganda authorities. It is no coincidence that Nanfang's newspapers, along with the profitable and well-paying *Cajing*, have developed a reputation for aggressive news coverage. But for reporters at provincial newspapers, who can expect to earn less than 50 yuan (US\$7.14) per article, loss of income can be devastating. Journalists at these news outlets have an extra incentive to avoid work that might anger propaganda authorities.

Another defining feature of the payment system is the ratings scale. At many publications, there is no set payment for an article; instead, internal committees rate each article to determine how much the reporter will be paid. An article's rating is sometimes determined by its popularity but is more often decided on its political merits.

In August 2005, Li Datong, who was then editor-in-chief of the *China Youth Daily* supplement *Freezing Point*, created a stir when he wrote a furious memo to the paper's editor-in-chief, Li Erliang, excoriating a newly proposed ratings system. Under this system, 50 points would be awarded to articles with the highest readership, and up to 300 points would be awarded to those praised by officials. Party or government criticism would lead to deductions. Though it was posted on the newspaper's internal network, the memo quickly found its way online.

"No matter how strongly readers praise an article, if it makes some official unhappy, and receives a couple sentences of 'criticism,' then not only is all your labor for naught, but the prestige of the paper is for naught, and it goes without saying that the opinion of the readers is worth less than a fart," Li wrote, according to *The Washington Post's* translation of the memo.

“Under this arbitrary and meaningless arrangement, what sane journalist would choose to write public interest reports?” Li asked.

Li won the battle, and the proposed ratings system at *China Youth Daily* was scrapped. (Li survived as *Freezing Point* editor only a few more months before being banished to the research department for publishing a controversial essay on Chinese history.) But across China, similar systems are the norm, and investigative journalism in particular suffers under them. With a good chance of attracting the negative attention of businesspeople or officials, exposés are likely to be rejected by propaganda authorities. Add the time commitment of researching and investigating each report, and the economics of investigative reporting becomes bleak.

While editorials at *Nanfang Dushi Bao*, *China Youth Daily*, and other newspapers have continued to break new ground, media observers note that, partly as a result of these commercial pressures, investigative reporting remains limited to a small number of journalists sporadically taking on projects at a handful of major news outlets.

Zhou Kai, a reporter at *China Youth Daily*, gave a devastating online account of his frustrations in pursuing an investigative piece. When Zhou published an essay on counterfeit medicine, he recounted, a reader in northern China’s Shandong province called him with a real-life example. The reader’s mother was on the brink of death after doctors gave her a counterfeit medication intravenously.

Xinhua, the state media flagship, is a central part of China’s propaganda efforts.

Zhou went after the story. In the course of writing a 7,000-word investigative piece, he interviewed the deputy director of the municipal food and drug administration in the provincial town of Laiyang, who brought along a representative from the party’s local propaganda department. When Zhou returned to Beijing, he was informed by his boss that the newspaper had decided to do a joint project with Laiyang officials on “One Hundred Great Counties.” He was advised to file his investigative report as an “internal reference”—distributed only to high-ranking party officials.

Even as he posted his account of censorship in April 2007, Zhou couldn’t help thinking his career would suffer. “As I write this essay, I am wondering how many people I am going to offend. Will I be able to work at the newspaper anymore? Will I be allowed to write news reports? Will I ever get a good rating for my reports? Will I ever get a good rating for job performance? Will I ever be rated excellent again?”

His judgment of his bosses’ actions was equally direct: They were simply responding to the pressures of the media market when they accepted an offer from the officials in Laiyang, Zhou said. “The newspaper ... needs money to satisfy its workers,” he wrote. “If the state won’t provide the money, the newspaper has to earn money on its own. It needs advertisements, it needs marketing, it needs distribution, and it is that simple.”

While pushing commercial news agencies to adhere to political exigencies, the state has kept tight control over its flagship: the Xinhua News Agency. Xinhua, which means “New China,” is a branch of the State Council and answers directly to the Communist Party’s Central Propaganda Department. It functions both as a sanctioned mouthpiece of the central government and as a source of internal information for senior officials. A great deal of the content provided by Chinese news outlets is composed of Xinhua reports, often by order of propaganda authorities.

At the 60th anniversary of the establishment of Xinhua’s foreign bureaus, celebrated on May 31, 2007, Central Propaganda Department Director Liu Yunshan extolled Xinhua for the special role it plays both within China and abroad.

“As a state news agency, Xinhua is in a pivotal position in the party’s news and propaganda work,” said Liu, according to a Xinhua report. “In the last 60 years, Xinhua has earnestly carried out the party’s line, principle, and policy; has actively carried out propaganda abroad making use of its overseas organ; has endeavored to create an objective and friendly international public opinion environment; and has made important contributions to pressing ahead China’s revolution, socialist construction, and reform and opening up.”

## Directing the News

The flow from censors was daily, unrelenting, and covered every conceivable topic, from the serious to the banal.

Jimmy Cheng Qinghua, an editor for state-run China Radio International (CRI) in Beijing, saw thousands of coverage directives cross his organization's internal network. Each day, directives came down from the Propaganda Department of the Central Committee of the Communist Party and the State Council Information Office to editors and frontline reporters at CRI, aimed at controlling the information posted on the news outlet's Chinese and foreign language Web sites. During particularly sensitive occasions—such as the anniversaries of the horrific Tangshan earthquake and the military crackdown at Tiananmen Square—dozens of instructions appeared.

At great personal risk, Cheng collected more than 100 of these orders from April 2005 to August 2006 and allowed CPJ to review them. Cheng, knowing well that reporter Shi Tao is serving a 10-year jail sentence on charges of “providing state secrets to foreigners” for e-mailing just one of these propaganda department instructions, agreed to be identified after gaining U.S. citizenship in 2008.

The orders are quite specific, even when dealing with mundane topics. CRI's Web sites were ordered not to repost an article on a railway police dispute that had appeared in the Beijing-based newspaper *Xin Jing Bao* (The Beijing News) because it was “suspected of leaking secrets.” Web sites were ordered to de-emphasize news of a fatal hospital fire in Jilin in December 2005, and to strictly monitor online forums to delete “harmful information.” Web sites were forbidden from reporting on the closing of *China Youth Daily* supplement *Freezing Point*, and were instructed to delete all existing postings.

The flow from censors was daily, unrelenting, and covered every conceivable topic, from the serious to the banal. Here are a few:

- “All press inquiries and correspondence regarding the Shanwei City Honghaiwang 12/6 incident [in which police killed several protesters]. ... On December 18, major media in Guangdong province will publish the Shanwei news office representative's response to press inquiries regarding the Honghaiwang 12/6 incident. All reporting on news Web sites in Guangdong on this subject will be arranged by the Guangdong government news office. All other Web sites without exception are prohibited from posting information in connection with the matter. Internet Office, December 18, 2005”
- “To all local and foreign propaganda offices and news Web sites: Please do not report on the suspension from teaching of Jilin Art Institute Teaching and Research Section professor Lu Xuesong. Anything found on Internet forums related to the incident must be removed. Central External Propaganda Department Internet Office, August 8, 2005”
- “Regarding information on the article headlined, “Surgeon spoke on the phone during surgery and paralyzed a patient's face, 180,000 RMB damages sought from military general hospital” [Beijing Evening News, November 30, 2005]. All Web sites must cease reporting on this incident. Do not inflame this situation, disable all related news threads, and swiftly tone it down. Internet Office, December 1, 2005”
- “Regarding the Tangshan coal mining accident news, each site should only use Xinhua News Agency dispatches. It is forbidden to use any other reports. Do not post news threads, do not post headlines, discussion forums are also out of the question. Each Web site should strictly monitor content, using only Xinhua dispatches for related breaking news and removing harmful information. Internet Office, December 7, 2005” ■

Liu encouraged Xinhua to maintain its role as a disseminator of propaganda overseas: “It should forcefully propagandize China’s policy and advocacy of adhering to scientific development, harmonious development, and peaceful development; should fully present China’s brand new outlook of economic development, social progress, ethnic solidarity, and the people living and working in peace and contentment; should fully reflect the Chinese people’s good wish to pursue world harmony and to promote peace of mankind; and should create an image of China as being civilized, just, democratic, and progressive.”

To make this happen, Xinhua hires recent college graduates who undergo an ideological training session of several weeks before they begin work. Departmental leaders introduce them to the structure, function, and discipline of the Xinhua model of reporting, and even offer training on how to protect national secrets. “In a word, we’re expected to be brainwashed,” said one Xinhua editor, who asked not to be named for fear of retribution.

Xinhua employs thousands of people in its domestic and international bureaus. Reporters are viewed as government employees and enjoy special access to officials at the local level. Agency managers, from department directors to top editors, enjoy all the privileges of the ruling elite. Xinhua’s president, the newly appointed Li Congjun, operates at the ministerial level and is a member of the party’s Central Committee. The Xinhua president traditionally undertakes diplomatic missions abroad and hosts foreign delegations in Beijing. Li’s predecessor, Tian Congming, met with representatives of state news agencies from North Korea, Venezuela, and Cambodia to promote “bilateral cooperation.”

In the newsroom, Xinhua reporters enjoy enviable access, but their reporting is slowed by the agency’s prepublication censorship system. As in many news organizations, dispatches must flow through headquarters for review before release. But at Xinhua, stories that deal with the party’s upper leadership must also go to the Central Office of the party’s Central Committee and the State Council Office for approval. Particularly sensitive stories are sent to Xinhua’s chief editorial office or, on occasion, to the president of the agency for a final decision, according to CPJ sources. Because it is the flagship, Xinhua receives special and direct attention from the Central Propaganda Department in the form of orders to suppress or to cover specific news. These directives can be contradictory and are often confounding, Xinhua staffers say, in some cases instructing journalists to report a story they were ordered to stay away from just hours earlier.

**A**uthorities approach online news providers in much the same manner as they do traditional media: by dictating the kinds of outlets that can post news and by controlling the management of those outlets. In sum, they lean on hosting services and search portals to help censor content. Regulations posted by the Guangdong Provincial Communications Administration, for example, mandate that a systems operator “filter, select and monitor” all content on their site and be held personally responsible if any content is found to violate relevant regulations.

While authorities effectively keep unwanted news from reaching mass audiences, journalists know they can troll the Web for hidden treasures. Thus, they say, the scope of news and commentary has broadened over nearly three decades of commercial reform and information revolution.

That the government’s system of media control has effectively stayed the same is a source of optimism for some journalists.

“The media management system is like a balloon,” said media critic Li. “Thirty years ago, there wasn’t much for the balloon to hold. But over the years it has been expanding and expanding with the Internet—new ideas, more reporting. But the framework hasn’t changed.”

Li pauses, then grins: “Pop!” ■

# Local Threats: The Bureaucrat's Tyranny

Violence, criminal prosecution, and censorship are often local affairs, initiated not by central authorities but by low-level bureaucrats, businesspeople, or criminal gangs.

Less than a hundred years after the fall of the Qing Dynasty, proximity to the seat of power still makes all the difference in political and cultural affairs. As in imperial days, edicts from the central government look different when they're carried out in places like Guangzhou, in southern China's wealthy and rapidly developing Guangdong province. The media in that city remain stubbornly independent of their masters in Beijing despite repeated attempts to draw them under official control.

But just as regional variation accounts for some of the best Chinese reporting and writing, in many other instances it allows local officials to suppress news coverage for their own parochial reasons, using weapons more brutal than those the central government employs. Violence, criminal prosecution, and censorship are often local affairs, initiated not by central authorities but by low-level bureaucrats, businessmen, or criminal gangs. Journalists who face reprisal at the local level are unlikely to get help from the capital city.

"In terms of personal safety, what investigative journalists fear most is the local mafia, hooligans, and thugs, and also the police," said prominent Beijing-based journalist Wang Keqin at a May 2007 lecture at Princeton University. Wang said that he is regularly threatened for his investigative work around the country. In 2001, mobsters in the western province of Gansu put a 5 million yuan (US\$650,000) price on his head after he exposed a securities scam. More recently, in March 2007, he was beaten with an iron rod while reporting in Shanxi province.

Local authorities protect their interests with weapons more brutal than those the central government employs.

And while the actions of the central government and the Central Committee of the Communist Party are often predictable, the whims of the lower-level official are not. In the case of a 41-year-old Taizhou newspaper editor named Wu Xianghu, it was traffic police who killed him.

Wu was deputy editor-in-chief of *Taizhou Wanbao* (Taizhou Evening News), in the eastern coastal province of Zhejiang, south of Shanghai. In fall 2005, the newspaper—with the approval of city authorities—reported that traffic police had been demanding unreasonable fees for the licensing of electric bikes. As many as 50 police officers descended on the paper's offices while Wu's colleagues shot photographs. The men beat Wu on the head and body, dragged him into an elevator, and lifted him into a police van as he cried out for help. He was in and out of the hospital for several months, but he never fully recovered from his internal injuries, his wife told reporters. He died in February 2006 of liver and kidney failure, and no criminal charges were reported in his case.

Violent attacks, though relatively infrequent in Beijing, are an increasingly common risk elsewhere. Online reporting forums such as *Xici Hutong* post regular accounts of assaults by irate businesspeople, police, or young men hired by local officials to scare off reporters. City and provincial authorities protect their own, and they are unlikely to prosecute attacks on reporters unless higher-level officials demand it. With no law explicitly protecting the rights of journalists to investigate and report the news, central government intervention is rare.

Physical threats are only one tool at the disposal of provincial and county officials. Local courts often do the bidding of party bosses, so a criminal prosecution initiated at the behest of local authorities is likely to result in a conviction. This was the fate of Gao Qinrong, a Shanxi-based reporter who served eight

## Common Sense as a Weapon

“Using common sense as a weapon, we will surely destroy the nightmare woven with fear and lies.”

Cheng Yizhong, former editor-in-chief of *Nanfang Dushi Bao* (Southern Metropolis News), was detained for five months in 2004 after the Guangzhou paper's investigative reporting embarrassed local officials. The newspaper broke news that a young graphic designer, Sun Zhigang, was beaten to death in police custody in March 2003. Yu Huafeng, the paper's general manager, and Li Minying, the former editor, were rounded up at the same time. Li was released in 2007, while Yu was held until February 2008.

In recognition of the newspaper's courageous reporting, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) awarded Cheng its 2005 Guillermo Cano World Press Freedom Prize. Cheng could not attend UNESCO's award ceremony in Dakar, Senegal, but sent prepared remarks dated April 28, 2005. Here are translated excerpts:

“I thank my friends, relatives, and colleagues. ... Your cries have swept away obstacles and blown down layers of dark curtains and towering walls. I must also thank the politicians who undid this mischief after making such mischief in the first place. Without your savagery and stupidity, I would not have received this honor, and cases of injustice on a greater scale would have continued as if the accusations were real. In a society where the system of law is unsound, any type of injustice can be pulled off, and cases of injustice always seem so solemn and extraordinarily perfect. I would like all the more to thank my comrades-in-arms and fellow inmates, Mr. Yu Huafeng and Mr. Li Minying. Your sufferings are the shame of all of China. ...

“Using common sense as a weapon, we will surely destroy the nightmare woven with fear and lies. Do not go against common sense. Do not go against conscience. Be on guard against despicable politicians who attack the truth in the name of the truth, who give vent to their own anger and seek their personal gains in the name of political correctness. ... For us, the first priority is to expand the public's right to know and improve political transparency.

“We have been lost in fear and lies for too long. Fear is omnipresent and lies are omnipresent—we are going farther and farther on the road of deceiving ourselves and others. ... If we become used to the prevailing evil, then we are accomplices in persecuting ourselves. Bei Dao's poem says: ‘We are not innocent, and a long time ago we became accomplices with history in the mirror.’ ...

“I would like to avail myself of this opportunity to make this appeal: Let the truth return to our lives, just like the earth returning to under our feet! In 1975, [Václav] Havel said these words in an open letter to [Vladislav] Husák, Czech president and Communist Party general secretary: ‘If life cannot be eliminated forever, then similarly, history cannot be fully stopped, either. Beneath the deep layer of inertia and falsehood, a secret river still flows slowly; slowly and unnoticeably, it erodes the deep layer. This may be a very long process, but one day, it will happen: That deep layer begins to crack.’

“This will also surely be our future.” ■

years in jail; Li Changqing, a Fujian editor who completed a three-year sentence this year; Jiang Weiping, jailed for five years in the northeastern province of Dalian; and three *Nanfang Dushi Bao* journalists jailed in Guangzhou. All of these journalists offended provincial officials by exposing corruption or misdeeds; all found themselves accused of crimes such as leaking state secrets, corruption, spreading alarmist information, embezzlement, and even pimping.

Complicating this picture are unethical practices by the press itself. In 2005, central authorities issued new regulations that steepened punishments for journalists found to be taking bribes or seeking “illicit benefits,” according to the state-run Xinhua News Agency. This was a response to rampant corruption in the media industry.

“Reporters are subject to many tortures,” said Wang, the investigative journalist. “And they are also subject to many seductions.”

Unethical activities are by no means limited to provincial journalists, and one of the highest-profile news extortion cases involved Xinhua reporters. But low pay among provincial reporters—and an unclear line between editorial and advertising content—provides an extra incentive to make money through soliciting “subscriptions” and advertising revenue, and by accepting cash-filled “red envelopes” for positive coverage, or hush money to suppress bad news.

In the northern coal-mining province of Shanxi, where thousands have died in work accidents and mine bosses collude with the government to keep the news quiet, an industry has emerged in which fake reporters fabricate press cards simply to reap the kickbacks. (The government-issued cards, which all journalists are required to have by law, are designed to monitor and vet the ranks of media workers; many reporters manage without them, however, or purchase them on the black market.) In one of the best reports to emerge on the kickback phenomenon, *Henan Shang Bao* (Henan Business News) published a detailed exposé of a city official in the central Chinese town of Ruzhou who paid 200,000 yuan (US \$26,000) in hush money to dozens of real and fake reporters who arrived at the scene of a fatal mine flood. Reporters from national and provincial news services were paid on a sliding scale of 100 to 1,000 yuan (US \$13 to \$130); more money was paid to the national news reporters, less to those who covered local beats.

“Compared to other cities, these are tiny amounts,” the city official told the reporter. “But Ruzhou is poor; it is all we can afford.”

*Henan Shang Bao*, whose operations are supervised by Henan provincial authorities, was suspended for publishing the exposé. The article appeared briefly on the popular news portal *Sina* before it was removed, according to Hong Kong blogger Roland Soong. *Sina* operates under instructions from propaganda authorities in Beijing.

Under these circumstances, it is not difficult to see why so many press workers choose to take the money.

At the same time, the policies of President Hu Jintao have further empowered local authorities. The censorship system long placed all provincial and county-level news outlets under the oversight of local agencies, subject to the orders of both the local and central propaganda departments. For that reason, the practice of *yidi jiandu*, or reporting across regions, emerged as an effective method of investigative reporting. Journalists traveling from Guangzhou or Beijing, for example, could get in and out of Shanxi or Fujian province before local propaganda officials had time to alert the Central Propaganda Department to shut down coverage. If not detained or physically attacked, or if they did not succumb to the temptation of bribes, these outside journalists could break news that their local counterparts could not.

But under Hu, and with the support of central authorities, local propaganda departments have improved their system of cooperation and communication. Guidelines that came into effect in 2005 prohibit provincial media from reporting outside their own region. Though some news agencies choose to break the rules, police and others use them as a basis to detain, harass, or attack journalists. As a result, local officials have more power than ever to influence coverage of their affairs.

**T**raditionally, foreign journalists were required to seek official permission to report in each locality, a law sometimes used as a club against the press. In October 2005, when men apparently hired by the

local government beat two foreign reporters and viciously attacked a Chinese activist in the southern town of Taishi, the response of the Foreign Ministry was to berate the foreign media for failing to obey reporting guidelines.

“We express regret over these journalists repeatedly breaching relevant rules to carry out such reporting activities, especially when some media are always criticizing China for the lack of laws,” said Foreign Ministry spokesman Kong Quan, according to Agence France-Presse.

Temporary Olympic regulations—introduced in January 2007 and set to expire in October 2008—were intended to ease travel and reporting restrictions on foreign journalists. Under the temporary rules, foreign reporters no longer need advance permission from provincial authorities for every interview they conduct, and they are free to visit “places open to foreigners.” The looser restrictions were supposed to apply not only to those reporters covering Olympic events in the cities of Qingdao, Tianjin, Shanghai, Shenyang, and Qinhuangdao, but also journalists traveling anywhere on the mainland, central government officials said.

Local police ignored national rules when they turned back foreign journalists trying to cover the Tibetan unrest.

But county and city officials have repeatedly disregarded the liberalized rules. In the first 16 months after the rules were enacted, the Foreign Correspondents Club of China (FCCC) recorded more than 230 instances in which local officials obstructed journalists in defiance of the looser regulations. In Zhushan, a town in the central province of Hunan, two BBC journalists reported being detained and interrogated in March 2007 when they tried to cover a riot. As is often the case, local police had a different interpretation

of the rules than the central government. The Zhushan version won, and the reporters were ejected.

The same approach was evident in the days and weeks after the March 2008 demonstrations in Lhasa that led to riots by ethnic Tibetans. Protests spread to at least three provinces neighboring Tibet. More than 50 foreign journalists were turned away by police when they attempted to enter areas where disturbances were reported, according to the FCCC. Local authorities invoked emergency powers to effectively overrule the reporting regulations.

Local officials can themselves be ineffectual when a lucrative industry is involved, as *New York Times* business reporter David Barboza discovered when he, a translator, and a photographer were detained at a factory in June 2007. While reporting on a supplier of toys said to contain lead paint, the journalists were kept inside a factory complex in the southern city of Dongguan by a team of private security officers. Police and government officials who arrived at the scene were able to secure their release only after hours of negotiations with the factory bosses.

“We noticed that while our translator was giving an account of the day to the police,” Barboza wrote in the *Times*, “the factory bosses were laughing and dining in another room, making the nexus of power in these parts and in this age ever more clear.” ■

Chinese journalists see the widening use of civil libel suits as an attempt to inhibit critical coverage of corporations and powerful local figures.

**P**u Zhiqiang is a hulk of a man who wears the wry smile of a country boy taking on the big city. An attorney who has represented authors, journalists, and news media in civil defamation suits filed by officials and corporations, Pu is at the forefront of legal efforts to defend the right of journalists to report critically without fear of crippling financial reprisal.

“When officials and rich corporations file these cases, they usually win,” Pu told CPJ. With local courts generally protecting powerful local interests, he noted, “the media doesn’t have a chance.”

One of his defining cases was in defense of Chen Guidi and Wu Chuntao, a husband-and-wife team who coauthored a book examining rural life in China. Published in 2004 and later translated into English under the title *Will the Boat Sink the Water? The Life of China’s Peasants*, the book was a surprise bestseller in China, but it didn’t enrich its authors. Though the book shied away from criticizing central party or government officials, its appraisal of corruption among party officials at the local level was enough to get it banned from distribution. The bulk of its sales involved pirated copies.

But the more direct challenge came from Zhang Xide, the former party secretary of the county of Linquan, in central China’s Anhui province. Accusing the pair of defaming him in their representations of abuse and extortion, Zhang brought them to court in Linquan, where his son worked as a judge, to sue for damages of around 200,000 yuan (US\$26,000). Pu presented a forceful argument in defense of their right to present well-researched documentation of official abuse, but the attorney could not win a decisive victory. After the trial ended, the judge simply failed to deliver a verdict. According to a 2007 interview that Chen and Wu gave to Radio Free Asia, the book’s publisher privately paid Zhang 50,000 yuan (US \$6,500) to stop pursuing the case.

**W**ith more space and incentive for reporting on financial issues and local corruption, the press has had more chances to anger local officials and businesses since media commercialization began in the 1990s.

The number of civil defamation cases began to rise as a result. A study by Yale University professor Chen Zhiwu showed a dramatic increase in civil defamation suits filed against the media from 1999 until the end of 2002, with a corresponding increase in the amount of damages sought. In 2006, Columbia University law professor Benjamin Liebman published a study of civil libel cases filed between 1995 and 2004. Liebman noted that, while documentation of these cases is incomplete, those reported by the media are most often decided against the press.

Chinese journalists see the widening use of civil libel suits as an attempt to inhibit critical coverage of corporations and powerful local figures. (Central party and state officials do not file libel suits because they do not need to: Official restrictions on the press ensure that national leaders are not targets of media criticism.)

A suit filed in Shenzhen in 2006 pointed up the potential for abuse of libel laws. The case ended positively for the news media, but foreign pressure played a role in the resolution. In July 2006, the Shenzhen subsidiary of Taiwan-based electronics manufacturer Foxconn sued a reporter and an editor of the daily *Diyi Caijing Ribao* (China Business News) for a total of 30 million yuan (US\$3.9 million), and a local court froze the journalists’ personal assets—including real estate, cars, and bank accounts—pending a hearing. Reporter Wang You and editor Weng Bao had angered the company when they reported allegations that workers

## Waiting for a Verdict

In a July 11, 2005, letter to the chief judge of the Fuyang City Intermediate People's Court, attorney Pu Zhiqiang rejected a proposed settlement in the civil libel case against Chen Guidi and Wu Chuntao, authors of *Will the Boat Sink the Water? The Life of China's Peasants*. The attorney urged Judge Qian Huiguang to render a verdict that would set a precedent in the interpretation of defamation law in China. Translated excerpts are below. To this day, no verdict has been issued in the case.

"In our opinion, freedom of the press and freedom of speech are constitutional rights of the people. The normal distribution of creative works not only represents the interests of the publisher, it also represents the principal venue of realizing the intellectual property rights of the authors. The Fuyang City Intermediate People's Court illegally prohibited the distribution of the books and violated the legal rights of the publisher, the authors, and the readers. This is an abuse of judicial power. ...

"Although the publisher and the authors suffered tremendous losses in intellectual property rights, millions of pirated copies were sold, so that the work of our authors did not go to waste. The lawsuit filed by Zhang Xide gave us the opportunity to test the judicial capability of the Chinese legal system. There is no reason why the Fuyang Court, upon which the expectations of the world hang, should be so hesitant and concerned and leave behind a footnote of shame for the feeble judicial system. ...

"When the government is completely unmonitored, it will be the ruin of China. When there is no freedom of speech and criticism, it would be fantasy to talk about building a harmonious society. The verdict in this case will offer the opportunity to answer the question about whether citizens have the right to criticize the party and the public policies of the government, and about whether government officials as public figures can be criticized for their professional conduct. If the case of *New York Times vs. Sullivan* established the grounds for libel of public figures and thus created the public space for social commentary, the case of *Zhang Xide vs. Chen Guidi* will also set up the foundation for the development of Chinese society. Everything depends on the judicial power in your hands. In short, we and all the principals have the opportunity to create history.

"Dear respected Chief Judge: It is the decision of you and your colleagues to write a new glorious page in history or continue the state of confusion. ... You can choose the glory of defending freedom, or you can choose the shame of oppression. Countless writers, reporters, and citizens are watching you, and waiting for your verdict. We believe that no matter what the outcome of this case is, the names of those who appear in the verdict sheet will be remembered forever. You can decide whether you want to be the warrior and sage who defends freedom, or the accomplice who oppresses freedom of speech." ■

were mistreated at Foxconn's Shenzhen plant, which assembles iPods for U.S. computer giant Apple. A subsequent investigation by Apple found overcrowded housing conditions, an outdated system of pay, and instances of harsh treatment.

The Chinese news media rushed to the journalists' defense, accusing Foxconn of using the court system to violate press freedom. The media attention, and apparent behind-the-scenes intervention by an embarrassed Apple, was enough to convince the company to drop the case entirely, after first lowering its damage request to a token one yuan.

Scholars and lawyers advocating reform of China's defamation laws have recommended limiting the law's use by public figures. But without a judicial system independent of party control and local influence, any specific reform is unlikely to go far enough in protecting journalists and news organizations who are sued within the jurisdiction of the officials they offend. Local judges are appointed by local governments, approved by local party cadres, and report to the local legislative bodies. In such an environment, protectionism is endemic. And while the courts have become increasingly professional since the end of the Cultural Revolution, there is still a long way to go.

"Most judges at the local level are not trained legally at all," said Chen, the Yale University scholar whose studies of defamation law helped start the debate. "This adds another layer of difficulty for any reform to be implemented."

Others point out that civil defamation litigation can offer a legitimate means of redress for individuals whose interests have been harmed by false news reports. Lieberman noted that in China, where the media is under the control of the party and the state, libel cases are

also used as a tool for ordinary citizens to fight against official reports accusing them of crimes. Defamation litigation can be a way of using the court system to challenge state authority, even by journalists. When Sheng Xueyou, a veteran freelance reporter based in Beijing, angered local officials in the city of Qitaihe by reporting on a coal mine ownership dispute, a municipal Web site accused him of bias and a lack of journalistic ethics, according to *China Youth Daily*. Disputing the Qitaihe officials' account, Sheng filed a civil defamation suit against them in March 2007. A district court dismissed the case, however, and Sheng's request for a retrial was refused.

Though rarely applied, defamation is also listed as a criminal offense in China. Article 246 of China's criminal code states that, in serious cases, the crime of public humiliation or defamation can result in up to three years' criminal detention, surveillance, or deprivation of political rights. State prosecutors do not initiate criminal defamation cases unless "serious harm is done to public order or to the interests of the state."

The criminal charge was used in a 2004 case against Zhang Ruquan, who wrote a commemorative essay about Mao Zedong that was posted online and distributed in leaflets in the city of Zhengzhou. For an essay criticizing China's current leaders for abandoning its workers and leaving them without access to education or health care, both the writer and the leafletter Zhang Zhengyao were accused of defaming former Chinese leaders Deng Xiaoping and Jiang Zemin. Though the court accepted the defense argument that, since Deng was no longer living, he could not be defamed, the two were sentenced to three years' detention for defaming Jiang. Zhang Ruquan was released, ostensibly for health reasons, in May 2005, seven months after his arrest. The leafletter was not so lucky: Zhang Zhengyao was released in February 2007 after spending almost two and a half years in jail.

Authorities from Xifeng, Liaoning province, pursued a criminal defamation case against a reporter this year. In January, officials prepared an arrest warrant for Zhu Wenna, a journalist for the Beijing-based *Faren* magazine. Zhu had written about a Xifeng businesswoman who was arrested for complaining that the government had provided insufficient compensation when it demolished her gas station. Chinese media and online writers erupted in indignation at the abuse of power, prompting embarrassed Xifeng officials to drop the case.

**F**oreign journalists and news organizations face little risk of defamation charges in China. Though clearly angered by some foreign coverage, Chinese officials at all levels have focused their efforts on controlling domestic coverage. This distinguishes it from a place like Singapore, where government leaders have filed lawsuits seeking exorbitant damages after criticism from international news organizations, including *The Economist*, the *Far Eastern Economic Review*, and the *International Herald Tribune*. But unlike Singapore, where foreign news outlets have a relatively large domestic readership, China has significant limits on the distribution of foreign media within its borders.

Although only institutional reform would ensure press freedom in China, CPJ has found that several steps could make the current system more just.

First, criminal defamation should be taken off the books. Like the overly broad national security laws that have been used to jail Chinese journalists for their work, criminal defamation charges present a clear threat to the right of journalists to report the news and criticize public officials. Second, the civil defamation law should be reformed to protect the rights of journalists to express their opinions and to report critically on public bodies, public figures, and powerful corporations. Civil courts are an appropriate venue for resolving disputes, but libel damages should be proportionate to the actual harm caused. Public figures, particularly in a country where they often have too much rather than too little control over media coverage, should have less recourse to damages under defamation laws. And truth should be an absolute defense. ■

## ‘Secrets’ and Subversion: The Limits of Expression

Laws on secrets and subversion provide a catchall basis for punishing any citizen who disseminates information that is sensitive or embarrassing.

It took Chinese authorities several months to discover what happened on the night of April 20, 2004, and to determine that a national secret had been leaked. On a Tuesday night, an editor named Shi Tao stayed late in his newspaper office in a city in central China to send an e-mail to a man in Queens, New York. With the e-mail address huoyan-1989@yahoo.com.cn and the pen name 198964 flagging his political beliefs, Shi sent his notes from a routine meeting on propaganda orders during the run-up to the anniversary of the crackdown at Tiananmen Square on June 4, 1989. In Queens, a Taiwanese expatriate named Hong Zhesheng immediately reposted the notes in his e-mail newsletter, *Democracy News*, and the posting found its way online.

It didn't create much of a stir. It is common knowledge that the Chinese government censors the media, and that the 1989 crackdown remains a sensitive issue. Shi's e-mail was hardly newsworthy, and certainly revealed no classified information. And yet, after tracking down the journalist (with the help of Yahoo) in his new home in Taiyuan, in northern China's Shanxi province, authorities charged him with the crime of leaking state secrets abroad and sentenced him to 10 years in prison. Assigned to a high-security prison in central China, where he worked cutting gems, Shi's health rapidly deteriorated. He was finally transferred in June 2007 to a prison in Deshan, where conditions are said to be better.

“What is the meaning of a state secret? How can a journalist hold a state secret?” wondered Mo Shaping, the attorney who represented Shi in his appeal. “These things did not involve state secrets or state security at all. It's common sense. These are things that everyone ought to know about.”

China's 1988 law on guarding state secrets provides a catchall basis for punishing any citizen—not just those who have access to classified information—for disseminating information deemed sensitive. It wasn't until 2005 that the government declassified the death toll from natural disasters, leaving many other matters under wraps. Among the general categories it lists as secret, the law names major policy decisions on state affairs, national defense and military issues, diplomatic activities, national economic and social development, science and technology, investigation into criminal offenses, and “other matters that are classified as state secrets by the state secret-guarding department.” State secrets can be named as such after the fact, as they were in Shi Tao's case. The State Secrecy Bureau can simply decree that given information is secret, even after it has entered the public domain.

The government can decree that even public information is a state secret.

The vague outlines of this law—bolstered by additional provisions on state secrets in news publications and online—are a stumbling block in efforts to build true watchdog journalism in China. For the press, the law is almost superfluous; there are enough social and administrative controls on online, broadcast, and print media to ensure that nothing very sensitive is leaked. And yet authorities have used it as a last resort to criminally prosecute journalists. The law carries its own particular barbs. It allows suspects to be held for months, or even years, without access to a lawyer. It allows extension after extension of pretrial detention. And it often brings steep jail terms.

CPJ has documented the prolonged jailing of more than a dozen journalists under this law. Jiang Weiping, a reporter based in the northern city of Dalian, spent five years in jail on the charge. He was punished in retribution for writing about official corruption in that city for a Hong Kong-based magazine. One of the officials he wrote about, Bo Xilai, was later named China's trade minister. Xu Zerong, a U.K.-trained

academic and freelance writer, remains in jail on a 13-year term for e-mailing to a colleague in South Korea information gleaned from a 1950s book about China's involvement in the Korean War. *New York Times* researcher Zhao Yan was tracked down and imprisoned, initially on suspicion of leaking state secrets, apparently because of an article that predicted the retirement of Chinese leader Jiang Zemin. (Zhao was later convicted on a fraud charge widely seen as being trumped up; he served almost three years in prison before being released in September 2007.)

The liberal use of this and other national security-related charges makes China the world's leading jailer of journalists. According to CPJ research, 20 of the 26 journalists known to be imprisoned in China are jailed for antistate crimes. Though all countries have laws safeguarding state security, Chinese authorities' use of these accusations is overly broad, and has been used repeatedly to squelch free expression. Most of the jailed journalists on CPJ's list are political prisoners, incarcerated for appearing to get too close to the corridors of power, for embarrassing top leaders, or for criticizing the Communist Party as it jealously guards its hegemony.

China hasn't jailed anyone for "counterrevolution" since the charge was abolished in 1997. Originally deployed against communists before the revolution of 1949, the crime was used to punish political enemies of all stripes under the reign of Mao Zedong, throughout the Cultural Revolution, and in the aftermath of the military crackdown at Tiananmen Square. The push to eradicate this outdated charge was once hailed by outsiders as a sign of progress, and seemed at its inception to be a step toward the modernization of China's criminal code. But instead, authorities simply shifted to imprisoning reporters under a list of offenses now called "endangering national security." Tossed in with crimes that most countries would consider a threat—such as organizing an armed uprising against the state—the criminal code includes vaguely stated "crimes" that constitute mere expression. The charge of "inciting subversion of state authority," for instance, has been lobbed with alarming regularity against writers who criticize the one-party state.

This use of national security charges to inhibit the expression of opinions and stanch the flow of information is in contravention of international standards set forth by the International Covenant on Civil and Political Rights, to which China is a signatory. China signed the Covenant in October 1998, less than two months before Beijing announced its plan to bid for the 2008 Olympic Games. This was hardly a coincidence: The failure of its previous bid for the 2000 Olympic Games was widely attributed to concerns about China's human rights record. But national leaders still have not ratified the international agreement, a step that would require significant legal reform.

Article 19 of the Covenant states that everyone "shall have the right to hold opinions without interference," and that everyone "shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." The same article makes exceptions in the right to free expression for the protection of national security. But it states specifically that these restrictions apply only in cases that are "provided by law and are necessary."

China has yet to ratify the international covenant that guarantees the right to free expression.

In 1995, the London-based anticensorship organization Article 19 convened a group of experts on international law, human rights, and national security to establish recommendations for interpreting exceptions to the free expression clauses. The resulting Johannesburg Principles, later endorsed by the U.N. special rapporteur on freedom of opinion and expression, established a guideline that allows restriction of freedom of expression or information only in cases when a government can demonstrate that the restriction is lawful and is necessary to protect a legitimate national security interest in a democratic society. The principles place the burden on governments to define unambiguously their restrictions on expression.

China's application of national security laws against journalists and writers for their peaceful expression of dissent or criticism fails to live up to these norms, CPJ research shows. Instead, the ranks of its political prisoners have recently swelled with a new category of transgressor. Finding the Internet harder to

# Defending the Press

**M**o Shaoping, a prominent human rights lawyer based in Beijing, has represented a number of writers and editors, including the currently imprisoned journalists Zhang Lin, Lü Gengsong, and Shi Tao. In March, CPJ spoke with Mo about his work.

## Have conditions for Chinese media improved since the Olympics were awarded in 2001?

Official monitoring and restrictions are, if anything, heavier than before. Many Web sites have been shut down, and there is extensive censorship. There are new [looser] media regulations for foreign journalists—but lots of foreign reporters tell me there are still problems, that lots of places don't welcome journalists. Subversion charges are also used frequently to limit critical expression. The use of this charge has increased in the past few years.

## Why are subversion charges so common?

The charges we see over and over again are subversion and violation of state secrets. They are used because the government can't openly call free expression a crime.

Someone might have written hundreds of essays, with a total word count in the millions. And from this body of work they'll select maybe 100 words that support the charges. For example, Lü Gengsong had written a total of 226 pieces during his career, and they selected 19 of these as "problematic." Then they narrowed it down even further. The "proof" for the charge was based on excerpts of about 470 words—a tiny fraction of his output.

## What improvements should be made for Chinese journalists?

First, there needs to be media run by the people—the people should be allowed to control what is reported. Not all media should be state-run or restricted by the government. I'd also like to abolish the use of imprecise charges such as subversion, or at least establish clear guidelines as to what such charges mean.

## Police questioned human rights lawyer Teng Biao for more than 40 hours in March. Do you worry about the risks of having a high profile?

Yes. I do prepare for such risks, especially when I'm handling sensitive cases. I'm aware of the pressure that comes from appearing in court in these cases. People know our law firm, they know we've come from Beijing.

I'm pretty old nowadays! [Mo is 50.] I'm a generation older than a lot of the [human rights] lawyers who are working now—Gao Zhisheng and others. Things are better now than they were 10 years ago. News about what's really happening spreads over the Internet now, which wasn't the case before.

## How did you become involved in human rights cases?

After the Tiananmen Square protests in 1989, there were lots of cases that lawyers just weren't taking. Some friends were involved and they approached me for help. It doesn't matter what someone is accused of—everyone has the right to representation. It's possible, of course, to abuse freedom of expression and there needs to be some protection. But if writing itself is treated as a crime, that's just not right.

## What do people in China think of your work?

I mainly get two reactions. Half the time, there is a lot of admiration. People come up to me and say that they really respect what I do. But the other half—they are worried. I have a number of close friends and relatives who tell me not to push things too far, that it's too risky. Of course, there are also lots of people in China who don't know anything about these kinds of cases.

## Press freedom cases often don't get positive results. What's the point in continuing?

I believe the final evaluation in these cases will be left to history. ■

control than traditional media, authorities have repeatedly jailed online writers on national security-related charges. One of the earliest prosecutions CPJ documented of an Internet publisher in China was that of Huang Qi, who founded the *Tianwang* Web site, initially intended as a means to search for missing persons. The site soon became a forum for people to post articles on other topics, including such taboos as Uighur nationalism, Falun Gong, and the crackdown at Tiananmen Square. Huang was detained in 2000 and sentenced much later to a term of five years in prison. In 2001, authorities in Beijing went after a group of four young university graduates, members of an informal discussion group they called Xin Qingnian Xuehui (New Youth Study Group). Citing their online articles on social and political reform as proof of their intent to overthrow the Communist Party, authorities accused them of “subverting state authority.” More than two years after their detention, two of the four were sentenced to jail terms of 10 years each, the others to eight-year terms.

These cases—and the many others that have followed—reflect China’s obsession with suppressing any hint of organized opposition to party rule, however embryonic or informal it may be. They also mark the brutal outside limit of any reporting or commentary on reform, elite politics, Falun Gong, Tibet, the autonomous region of Xinjiang, or other sensitive topics.

Since the beginning of this decade, Chinese authorities have tightened their administrative, technological, and social control over the Internet. At the same time, several overseas Chinese-language Web sites have developed an audience of readers in China who use proxy servers to access their banned content. These Web sites have become real targets of Chinese authorities. One of them, *Dajiyuan* (Epoch Times), is affiliated with Falun Gong, a spiritual movement that has grown political under the brutal repression of the state. Many of the site’s contributors in China are not themselves Falun Gong practitioners, but this doesn’t matter: Even the association is enough to cause suspicion. Another site, *Boxun News*, sees itself as a forum for citizen journalists. It has no stated religious or political goals, but its willingness to post even the harshest criticism of the one-party state has similarly angered authorities.

**T**he case of Li Yuanlong, who served two years for “inciting subversion of state authority,” illustrates the government’s willingness to use antistate laws to silence dissenting views. Li’s crime was to write political commentary expressing his frustration with the local government and with Communist Party rule, which he posted on a number of banned overseas Web sites, including *Dajiyuan*, *Boxun News*, *ChinaE-Weekly*, and *New Century Net*. But Li was hardly a political organizer, and his intention was not to start a revolution. Instead, he told his lawyer, he had simply become frustrated with the “lies and clichés” of his work for the local daily *Bijie Ribao*. His efforts to report on poverty, unemployment, and inequality in the rural and undeveloped province of Guizhou had been continuously thwarted by local officials.

“He was a regular reporter at the newspaper,” his locally hired lawyer told CPJ after Li was picked up in September 2005. “He reported news.”

Broad classifications, ambiguity, and a lack of transparency make China’s national security laws a threat to free expression. These aspects of the laws would have to be addressed if China were to ratify the International Covenant on Civil and Political Rights. That work should be done now. ■

Online journalists, especially those who file for overseas Web sites, can face great risk. Eighteen Internet writers are now imprisoned in China.

China is not the only country to manage public opinion by controlling the Internet—CPJ has documented Internet censorship in 22 countries worldwide—but it was the first to launch a comprehensive program to censor online speech and to monitor e-mail and text messaging. China’s approach to online censorship is so expansive and technically sophisticated that countries such as Vietnam, Zimbabwe, and Thailand have adopted its practices.

Published estimates suggest that the Chinese government could have many thousands of people monitoring Internet activity. “The Ministry of Public Security will be dispatching virtual cops to China’s major Web sites. ... All major portals and online forums will be monitored,” boasted an April 2007 article by the official Xinhua News Agency, one in a long string of such official pronouncements. By February 2008, Xinhua reported, the National Office for Cleaning Up Pornography and Fighting Illegal Publications had removed more than 200 million “harmful” online items during the prior year.

Such a massive effort means online journalists, especially those who file for overseas Web sites, can face great risk. Eighteen Internet writers are now imprisoned in China, accounting for about two-thirds of the journalists held in the country’s prisons, according to CPJ research.

Yet sheer numbers also offer potentially good news for free expression. An estimated 210 million people were online in China by 2008, and that is only about 15 percent of the mainland population. The China Internet Network Information Center said subscription rates are growing at double-digit rates, unlike the trend in many Western countries, where Internet penetration has leveled off. The government, for all its efforts, is fighting a rearguard action. Bloggers constantly pop up, change addresses, hide behind proxy servers, and use a full range of hit-and-run tactics to sidestep the government.

Zhao Jing, a former researcher for *The New York Times* and *The Washington Post* who blogs under the name Michael Anti, says many Chinese bloggers are journalists who work at mainstream outlets. He told CPJ that “a large number of the famous bloggers in China are journalists. They are an extension of the media. They blog because they can’t speak out at their newspapers.” Zhao, who worked for several Chinese papers and did a stint as a correspondent in Baghdad, said he wound up blogging because “I thought that I wouldn’t be allowed to write a political column. So I turned to the Internet.” Zhao’s work drew international attention in 2005 when U.S.-based Microsoft Corp. deleted his blog on the orders of the Chinese government. As in freer countries, he said, China’s online journalism is the tail that is starting to wag the dog: “Blogging has become mainstream. The blog has become the center of the media. It is the mainstream media that are following blogs.”

With the traditional press tightly controlled, bloggers break news in China. Blogs, text messaging, and social networking sites played prominent roles in spreading on-the-ground reports about the May 12 earthquake that shook Sichuan province, leaving tens of thousands dead or missing. Eyewitness accounts, photos, and maps were posted on sites such as Twitter in the hours after the quake. In 2007, environmental activists used text messaging to derail plans for a chemical factory in Xiamen, on China’s southeast coast. Their alarming reports sparked large demonstrations that drew national attention and prompted officials to halt construction so environmental studies could be carried out.

The government is clearly watching—and is prepared to use the bluntest forms of censorship when

With the traditional press tightly controlled, bloggers break news in China.

necessary. In the weeks before the politically sensitive 17th Communist Party Congress, in October 2007, public security officers restricted Internet data centers that hosted even a single Web site deemed politically offensive. Authorities ordered Waigaoqiao, one of the country's biggest data centers, to suspend operations, and instructed other data centers to disable interactive features such as bulletin boards and comment sections while the Congress was in session. Tens of thousands of Web sites were either blocked or shut down entirely.

## Authorities rely on service providers to block Web sites, delete content, and monitor e-mail.

Typically, authorities use a mix of technological and regulatory tactics to try to control the Internet. The government relies on service providers to do much of its bidding—filtering searches, blocking critical Web sites, deleting objectionable content, and monitoring e-mail traffic. The OpenNet Initiative—a research project on Internet censorship conducted jointly by Harvard and the universities of Toronto, Oxford, and Cambridge—found that China has engaged in “substantial” and “pervasive” filtering of political, social, and security-related content. Blocking user access to forbidden Web sites is a favorite tactic, as is reconfiguring search engines to filter out taboo locations. For example, a Web search for “Falun Gong,” “Taiwan,” or “Tiananmen” would not draw a blank, but it would yield carefully vetted sites that present the government-approved line.

Technology's partner in Internet censorship is an old-fashioned one—regulations, strict and thick, imposed on service providers. In the five years after China first allowed private Internet accounts, in 1995, the government issued more than 60 sets of regulations to tighten its control of online content, Human Rights Watch reported. The regulations continue to come. In January 2007, President Hu Jintao once again made a public call to “purify” the Web, saying that the Internet threatened, among other things, the “stability of the state.” China's chief censor at the time, Long Xinmin, warned that more rules would be issued because “advanced network technologies such as blogging and Webcasting have been mounting new challenges to the government's ability to supervise the Internet.”

The government's first move following those remarks was a crackdown on Internet cafés. Realizing it couldn't close the more than 113,000 smoke-filled gathering places already in operation, Beijing simply told local officials to stop issuing licenses for any new ones. Existing Internet cafés were required to register with the state and to take responsibility for material posted from their terminals. The government did back down, in the face of industry resistance, from its plan to require Chinese service providers to obtain verifiable personal details from all users. Instead, it is enlisting Chinese Internet companies to sign a pact promoting real-name registration.

Bulletin-board systems, Web sites associated with search engines, and online text-messaging services are required to register as news organizations. Web sites that have not been established by an official news outlet such as a newspaper or broadcaster are forbidden from gathering or editing their own news or commentary. Legally, they can only reproduce material that has passed through censors at approved media organizations—and all media in China are government-controlled.

The regulations outlaw the kind of self-generated news and commentary that had become a fixture of search portals such as *Sina* and *Sohu* and popular bulletin-board systems such as *Xici Hutong*. Administrators of these sites had long censored their own news content and monitored public discussions to avoid being shut down by authorities, but the new restrictions added a layer of direct government involvement while circumscribing the sites' legitimate scope. *Century China*, which launched in 2000, was an outright casualty of the rule tightening. A collaboration of the Chinese University of Hong Kong and a Beijing think tank, its eight online forums combining news and opinion were widely read by Chinese academics until the Beijing Communications Administration ordered it closed in July 2006.

Sites tied to publications were once more aggressive than their print versions, but they, too, have dialed back on their coverage. *Baixing* (Ordinary People) saw its online version shut down several times. After running exposés on corrupt land seizures, *Baixing* was finally reconfigured in print and online as a “youth lifestyle” magazine that reproduces unobjectionable material culled from online sources. Its former editor, Huang Liangtian, was fired and reportedly reassigned to *Agricultural Products Weekly*.

# Search Engines Sift and Censor

Type something as benign-sounding as “open letter” into a Chinese Internet search engine, and it’s likely you won’t get a complete list of the Web’s offerings on that topic. For China’s Internet police, a critical first step in controlling the flow of online information is to filter search results. Search engines in China do not yield blank responses; that would attract too much resentment. But with search engines limiting the scope of response, sensitive information can be kept behind a firewall.

In May 2007, just months before the 17th Communist Party Congress, an unidentified blogger posted a list of about 700 words that generate censored responses when entered into a Chinese search engine. Fewer than 50 words relate to pornography; most are related to politics and current affairs, including about 70 words that relate to specific incidents of social unrest.

The person who compiled the list said it is being used by the Chinese search engine Zhongsou, and that other search engines have similar lists. The blogger, who published the findings for online forums and e-mail groups, apparently had both technical expertise and access. After the list was revealed, Chinese bloggers tested its validity by entering the censored terms into the search engine and found it to be accurate.

Below, translated from Chinese, is a sampling of the terms that generated censored responses.

## On party politics:

Inside Zhongnanhai [China’s leadership compound]; China’s next emperor; hot candidates before the Party’s 17th Congress; Chinese Communist Party’s dictatorship; 17th Congress Committee member; leaders 17th Congress; Standing Committee 17th Congress; Central Committee Politburo; arrangements for 17th Congress; preparation and leadership group; 17th Congress predictions; 17th Congress future; 17th Congress personnel changes; 17th list; favored by the general secretary; Shanghai Gang [the bloc associated with former President Jiang Zemin].

## On the president:

Hu Jintao’s power in the military; Hu Jintao’s faction;

Hu Jintao’s new politics; Hu Jintao’s strategy; Hu Jintao’s family; Hu Jintao’s favorite; open letter Hu Jintao.

## On political personalities and their fortunes:

Politics favor Li Keqiang; Vice Premier Zhang Dejiang; Zeng Qinghong’s power weakened; Xi Jinping and the politburo; Wang Lequan; politics and law; Song Ping’s words; hot candidate; Li Yuanchao [minister of propaganda]; dark horse Li Yuanchao; Li Keqiang fifth generation leader; Secretary Hu’s open letter; open letter.

## On families and history:

Inside the Chinese military; children of high officials; children of high officials wasting public money; analysis of high-level position changes; compromised arrangements between party factions; fifth generation political stars; fifth generation leadership; power struggle of CCP; one party dictatorship; using journalism to influence today’s society; record of lies in Red Dynasty; 10 true lies in 2006; questioning re-education through labor; Cultural Revolution 40 year anniversary; June 4th event [Tiananmen Square crackdown]; overseas Chinese democracy movement; Falun Gong.

## On conflicts and unrest:

Student riots in Ganjiang college; Guangdong business college on strike; Hongbei college riots; riots in Shengda college; student riots; Zhengzhou University riots; collapse of number 10 subway line; open letter against adjusting price for taxis; investigation in Taishi village; eviction in Tianjin; Shigu village, Linyi, and Shandong province [all sites of village unrest].

## On dissent:

Pu Zhiqiang [a leading civil rights lawyer]; Teng Xingshan [a man forced to confess to a murder he did not commit]; Gao Zhisheng [a prominent human rights lawyer]; Hu Yaobang [a reform-minded leader]; Zhao Ziyang [the Party general secretary purged for his sympathetic stance toward Tiananmen Square demonstrators]; Lu Yuegang [a prominent investigative reporter]. ■

**D**enouncing the president, covering pro-democracy activities, mentioning Falun Gong, exposing corruption, reporting on the military, or even publishing photos of sleeping representatives at the National People's Congress is off-limits online. If such material is posted domestically, authorities will move to delete it. If the postings find their way to international Web sites, which cannot be controlled, far more severe action is taken, as evidenced by the online journalists now imprisoned throughout the country. Many of those jailed wrote for U.S.-based Web sites such as *Boxun News*.

Yet videos of events embarrassing to the government, from village unrest to coal mine explosions, still find their way onto the Web. Video-sharing Web sites, in fact, have tested the government's media-control model. In 2007, officials considered but eventually abandoned a plan that would have allowed only state-controlled companies to run video-sharing sites. Given the viral nature of the Internet, even when embarrassing videos are pulled down on government orders, they continue to live on overseas Web sites.

E-mail monitoring is another loose brick in China's firewall, but users have learned to watch their backs. The most notorious case of e-mail repression was that of jailed Chinese journalist Shi Tao, who is serving a 10-year sentence for "providing state secrets to foreigners." Officials from the Changsha security bureau detained Shi near his home in Taiyuan, Shanxi province, on November 24, 2004, several months after he e-mailed notes detailing the propaganda department's instructions to the media about coverage of the anniversary of the June 1989 crackdown at Tiananmen Square. The U.S.-based Internet company Yahoo acknowledged that it helped Chinese authorities identify Shi through his e-mail account.

Rather than try to stay abreast of the flood of e-mail traffic crisscrossing the Internet, a 2005 study by the OpenNet Initiative found, the government relies on individual service providers to monitor traffic, mostly through technology similar to that used in spam filters. In the case of an investigation or prosecution, providers are expected to make records of e-mail traffic available to the government—a system that is also used by courts in Western countries. OpenNet said its tests of China's e-mail filtering system found sporadic blocking of messages with politically offensive subject lines or body text in both Chinese and English.

**T**he current government's drive to control not only online content but also e-mail and text messaging is stunningly contradictory. Successive administrations have recognized the economic benefits of digital communication and committed themselves to a wired China. "Never have so many lines of communication in the hands of so many people been met with such obsessive resistance from a central authority," Ann Cooper, then CPJ executive director, said in written testimony to the U.S. Congress in 2006. "The Chinese government has merged its participation in the world market and political affairs with a throwback attachment to Mao-era principles of propaganda. By fostering technological and commercial growth, it has placed the media in the hands of ordinary citizens—and then used these same capabilities to block its citizens from blogging the word 'democracy,' publishing an independent analysis of relations with Taiwan, sending a text message about a protest, or reporting on the workings of the propaganda department."

Although China's efforts to control the Internet have met with success, its "virtual cops" are rushing to stay ahead of its Web-using citizens. This pattern of commerce and control is bound to be repeated as officials, seeing that information flow is critical to economic growth, wire the countryside with ever-faster connections. ■

The government tries to control online material even as it wires the country with ever-faster connections.

Despite new rules that were supposed to allow greater freedom, officials continue to interfere with foreign media. Dozens of journalists are barred from covering the Tibetan unrest.

**W**hen the Ministry of Foreign Affairs issued liberalized reporting rules for foreign media in January 2007, it was an encouraging step. The temporary regulations, which are set to expire in October 2008, state that foreign journalists no longer need advance permission from provincial authorities for every interview they conduct, and that reporters are free to visit “places open to foreigners designated by the Chinese government.”

In practice, however, the government continues to interfere with foreign reporters. During the first 16 months under the new “Olympic regulations,” the Foreign Correspondents Club of China (FCCC) recorded more than 230 cases of obstruction or detention of foreign journalists and harassment of their sources. In some cases, journalists were able to resolve problems by contacting the Foreign Ministry in Beijing, but more often, local authorities simply ignored the new rules.

This was most evident after March demonstrations in the Tibetan capital, Lhasa, led to riots by ethnic Tibetans and protests in Gansu, Qinghai, and Sichuan provinces. More than 50 foreign journalists were turned away by police when they tried to enter areas where disturbances were reported, according to complaints compiled by the FCCC. Local officials invoked emergency powers to simply override the Olympic reporting regulations—a step that could not have been taken without the consent of the central government in Beijing. FCCC records reflect a litany of obstruction: Police detained a Finnish Broadcasting Co. crew outside the monastery town of Xiahe, Gansu province. Authorities twice turned back a reporter for U.S.-based National Public Radio in Gansu—and then followed her car for more than 200 miles. Police blocked a crew from the American television network ABC from filming in a Tibetan neighborhood in Chengdu, Sichuan province. When the crew cited the Olympic rules allowing foreign reporters to travel and interview anyone who consents, an ABC reporter said, a police officer “simply shrugged and hailed us a taxi.”

Two weeks after the rioting erupted, authorities finally allowed a small number of handpicked foreign journalists into Lhasa—but access was limited to an official tour that was closely managed by government minders.

Foreign news coverage of the unrest, incomplete as it was, sparked a backlash in China. Official statements demonizing Western media and alleging bias in news coverage of the Tibetan crisis fostered a hostile environment, the FCCC said. At least 10 foreign correspondents reported receiving anonymous death threats, and numerous other journalists said they received harassing phone calls, e-mails, and text messages. The tensions prompted the FCCC to issue security tips to its members and to warn that “interference and hate campaigns targeting international media may poison the pre-Games atmosphere for foreign journalists.”

**B**racing for the 21,500 accredited and 5,000 to 10,000 unaccredited foreign journalists who will descend on Beijing for the Games, China’s Olympic planners have issued police an English phrasebook.

It gives some indication of the welcome that foreign journalists will receive. In a section titled, “How to Stop Illegal News Coverage,” the practice dialogue features a police officer confronting a reporter who tries to cover a story on the outlawed religious group Falun Gong.

“Excuse me, sir. Stop, please,” says the officer politely but firmly, before explaining in impressively advanced English: “It’s beyond the limit of your coverage and illegal. As a foreign reporter in China you should obey China law and do nothing against your status.” “Oh, I see. May I go now?” says the visiting reporter hopefully. “No. Come with us,” the officer is told to reply at this point. “What for?” “To clear up this matter.”

Usually, detentions are more inconvenience than hardship for foreign journalists. The interrogators are

# Guidelines for Reporters on the Ground

**A**lthough authorities have tried to be more media-friendly for the Olympics, they are still determined to control information. Visiting journalists, especially those new to China's uncertain media environment, should hire a savvy and trustworthy assistant.

## Trends

- Major cities such as Beijing and Guangzhou are very open. You can pose politically sensitive questions and elicit responses.
- In some other areas, sources might be questioned or detained, especially if you've raised topics the central or local government considers taboo.
- In areas of unrest, notably Tibet and Xinjiang, you must assume you are being followed and that your sources could be at risk.
- Assume you will be monitored once you report on any issue the central government views as sensitive.
- Local governments may interfere if you try to report on embarrassing issues such as widespread pollution and forced relocations.

## Sensitive issues

Here are some of the most sensitive issues and their implications for journalists and sources:

- Problems associated with the Olympics. Information is difficult to obtain.
- Tibet or Xinjiang activists, human rights lawyers, and other activists working on high-profile issues. Sources are at risk of intimidation and detention.
- Protests and unrest linked to social problems, including pollution, the government's forced acquisition of land, discrimination against HIV/AIDS patients, and crackdowns on North Korean refugees. Reporters have faced interference from local authorities when attempting to cover these issues. Some journalists have enlisted help from the Foreign Ministry media office, which has occasionally instructed local officials not to obstruct reporting.
- Corruption cases or reports about internal party politics involving senior officials or other well-connected people. Information is difficult to obtain, even for cases that have been through the courts.
- Dissidents. High-profile dissidents typically know the risks and have made a conscious decision to provide information; some believe international exposure protects them. The lesser known are at risk of detention.
- Issues involving prisons and the police. Access is difficult to obtain.
- Reports based on internal documents, including information on censored historic eras or events, such as the bloody repression of students during the Tiananmen Square demonstrations in 1989. Sources who provide such material face risk.
- All issues involving the outlawed religious group Falun Gong. Web searches on the subject are censored.

generally polite and freedom usually comes after two to six hours of questioning. Unpleasant as it is to be taken away by police, there have been few long-term repercussions in recent years. No foreign journalist has been expelled from China in more than five years.

In late March, Jonathan Ansfield of *Newsweek* filed an account of his experiences trying to cover the ethnic Tibetan riots on his blog. His advice to colleagues if they are detained: “It cannot hurt us to put up a little fight. ... Stipulate your ‘rights’ and any ‘violations’ thereof. Counter questions with questions or non-answers. Yes, apologetic kowtowing does speed the process, if you have no other leg to stand on. Otherwise, I say, try a few histrionics. Look tough. Make a wisecrack. Go a little batty. A modicum of brusqueness may discourage police from taking advantage of a detention-type situation. Not that anything is ever guaranteed. (Disclaimer: Such funny stuff is not recommended for Chinese passport-holders.)”

Ethnic Chinese and other Asian reporters, in fact, have been treated harshly. Ng Han Guan, an Associated Press photographer, was clubbed and his camera smashed by plainclothes security personnel when he took a picture of a colleague being manhandled by police after the Asian Cup final in Beijing in 2004. BBC producer Bessie Du and cameraman Al Go were strip-searched by police after they visited a riot scene in Dingzhou village, Hebei province, in 2005.

Chinese sources face particularly severe repercussions. It is as if there is a circle of fire around foreign correspondents in China—one that protects the reporters but threatens anyone they come near. Among the high-profile victims in recent years have been human rights activist Hu Jia, peasant rights advocate Chen Guangcheng, and legal rights lawyer Gao Zhisheng, all of whom are either in prison or re-education camps, or have been intermittently held in detention. All three men regularly spoke to the media, local and foreign, and knew the chances they were taking. Hu, a high-profile advocate and prolific writer, was sentenced to three and a half years in prison in April for, among other reasons, comments he made during two interviews with foreign media. Visiting journalists must realize the potential cost to Chinese citizens who agree to speak with them.

Journalists’ assistants are vulnerable as well. *New York Times* researcher Zhao Yan served three years in prison, ostensibly for fraud. But his supporters say the charge was a fig leaf to cover the real reason for his punishment—a 2004 *Times* story that correctly predicted former President Jiang Zemin was about to step down as head of the Central Military Commission.

Under the Olympic guidelines, foreign news outlets operating in Beijing, Qingdao, Shanghai, Tianjin, Shenyang, and Qinhuangdao are supposed to hire local assistants through authorized service organizations. Elsewhere, reporters should contact the provincial foreign affairs office. But with thousands of visiting reporters looking for temporary translators, fixers, and coordinators for the Games, many Olympic hires are bound to be unregistered. And many will be enthusiastic young people with little journalism experience.

Foreign news teams should be careful not to put them in jeopardy. Although several news organizations use Chinese assistants as contributing reporters, these assistants cannot legally be credited with exclusive bylines. Reporters who ask Chinese hires to arrange meetings with activists or to organize a visit to an AIDS village must realize that they could be putting their Chinese colleagues at risk. These assistants might not be punished until after the Games, when the world’s attention has moved on.

Reporters from Hong Kong, Macau, and Taiwan have seen the government lift, at least for now, the requirement that they obtain prior permission from provincial authorities for reporting trips outside Beijing. Reporters based in Hong Kong say they are still expected to get special approval from the central government or the official Xinhua News Agency to cover stories on the mainland, but nobody has paid heed to this stipulation for years. Hong Kong journalists foresee few problems covering the Games but say difficulties may arise if they try to cover sensitive topics. The depth of that quandary was illustrated by the case of Ching Cheong, a Hong Kong resident and veteran correspondent with *The Straits Times* who served nearly three years in prison on spying charges that he adamantly denied. Ching was released in February.

Watching China prepare for the Games, it is clear the government wants the event to be flawless. That preoccupation has led to overly aggressive attempts to control the media. Past experience has shown that China tends to err on the side of heavy-handedness when it comes to media control and threats to the country’s image as a unified nation. Reporters traveling to China should be aware of the risks to people they interview or hire, as well as the dangers they face themselves. ■

## Some precautions

- Keep trips to sensitive regions as short as possible. Turn off your mobile phone as it may allow authorities to locate you. Tell someone else—an editor, a friend—where you are going, along with your expected arrival and departure dates.
- If possible, avoid spending the night in sensitive regions. Hotels are required to report foreign guests to the police, so check in as late as possible and check out before morning business hours.
- Purchase plane tickets at the airport and as close to your departure time as possible to avoid alerting authorities where you are headed. Choose local transportation that makes you inconspicuous—for example, a taxi instead of a hired car.
- Assume your mobile phone and computer are monitored. Change your phone chip strategically. Use public phones when possible. Be cautious when using e-mail.
- Avoid talking to people in public areas, where you may be under observation. Arrange to meet sources in nearby towns.
- Use discreet cameras or recording equipment. Change your storage device often and hide any such device.
- Avoid naming or showing the faces of vulnerable sources. Conceal their contact information.
- In electronic communications, avoid using sensitive words or names authorities may be monitoring.
- Travel with a Chinese-language copy of the “Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and their Preparatory Period.”
- Install anti-virus software on your computer and ensure your hard drive and confidential files are password-protected. Change your passwords frequently.
- Discuss risks with your assistant and agree on contingency plans. Be aware that government agents may intimidate your assistant to get information about you.

## Limited-access areas

China limits access to public areas that journalists might ordinarily expect to be unrestricted. The government occasionally arranges visits for groups of journalists, so it is worth making joint requests with other organizations. These areas are limited-access:

- Olympic venues. If you apply for access, you need to follow up regularly on your request.
- Olympic training sites; this includes access to top athletes. Apply early and follow up. Media access has been very limited.
- Military areas, border regions, prisons, courts dealing with human rights issues, and space exploration facilities. Join with other news organizations to request access. Apply early and make frequent queries.

## If you or anyone on your team is detained

- Know your rights, and be a tough negotiator.
- Try to get names and contact information for detention officers.
- Phone the Foreign Ministry hotline to complain. The ministry has been helpful at times.
- Phone your embassy. The U.S. Embassy human rights officer, for example, is willing to raise the case of any foreign journalist who is detained.
- If the authorities will not allow you to place a call, use your cell phone to discreetly send a preprogrammed text message naming your location. ■

The Committee to Protect Journalists makes the following recommendations to promote in China a level of press freedom that is in accordance with international norms.

**To the International Olympic Committee (IOC):**

- \* Even at this late date, insist that the Chinese government fully meet its promises of press freedom for the 2008 Olympic Games. Ensure that commitment is extended to domestic journalists.

**To the government of China:**

- \* Meet the pledge made to the IOC to remove media restrictions. In particular, eliminate restrictions on local journalists, who face more severe constraints than they did before China was awarded the Games in 2001.
- \* Honor the liberalized travel and interview rules governing foreign media. These rules were ignored and the press was restricted during March demonstrations and unrest involving Tibet. Extend these liberalized rules beyond their October 2008 expiration date, and extend them to the domestic media. Use these rules as a baseline from which to move forward in expanding media freedom as quickly as possible.
- \* Release all journalists currently imprisoned for their work. China is the world's leading jailer of journalists, with at least 26 writers and editors in prison as of May 1, 2008. For them to be in jail when the Games begin on August 8, 2008, would make a travesty of China's pledge of greater press freedom and the IOC's acceptance of that pledge.
- \* In the broadest sense, stop censoring news. Dismantle the archaic system of media control that has evolved over several decades. Halt Internet censorship and monitoring activities and let information flow freely on every digital platform.
- \* Allow Chinese journalists to work as reporters for foreign news outlets. Chinese journalists may work only as assistants to foreign reporters now.
- \* End the pattern of violent retribution meted out by local officials and others angered by critical media coverage. Bring to justice all those responsible for such attacks. The privileged and powerful should not be able to use violence to cow journalists.

- \* End the use of state secret and national security laws to imprison journalists.
- \* Decriminalize defamation laws. Reform civil defamation laws to prevent abuse by public figures and corporations.
- \* Allow journalists to form an independent professional organization. The officially sanctioned All-China Journalists Association has failed to address their needs.
- \* Ratify the International Covenant on Civil and Political Rights, which China signed in 1998. Article 19 of the Covenant states: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”
- \* As a member of the United Nations, honor Article 19 of the Universal Declaration of Human Rights, which states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.”

#### **To international media organizations covering the Games:**

- \* Use all means to insist that China honor its media pledges to the IOC and extend to Chinese journalists the same freedoms that visiting journalists enjoy.
- \* Ensure that all employees are aware of the restrictions and risks faced by Chinese colleagues and sources.

#### **To the corporate sponsors and partners of the IOC:**

- \* Use your influence with Chinese and IOC officials to ensure that China fulfills its pledges on media freedom. Insist that the IOC speak out on press freedom violations.

**Constitution of the People's Republic of China** *(Excerpt)*

Adopted on December 4, 1982

Article 35 Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession, and of demonstration.

**Universal Declaration of Human Rights** *(Excerpt)*

Adopted by U.N. General Assembly resolution 217 A (III) of December 10, 1948

Article 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.

**International Covenant on Civil and Political Rights** *(Excerpt)*

Adopted and opened for signature, ratification, and accession by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966. Entry into force March 23, 1976, in accordance with Article 49

Article 19 (1) Everyone shall have the right to hold opinions without interference.

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

(3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

# Appendix II:

## Media Law in China

### Regulations for the Administration of Publishing (Excerpts)

(Translation provided by TransAsia Lawyers, a firm that specializes in media law in China, from its publication *China's Media and Entertainment Law*, Vol. 11, 2006)

Promulgated on December 25, 2001, by the State Council as Decree No. 343. Effective February 1, 2002

Article 1 These regulations are enacted in accordance with the Constitution in order to strengthen the administration of publishing activities, promote the development and prosperity of socialist publishing activities with Chinese characteristics, guarantee the right of citizens to exercise the freedom to publish in accordance with the law, and promote the development of a socialist material and spiritual culture.

Article 3 Publishing shall adhere to the principle of serving the people and socialism, and shall continue to be guided by Marxism-Leninism, Mao Zedong Thought, and Deng Xiaoping Theory. Publishing shall disseminate and accumulate all scientific and cultural knowledge that is beneficial to the elevation of the national character, the development of the economy, and the improvement of society, and shall enhance the outstanding characteristics of the national culture, promote international cultural exchanges, and enrich and elevate the spiritual lives of the people.

Article 5 Citizens are legally entitled to exercise their right to freedom of publishing, and this right shall be guaranteed by the people's government at all levels.

In exercising their right to freedom of publishing, citizens must abide by the Constitution and the law. No citizen may oppose the fundamental principles confirmed by the Constitution, or cause harm to state interests, societal collective interests, or the legal freedom and rights of other citizens.

Article 10 The State Council administrative department for publishing shall formulate a plan for the total number, structure, and distribution of publishing entities, and shall guide and regulate the development of the publishing industry.

Article 11 Those wishing to establish publishing units shall fulfill the following conditions:

- (1) they shall possess a name and articles of association for a publishing entity;
- (2) their sponsoring entity and its competent authority shall have been confirmed by the State Council administrative department for publishing;
- (3) they shall possess a definite business scope;
- (4) they shall possess a registered capital totaling at least RMB300,000 and permanent business premises;
- (5) they shall possess an organizational structure appropriate to the needs of their business scope, and professional editorial personnel who meet the qualifications stipulated by the state; and
- (6) other conditions stipulated by laws and administrative regulations.

In addition to the conditions set forth in the above clauses, approval for the establishment of publishing entities shall also conform to the plan for the total number, structure, and distribution of publishing entities.

Article 24 Citizens may freely express in publications their opinions and wishes concerning the affairs of state, economic and cultural matters, and social matters in accordance with the stipulations of these regulations. Citizens may also freely publish their scientific research, literary and artistic creations, and the fruits of other cultural activities.

Publications that are lawful are protected by law. No organization or individual may illegally interfere with, obstruct, or disrupt the publishing of such publications.

Article 26 No publication may contain content that:

- (1) opposes the basic principles set forth in the Constitution;
- (2) jeopardizes the unity, sovereignty, or territorial integrity of the state;
- (3) divulges state secrets, jeopardizes national security, or is detrimental to the dignity and interests of the state;
- (4) incites ethnic hatred or discrimination, disrupts ethnic unity, or violates the customs and habits of ethnic minorities;
- (5) advocates cults or superstition;
- (6) disrupts the social order or undermines social stability;
- (7) promulgates obscenity, gambling, or violence, or incites criminal activity;
- (8) insults or slanders others, or infringes upon the legitimate rights and interests of others;
- (9) is detrimental to social morality or to the finer cultural traditions of the nation; or
- (10) any other content that is prohibited by law, administrative regulations, or state rules.

Article 27 Publications targeted at minors may not contain content that incites minors to emulate activities that run counter to social morality or that violate the law. Such publications shall not include depictions of terror or cruelty that are detrimental to the physical and mental health of minors.

Article 56 Where any of the activities listed below constitutes a crime, criminal liabilities shall be pursued in accordance with criminal law. Where a crime has not been constituted, the administrative department of publishing shall order the suspension of operations pending rectification within a time limit, and shall confiscate the publications and illicit income; where the illegal turnover exceeds RMB10,000, a fine of between 5 and 10 times the total amount of such illegal turnover shall also be imposed; where the amount of legal turnover is less than RMB10,000, a fine of between RMB10,000 and 50,000 shall also be imposed; in serious cases, the permit shall also be revoked by its original issuing department. The activities in question are as follows:

- (1) publishing and importing publications containing content prohibited under Article 26 and 27 hereof;
- (2) printing or duplication, and distribution of publications containing content prohibited under Articles 26 and 27 hereof by entities that are fully aware or should be aware of such prohibition; and
- (3) sale or transfer by other means by a publishing entity of its name, book numbers,

serial numbers, and page space, or lease of its name and serial numbers to others for the publishing of their publications, where the entity is fully aware or should be aware that the contents of such publications are prohibited under Articles 26 and 27 hereof.

### **Regulations for the Administration of Radio and Television** (*Excerpts*)

(Translation provided by TransAsia Lawyers, a firm that specializes in media law in China, from its publication *China's Media and Entertainment Law*, Vol. 11, 2006)

Promulgated on August 11, 1997, by the State Council as Decree No. 228. Effective September 1, 1997

- Article 1 These regulations are enacted in order to strengthen the administration of radio and television, to develop radio and television activities, and to promote socialist, spiritual, and material civilization.
- Article 31 Radio and television programs shall be produced by radio stations, television stations, and radio and television production business entities approved by the administrative departments for radio and television of people's governments at or above the provincial level. Radio stations and television stations may not broadcast radio or television programs produced by entities which have not secured an operating permit for radio and television program production.
- Article 32 Radio stations and television stations shall raise the quality of radio and television programs and increase the number of high-quality programs produced domestically; the production and broadcast of programs containing the following material is prohibited:
- (1) that which is harmful to national unity, sovereignty, or territorial integrity;
  - (2) that which is harmful to national security, honor, or interest;
  - (3) that which incites ethnic division or damages ethnic unity;
  - (4) that which divulges state secrets;
  - (5) that which defames or insults other persons;
  - (6) that which is obscene or superstitious or is graphically violent; or
  - (7) other materials which are prohibited by laws and administrative rules and regulations.
- Article 33 Radio stations and television stations shall carry out the pre-broadcast censorship of the contents of radio and television programs they broadcast and shall re-censor the contents of repeat broadcasts in accordance with Article 32 of these regulations.
- Article 49 Where programs containing content prohibited by Article 32 of these regulations are produced, broadcast, or supplied to overseas parties, the administrative departments for radio and television of people's governments at or above the county level will order the cessation of such production, broadcast, or overseas supply, confiscate their carriage medium, and impose a fine of between RMB10,000 and 50,000. In serious cases, the original approval authority will revoke the offender's permit. Where regulations for the administration of public order are violated, public security authorities will impose public order administration penalties in accordance with the law. Where the act in question constitutes a crime, criminal liability will be pursued in accordance with the law.

## Provisional Rules for the Administration of Online Publishing (Excerpts)

(Translation provided by TransAsia Lawyers, a firm that specializes in media law in China, from its publication *China's Media and Entertainment Law*, Vol. 11, 2006)

Promulgated on June 27, 2002, by the General Administration of Press and Publication and Ministry of Information Industry as Decree No. 17. Effective August 1, 2002

Article 2 Those entities engaged in online publishing activities shall abide by the Constitution and relevant laws and regulations and shall adhere to the principles of socialism and serving the people. Online publishing shall disseminate and accumulate all scientific and cultural knowledge conducive to the elevation of the national character, the development of the economy, and the improvement of society, so as to enrich and elevate the spiritual lives of the people.

Article 4 The General Administration of Press and Publication is responsible for the nationwide supervision and administration of online publishing. Its main responsibilities include:

- (1) formulating a nationwide plan for online publishing and organizing the implementation of the same;
- (2) formulating guidelines, policies, and rules for the administration of online publishing;
- (3) formulating a nationwide plan for the total number, structure, and distribution of online publishing entities and organizing the implementation of the same;
- (4) implementing the preliminary examination process for online publishing entities; and
- (5) monitoring and supervising the content of online publications and administering penalties to those entities in violation of national publishing laws according to relevant laws and regulations.

The press and publication administrations of provinces, autonomous regions, and directly-administered municipalities are responsible within their respective administrative areas for the day-to-day administration of online publishing, the examination and verification of entities applying to engage in online publishing, and the imposition of penalties on entities in violation of national publishing laws.

Article 6 Any entity engaged in online publishing must be approved to do so. Entities or individuals that do not have approval may not engage in online publishing activities.

No organization or individual may interfere with, obstruct, or sabotage online publishing institutions lawfully engaging in online publishing activities.

Article 16 Where online publishing entities publish works related to important topics such as national security and social stability, they must file the same for the record with the General Administration of Press and Publication according to the relevant stipulations for filing important topics. Publications which have not been filed in this manner must not be published.

Article 17 No online publication may contain content that:

- (1) opposes the basic principles set forth in the Constitution;
- (2) jeopardizes the unity, sovereignty, or territorial integrity of the state;
- (3) divulges state secrets, jeopardizes national security, or is detrimental to the honor and interests of the state;
- (4) incites ethnic hatred or discrimination, disrupts ethnic unity, or infringes upon ethnic customs and habits;
- (5) advocates cults or superstitions;
- (6) disrupts the social order or undermines social stability;
- (7) propagates obscenity, gambling, or violence, or incites criminal activity;
- (8) insults or slanders others, or infringes upon the legitimate interests of others;
- (9) is detrimental to social morality or the finer cultural traditions of the nation; or
- (10) is otherwise prohibited by law, administrative regulations, or state rules.

Article 18 Online publications that target minors shall not contain content that incites minors to engage in activities that run counter to social morality or that violate the law, nor shall such publications include terrifying or cruel content detrimental to the physical and mental health of minors.

Article 20 In the event that an online information service provider discovers that information transmitted by its Web site clearly falls under one of the categories listed under Articles 17 and 18 hereof, it shall immediately stop the said transmission, retain the relevant records, and report the situation to the press and publication administration of the relevant province, autonomous region, or directly-administered municipality and at the same time report the incident to the General Administration of Press and Publication.

Article 21 Online publishing entities shall implement an editorial responsibility system, and must designate editors for examining the content of publications to ensure the legality of the same. Editors shall be trained before commencing their jobs.

Article 22 Online publishing entities shall record the content, corresponding publication time, and Web site address or domain name for all published or transmitted works and retain copies of the same for 60 days. Such records shall be made available to the relevant state authorities when they make inquiries in accordance with the law.

Article 26 Entities that violate the stipulations of Article 16 of these rules shall be ordered to cease the publication or transmission of such publications, and shall receive a warning from the General Administration of Press and Publication or the press and publication administration of the relevant province, autonomous region, or directly-administered municipality. In addition, they shall be fined between RMB10,000 and 50,000. In serious cases, the online publishing entity may be ordered to suspend operations and rectify the violation within a specified time limit or may have its approval revoked.

Article 27 Entities that violate the stipulations of Article 17 or 18 of these rules shall have their illicit income confiscated by the General Administration of Press and Publication or the press and publication administration of the relevant province, autonomous region, or directly-administered municipality. In addition, where the amount of such illicit revenue exceeds RMB10,000, a fine of between 5 and 10 times the amount of such illicit revenue shall be imposed simultaneously; where the amount of illicit revenue is less than RMB10,000, a fine of between RMB10,000 and 50,000 shall be imposed simultaneously.

In serious cases, the online publishing entity may be ordered to suspend operations and rectify the violation within a specific time or may have its approval revoked.

Article 28 Entities that violate the stipulations of Article 22 of these rules will be ordered by the telecommunications administration of the relevant province, autonomous region, and directly-administered municipality to rectify this violation. In serious cases, the online publishing entity may be ordered to suspend operations and rectify the violation or temporarily shut down its Web sites.

### **Provisions on the Administration of Internet News Information Services** (*Excerpts*)

(Translation provided by the Congressional-Executive Commission on China)

Promulgated by the State Council Information Office and the Ministry of Information Industry on September 25, 2005

Article 3 Internet News Information Service Work Units that engage in Internet News Information Service shall abide by the Constitution, laws, and regulations, persist in being oriented toward serving the people and serving socialism, persist in correctly guiding public opinion, and safeguard the nation's interests and the public interest.

The nation encourages Internet News Information Service work units to disseminate healthy and civilized News Information that is conducive to raising the quality of the nation, promoting economic development, and spurring social progress.

Article 19 Neither the News Information posted or transmitted, nor the current event electronic bulletin service provided, by Internet News Information Service Work Units may include any of the following content:

- (1) violating the basic principles as they are confirmed in the Constitution;
- (2) jeopardizing the security of the nation, divulging state secrets, subverting of the national regime, or jeopardizing the integrity of the nation's unity;
- (3) harming the honor or the interest of the nation;
- (4) inciting hatred against peoples, racism against peoples, or disrupting the solidarity of peoples;
- (5) disrupting national policies on religion, [or] propagating evil cults and feudal superstitions;
- (6) spreading rumors, disturbing social order, or disrupting social stability;
- (7) spreading obscenity, pornography, gambling, violence, [or] terror, or abetting the commission of a crime;
- (8) insulting or defaming third parties, [or] infringing on the legal rights and interests of third parties;
- (9) inciting illegal assemblies, associations, marches, demonstrations, or gatherings that disturb social order;
- (10) conducting activities in the name of an illegal civil organization; and
- (11) any other content prohibited by law or rules.

Article 20 Internet News Information Service Work Units shall establish a News Information content

administration responsibility system. They may not post or transmit News Information with contents that violate clause 1 of Article 3 or Article 19 of these Rules; and if they discover that a current event electronic service has provided any content that violates Article 3, clause 1, or Article 19 of these Rules, they shall immediately delete it, retain relevant records, and provide them to relevant departments upon an inquiry made in accordance with the law.

Article 21 Internet News Information Service Work Units shall record the contents and the time and Internet address of all News Information they post and transmit, and record backups shall be maintained for at least 60 days, and shall be provided to relevant departments upon an inquiry made in accordance with the law.

Article 23 The State Council Information Office and the People's Government information offices in the provinces, autonomous regions, and municipalities directly under the central government shall carry out supervision of Internet News Information Service; if they discover an Internet News Information Service Work Unit has posted or transmitted News Information, or provided a current event electronic bulletin service with contents that violate clause 1 of Article 3 or Article 19 of these Rules, they shall notify it to delete it. The Internet News Information Service Work Unit shall immediately delete it, retain relevant records, and provide them to relevant departments upon an inquiry made in accordance with the law.

Article 26 Anyone who, in violation of clause 2, Article 5 of these Rules, engages in Internet News Information Service without authorization, or who, in violation of Article 15 of these Rules, exceeds the scope of the service items for which they have been checked and ratified and engages in Internet News Information Service, shall be ordered to cease all illegal activities and fined more than 10,000 yuan and less than 30,000 yuan by the State Council Information Office or the People's Government information office in the province, autonomous region, and municipality directly under the central government, in accordance with their respective official powers; if the circumstances are severe, the department responsible for telecommunications shall, in accordance with a written determination of the State Council Information Office or the People's Government information office in the province, autonomous region, and municipality directly under the central government, on the basis of the stipulations of relevant Internet information service supervision administrative regulations, terminate the Internet information service or order the Internet access service to terminate access services.

Article 27 If the News Information an Internet News Information Service Work Unit posts or transmits includes contents prohibited under Article 19 of these Rules, or if they refuse to carry out their duty to delete, they shall be given a warning by the State Council Information Office or the People's Government information office in the province, autonomous region, and municipality directly under the central government, and may be subject to a fine of more than 10,000 yuan and less than 30,000 yuan; if the circumstances are severe, the department responsible for telecommunications shall, in accordance with written determination of the State Council Information Office or the People's Government Information Office in the province, autonomous region, and municipality directly under the central government, on the basis of the stipulations of relevant Internet information service supervision administrative regulations, terminate the Internet information service or order the Internet access service to terminate access services.

If the News Information an Internet News Information Service Work Unit posts or transmits includes contents prohibited under clause 1, Article 3 of these Rules, the State Council Information Office or the People's Government information office in the province, autono-

mous region, and municipality directly under the central government shall, in accordance with their respective official powers, impose sanctions of the kind and scope stipulated in the foregoing clause.

### **Secrecy Rules in Respect of News Publishing** (*Excerpts*)

(Translation provided by TransAsia Lawyers, a firm that specializes in media law in China, from its publication *China's Media and Entertainment Law*, Vol. 11, 2006)

Promulgated June 13, 1992, by the State Secrecy Bureau Publicity Department of the CPC Central Committee, State Press and Publication Administration and Ministry of Radio, Film and Television as Document No. [1992] 34. Effective October 1, 1992

- Article 5 News publishing entities and entities supplying information shall establish sound systems for the censorship of secrets in news publishing in accordance with the state laws and regulations regarding secrecy.
- Article 6 Systems for the censorship of secrets in news publishing shall implement a combination of self-censorship and external censorship.
- Article 7 In respect of information which they intend to make public, news publishing entities and entities supplying information shall undertake self-censorship in accordance with the relevant secrecy regulations; where it is unclear whether the information in question involves state secrets, they shall submit such information to the relevant departments in charge or to their higher-level authorities or entities for review and approval.
- Article 8 Where information involving state secrets needs to be reported or circulated to relevant departments by news publishing entities and their reporters or editors, this shall be undertaken via internal channels, and the information being reported or circulated shall be marked as state secrets in accordance with the relevant regulations.
- Article 10 News publishing entities which conduct interviews at meetings or other activities involving state secrets shall obtain prior approval from the organizing entity. The organizing entity shall verify the identities of the interviewers, indicate what content may not be openly reported or published, and review and approve that content which is intended for publication.
- Article 12 Relevant authorities and entities shall designate certain censorship bodies or censors as being authorized to represent them. Such bodies or persons shall be responsible for reviewing and determining whether draft articles submitted by news publishing entities involve state secrets. Where it is unclear whether the contents of such involve state secrets, the draft article in question shall be submitted to a higher-level authority or entity for review and approval. If the contents involve state secrets pertaining to the work of other entities, the censorship bodies or censors shall be responsible for seeking the opinions of the relevant entities.
- Article 15 Where an individual intends to supply content relating to national politics, the economy, diplomacy, science and technology, or military affairs to foreign news publishing entities for public reporting or publication, then such content shall be reviewed and approved in advance by that individual's employer or its higher-level authority. The submission of draft articles outside the country shall be handled in accordance with the relevant state regulations.

Article 22 The State Secrecy Bureau shall be responsible for the interpretation of these rules.

## **Law of the People's Republic of China on Guarding State Secrets** *(Full text)*

(Translation by the Supreme Court of the People's Republic of China)

Effective May 1, 1989

### Chapter I: General Provisions

Article 1 This Law is formulated for the purpose of guarding state secrets, safeguarding state security and national interests, and ensuring the smooth progress of reform, of opening to the outside world, and of socialist construction.

Article 2 State secrets shall be matters that have a vital bearing on state security and national interests and, as specified by legal procedure, are entrusted to a limited number of people for a given period of time.

Article 3 All state organs, armed forces, political parties, public organizations, enterprises, institutions, and citizens shall have the obligation to guard state secrets.

Article 4 The work of guarding state secrets shall be carried out in line with the principle of actively preventing their leak and laying emphasis on priorities so that state secrets are kept while work in all other fields is facilitated.

Article 5 The state secret-guarding department shall be responsible for the guarding of state secrets throughout the country.

The local secret-guarding departments at or above the county level shall, within the scope of their functions and powers, be responsible for the guarding of state secrets in the administrative areas under their jurisdiction.

The central state organs shall, within the scope of their functions and powers, be responsible for and guide the work of guarding state secrets in their own organs and in the departments subordinate to them.

Article 6 State organs at or above the county level and units involving state secrets shall, in the light of their actual conditions, set up bodies or designate personnel to administer the day-to-day work of guarding state secrets within their own organs or units.

Article 7 Units or individuals that have rendered meritorious services in guarding and protecting state secrets and improving techniques and measures in this field of work shall be awarded.

### Chapter II: Scopes and Categories Of State Secrets

Article 8 In accordance with the provisions of Article 2 of this Law, state secrets shall include the following:

- (1) secrets concerning major policy decisions on state affairs;
- (2) secrets in the building of national defense and in the activities of the armed forces;
- (3) secrets in diplomatic activities and in activities related to foreign countries as well

- as secrets to be maintained as commitments to foreign countries;
- (4) secrets in national economic and social development;
- (5) secrets concerning science and technology;
- (6) secrets concerning activities for safeguarding state security and the investigation of criminal offenses; and
- (7) other matters that are classified as state secrets by the state secret-guarding department.

Matters that do not conform with the provisions of Article 2 of this Law shall not be state secrets.

Secrets of political parties that conform with the provisions of Article 2 of this Law shall be state secrets.

Article 9 State secrets shall fall into three categories: most confidential, classified, and confidential.

The most confidential information refers to vital state secrets, the divulgence of which will cause extremely serious harm to state security and national interests; classified information refers to important state secrets, the divulgence of which will cause serious harm to state security and national interests; and confidential information refers to ordinary state secrets, the divulgence of which will cause harm to state security and national interests.

Article 10 The specific scopes and categories of state secrets shall be stipulated by the state secret-guarding department together with the Ministries of Foreign Affairs, Public Security, and State Security and other central organs concerned.

The specific scopes and categories of state secrets related to national defence shall be stipulated by the Central Military Commission.

Stipulations on the specific scopes and categories of state secrets shall be made known within relevant quarters.

Article 11 State organs and units at various levels shall, in accordance with the stipulations on the specific scopes and categories of state secrets, classify the state secrets arising in these organs and units.

When people are not sure whether a certain matter is a state secret or which category of state secrets it should be classified into, the question shall be determined by the state secret-guarding department, the secret-guarding department of a province, an autonomous region, or a municipality directly under the Central Government, the secret-guarding department of a city where the government of a province or an autonomous region is located, the secret-guarding department of a larger city approved by the State Council, or an organ examined and approved by the state secret-guarding department. Pending the classification of the secret, the state organ or unit where the matter has arisen shall initially take security measures in conformity with the category proposed for its classification.

Article 12 The categories of secrecy shall, in accordance with the provisions of Articles 9, 10, and 11 of this Law, be marked on documents and other material that are determined as state secrets. Documents and other material that are not determined as state secrets shall not be marked as such.

- Article 13 When differences arise as to whether a matter is a state secret or which category it should be classified into, the question shall be determined by the state secret-guarding department or the secret-guarding department of a province, an autonomous region or a municipality directly under the Central Government.
- Article 14 While classifying state secrets, state organs and units shall, in the light of each case, determine the periods for guarding these secrets. Specific measures for determining the periods shall be formulated by the state secret-guarding department.
- Article 15 The categories of state secrets and the periods for guarding them shall be altered in the light of changing circumstances. Such alterations shall be decided on by the state organs or units that determined the categories of the secrets and the periods for guarding them, or by superior departments.
- Article 16 A state secret shall be automatically declassified upon the expiration of the period for guarding it; in cases where it is necessary to extend the period, the matter shall be decided on by the state organ or unit that determined the category of the secret and the period for guarding it, or by a superior department.

When it is found before the expiration of the period for guarding a state secret that it is no longer necessary to guard it as such, it should be declassified without delay by the state organ or unit that determined its category and defined the period for guarding it, or by a superior department.

### Chapter III: Security Rules

- Article 17 The state secret-guarding department shall formulate security measures regarding the making, receiving, dispatching, transmitting, use, copying, extracting, preservation, and destruction of documents and other material and objects that are state secrets.

Measures for storing, drawing, processing, and transmitting state secrets by electronic information and other technical means shall be formulated by the state secret-guarding department together with the central organs concerned.

- Article 18 Documents and other material and objects that are classified as “most confidential” state secrets must be guarded by the following security measures:

- (1) They shall not be copied or extracted without approval by the state organ or unit that determined their categories or by superior departments;
- (2) People shall be specially designated and necessary security measures taken for their dispatch, reception, delivery, and carrying; and
- (3) They shall be kept in perfectly equipped safes.

Security measures shall be taken in accordance with the provisions of the preceding paragraphs, for approved copies or extracts of documents and other material and objects classified as “most confidential” state secrets.

- Article 19 Security measures shall be formulated by the state secret-guarding department, together with the central organs concerned, for the trial manufacture, production, transportation, use, preservation, maintenance, and destruction of equipment or goods classified as state secrets.

- Article 20 In the publication and distribution of newspapers, journals, books, maps, material with illustrations and captions, and audio and video products and in the production and broadcast of radio and television programs and films, the relevant security regulations shall be complied with and no state secrets shall be divulged.
- Article 21 When state secrets have to be furnished for the benefits of contacts and co-operation with foreign countries, approval must be obtained beforehand in line with the prescribed procedures.
- Article 22 With regard to meetings and other activities that involve state secrets, the sponsor units shall take security measures, explain to the participants the need to guard secrets, and set specific requirements for the purpose.
- Article 23 Military forbidden zones and places and locations that are state secrets not open to the public shall be protected by security measures; no one may decide to open them to the public or enlarge the area that is open to the public without approval obtained in accordance with the relevant state regulations.
- Article 24 No state secrets shall be divulged in private contacts or correspondence.
- When carrying documents and other material and objects classified as state secrets on official tours, no one shall go against the relevant security regulations.
- No state secrets shall be discussed in public places.
- Article 25 Transmission of state secrets through wire or wireless communications shall be protected by security measures.
- No state secrets shall be transmitted by plain code or by a secret code that has not been examined and approved by the central organs concerned.
- No documents or other material and objects classified as state secrets shall be transmitted by ordinary mail.
- Article 26 Without approval by competent departments, no documents or any other material or objects classified as state secrets shall be carried, transmitted, posted, or transported out of the country's territory.
- Article 27 State secrets shall, depending on the circumstances, be accessible only to a certain number of people. The most confidential state secrets shall be accessible only to people who have obtained approval.
- Article 28 Personnel to be placed specially in charge of state secrets shall be examined and approved in accordance with the provisions of the state secret-guarding department and the competent personnel department.
- Exit from the country's territory by personnel specially in charge of state secrets shall be approved by the organ that approved their appointment. If the competent department under the State Council holds that the exit of any one of them from the country's territory will endanger state security or cause serious damage to national interests, no approval shall be granted for his exit.
- Article 29 State organs and units shall conduct education among their personnel in the need to

guard secrets and check up on secret-guarding work regularly.

Article 30 State functionaries and other citizens should, upon discovering that state secrets have been divulged or are in danger of being divulged, take remedial measures immediately and promptly report the matter to the state organs and units concerned, which shall, upon receiving such reports, deal with the matter without delay.

#### Chapter IV: Legal Responsibility

Article 31 Persons who, in violation of the provisions of this Law, divulge state secrets intentionally or through negligence, if the consequences are serious, shall be investigated for criminal responsibility in accordance with the provisions of Article 186 of the Criminal Law.

Persons who, in violation of the provisions of this Law, divulge state secrets, if the consequences are not serious enough for criminal punishment, may be given disciplinary sanction in the light of the specific circumstances of each case.

Article 32 Persons who steal, spy on, buy, or illegally provide state secrets for institutions, organizations, and people outside the country shall be investigated for criminal responsibility in accordance with law.

#### Chapter V: Supplementary Provisions

Article 33 The state secret-guarding department shall, in accordance with this Law, formulate measures for its implementation, which shall come into force after being submitted to and approved by the State Council.

Article 34 The Central Military Commission shall, in accordance with this Law, formulate the Regulations of the Chinese People's Liberation Army on the Guarding of Secrets.

Article 35 This Law shall come into force as of May 1, 1989. The Provisional Regulations on Guarding State Secrets promulgated in June 1951 shall be annulled as of the same date.

### **Criminal Law of the People's Republic of China** *(Excerpts)*

(Translation by the Supreme Court of the People's Republic of China)

Adopted at the Second Session of the Fifth National People's Congress, July 1, 1979.

Revised at the Fifth Session of the Eighth National People's Congress on March 14, 1997

#### Part II: Special Provisions

##### Chapter I: Crimes of Endangering National Security

Article 102 Whoever colludes with a foreign state to endanger the sovereignty, territorial integrity, and security of the People's Republic of China shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years.

Whoever commits the crime prescribed in the preceding paragraph in collusion with any organ, organization, or individual outside the territory of China shall be punished according to the provisions in the preceding paragraph.

Article 103 Among those who organize, plot, or carry out the scheme of splitting the state or undermining unity of the country, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

Whoever incites others to split the state or undermine unity of the country shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights; the ringleaders and the ones who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

Article 104 Among those who organize, plot, or carry out armed rebellion or armed riot, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

Whoever instigates, coerces, lures, or bribes state functionaries or members of the armed forces, the people's police, or the people's militia to commit armed rebellion or armed riot shall be given a heavier punishment according to the provisions in the preceding paragraph.

Article 105 Among those who organize, plot, or carry out the scheme of subverting the state power or overthrowing the socialist system, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

Whoever incites others by spreading rumors or slanders or any other means to subvert the State power or overthrow the socialist system shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights; and the ringleaders and the others who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

Article 106 Whoever commits the crime as prescribed in Article 103, 104, or 105 of this chapter in collusion with any organ, organization, or individual outside the territory of China shall be given a heavier punishment according to the provisions stipulated in these articles respectively.

Article 107 Where an organ, organization, or individual inside or outside of the territory of China provides funds to any organization or individual within the territory of China to commit the crime as prescribed in Article 102, 103, 104, or 105, the person who is directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 108 Whoever defects to the enemy and turns traitor shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are serious or if he leads members of the armed forces, the people's police, or the people's militia to defect to the enemy and turn traitor, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 109 Any state functionary who, while discharging his official duties at home or abroad, leaves his post without permission and defects to another country, which endangers the security of the People's Republic of China, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Any state functionary who has state secrets [and] commits the crime as prescribed in the preceding paragraph shall be given a heavier punishment according to the provisions in the preceding paragraph.

Article 110 Whoever endangers national security by committing any of the following acts of espionage shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years:

- (1) joining an espionage organization or accepting a mission assigned by the organization or its agent; or
- (2) directing the enemy to any bombing or shelling target.

Article 111 Whoever steals, spies into, buys, or unlawfully supplies state secrets or intelligence for an organ, organization, or individual outside the territory of China shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights.

Article 112 Whoever aids the enemy during wartime by providing him with weapons and equipment or military materials shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 113 Whoever commits any of the crimes of endangering national security as mentioned above in this chapter, with the exception of those provided for in paragraph 2 of article 103 and in articles 105, 107, and 109, if the crime causes particularly grave harm to the state and the people or if the circumstances are especially serious, may be sentenced to death.

Whoever commits any of the crimes mentioned in this chapter may concurrently be sentenced to confiscation of property.

## **Law of the People's Republic of China on Responding to Sudden Incidents** *(Excerpts)*

Promulgated August 30, 2007, by the Standing Committee of the National People's Congress.  
Enacted November 1, 2007.

(Translation by the Committee to Protect Journalists)

Article 63: All levels of local people's government and relevant departments of the people's government higher than county-level who violate the regulations of this law, or who fail to implement the law, will be corrected by the higher-level administrative or oversight body. The following are cases whereby those with direct responsibility may mete out punishment according to law:

- (2) delayed reporting, false reporting, failure to report or overlooked reporting of relevant sudden incidents, or disseminating or publicizing of false information, if any of the above actions have consequences.

Article 65: Anyone who manufactures and disseminates false information related to sudden incidents or the work of responding to them, or knowingly disseminates false information regarding sudden incidents or the work of responding to them, will be corrected or warned. If such reporting results in serious consequences, all operational activities will be suspended or the work permit will be revoked. If the responsible party is a state employee, administrative sanctions will be applied; behavior that violates security management will be punished according to law by public security organs.

## **Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and their Preparatory Period** *(Full text)*

(Translation by the Ministry of Foreign Affairs of the People's Republic of China)

Article 1 These regulations are formulated to facilitate reporting activities carried out in accordance with the laws of the People's Republic of China by foreign journalists in China to advance and promote the Olympic spirit during the Beijing Olympic Games and the preparatory period.

Article 2 These regulations apply to reporting activities carried out by foreign journalists covering the Beijing Olympic Games and related matters in China during the Beijing Olympic Games and the preparatory period.

The Beijing Olympic Games mentioned in the regulations refer to the 29th Olympic Games and the 13th Paralympic Games.

Article 3 Foreign journalists who intend to come to China for reporting should apply for visas at Chinese embassies, consulates or other visa-issuing institutions authorized by the Ministry of Foreign Affairs of China.

Foreign journalists who hold valid Olympic Identity and Accreditation Cards and Paralympic Identity and Accreditation Cards are entitled to multiple entries into the territory of the People's Republic of China with visa exemption by presenting Olympic Identity and Accreditation Cards, together with valid passports or other travel documents.

Article 4 Foreign journalists may bring a reasonable quantity of reporting equipment into China duty

free for their own use. The aforementioned equipment should be shipped out of China's territory at the end of their reporting activities.

To bring into China reporting equipment duty free for their own use, foreign journalists should apply for the Equipment Confirmation Letter at Chinese embassies or consulates and present the Equipment Confirmation Letter together with a J-2 visa when going through customs inspection. Foreign journalists who hold Olympic Identity and Accreditation Cards and Paralympic Identity and Accreditation Cards may present the Equipment Confirmation Letter issued by the Organizing Committee of the 29th Olympic Games when going through customs inspection.

- Article 5 For reporting needs, foreign journalists may, on a temporary basis, bring in, install, and use radio communication equipment after completing the required application and approval procedures.
- Article 6 To interview organizations or individuals in China, foreign journalists need only to obtain their prior consent.
- Article 7 Foreign journalists may, through organizations providing services to foreign nationals, hire Chinese citizens to assist them in their reporting activities.
- Article 8 The media guide for foreign journalists of the Beijing Olympic Games shall be formulated by the Organizing Committee of the 29th Olympic Games in accordance with these regulations.
- Article 9 These regulations shall come into force as of 1 January 2007 and expire on 17 October 2008.

### **Rules for Taiwan Reporters Reporting in the Mainland During the Beijing Olympic Games and their Preparatory Period** *(Full text)*

(Translation by TransPerfect)

- Article 1 To facilitate news reporting by Taiwan reporters reporting in the Mainland in accordance with law during the Beijing Olympic Games and their preparatory period and to spread and expand on the Olympic spirit, these rules have been made.
- Article 2 News reporting on the Beijing Olympic Games by Taiwan reporters in the Mainland and related matters during the Beijing Olympic Games and their preparatory period shall be governed by these rules.  
  
As used in these rules, the Beijing Olympic Games shall refer to the XXIX Olympic Games and the XIII Paralympic Games.
- Article 3 When engaging in news reporting in the Mainland, Taiwan reporters shall apply with relevant agencies authorized by competent authorities for completion of issuance and notation procedures for their Mainland China passes.

Taiwan reporters who hold Olympic identification registration cards shall be exempt from issuance and notation requirements during the valid term of their Olympic identification registration cards and may enter and exit the Mainland multiple times by presenting Olympic identification registration cards and Taiwan resident passes for the Mainland.

- Article 4 A reasonable amount of news reporting equipment carried by Taiwan reporters reporting in the Mainland for their own use may enter the country duty-free. Relevant equipment shall be transported out of the country after the news reporting activities end.
- Taiwan reporters completing the procedures for duty-free entry of the news reporting equipment for their own use shall go to relevant agencies authorized by competent authorities for an equipment confirmation letter. When entering the country, they shall complete customs clearance procedures by presenting such an equipment confirmation letter and valid issuance and notations for their Taiwan resident passes for the Mainland; Taiwan reporters who hold Olympic identification registration cards may complete customs clearance procedures by presenting an equipment confirmation letter issued by the XXIX Olympic Games Organizing Committee.
- Article 5 Taiwan reporters may temporarily import, set up, and use wireless communications equipment needed in their news reporting after completing routine procedures for approval.
- Article 6 When reporting the news in the Mainland, Taiwan reporters shall only be required to obtain the consent of the organizations and individuals being reported on.
- Article 7 Taiwan reporters may hire Mainland residents to assist in their news reporting work through relevant service organizations.
- Article 8 The Beijing Olympic Games Reporter Service Guide shall be prepared by the XXIX Olympic Games Organizing Committee in accordance with these rules.
- Article 9 These rules shall be implemented as of January 1, 2007, and shall be automatically abolished as of October 17, 2008.

### **Rules for Hong Kong and Macau Reporters Reporting Inland During the Beijing Olympic Games and their Preparatory Period** *(Full text)*

(Translation by TransPerfect)

- Article 1 To facilitate news reporting by Hong Kong and Macau reporters reporting inland in accordance with law during the Beijing Olympic Games and their preparatory period and to spread and expand on the Olympic spirit, these rules have been made.
- Article 2 News reporting on the Beijing Olympic Games by Hong Kong and Macau reporters inland and related matters during the Beijing Olympic Games and their preparatory period shall be governed by these rules. As used in these rules, the Beijing Olympic Games shall refer to the XXIX Olympic Games and the XIII Paralympic Games.
- Article 3 When engaging in news reporting inland, Hong Kong and Macau reporters may enter and exit inland multiple times by presenting inland passes, Olympics identification registration cards, or other valid certificates. Those who enter inland to engage in news reporting by presenting other valid certificates and who are required to complete visa procedures shall apply with the Office of the Commissioner of the Ministry of Foreign Affairs in Hong Kong or the Office of the Commissioner of the Ministry of Foreign Affairs in Macau for visas.
- Article 4 A reasonable amount of news reporting equipment carried by Hong Kong and Macau reporters reporting inland for their own use may enter the country duty-free. Relevant equipment

shall be transported out of the country after the news reporting activities end.

Hong Kong and Macau reporters completing the procedures for duty-free entry of the news reporting equipment for their own use shall go to the Liaison Office of the Central People's Government in Hong Kong or the Liaison Office of the Central People's Government in Macau for an equipment confirmation letter. When entering the country, they shall complete customs clearance procedures by presenting such an equipment confirmation letter and inland passes for Hong Kong and Macau residents or other valid certificates; those who hold other valid certificates and who are required to complete visa procedures shall complete customs clearance procedures by presenting the equipment confirmation letter and a J-2 visa; Hong Kong and Macau reporters who hold Olympics identification registration cards may complete customs clearance procedures by presenting an equipment confirmation letter issued by the XXIX Olympic Games Organizing Committee.

- Article 5 Hong Kong and Macau reporters may temporarily import, set up, and use wireless communications equipment needed in their news reporting after completing routine procedures for approval.
- Article 6 When reporting the news inland, Hong Kong and Macau reporters shall only be required to obtain the consent of the organizations and individuals being reported on.
- Article 7 Hong Kong and Macau reporters may hire inland residents to assist in their news reporting work through relevant service organizations.
- Article 8 The Beijing Olympic Games Service Guide for Hong Kong and Macau Reporters shall be prepared by the XXIX Olympic Games Organizing Committee in accordance with these rules.
- Article 9 These rules shall be implemented as of January 1, 2007, and shall be automatically abolished as of October 17, 2008.

# Appendix III: Journalists Imprisoned in China

Compiled by the Committee to Protect Journalists as of May 1, 2008.

**Chen Renjie**, *Ziyou Bao*  
**Lin Youping**, *Ziyou Bao*  
IMPRISONED: July 1983

Twenty-five years after their imprisonment in the early days of China's economic reform, Chen and Lin are the longest-serving journalists in CPJ's worldwide census. The two men, along with Chen Biling, wrote and published a pamphlet titled *Ziyou Bao* (Freedom Report). They distributed 300 copies of the pamphlet in the southern Chinese city of Fuzhou, Fujian province, in September 1982.

The following July, they were arrested and accused of making contact with Taiwanese spy groups and publishing a counterrevolutionary pamphlet. According to official government records of the case, the men used "propaganda and incitement to encourage the overthrow of the people's democratic dictatorship and the socialist system."

In August 1983, Chen was sentenced to life in prison, and Lin was sentenced to death with reprieve. Chen Biling was sentenced to death and later executed.

**Fan Yingshang**, *Remen Huati*  
CHARGED: October 16, 1995

In 1994, Fan and Yang Jianguo printed more than 60,000 copies of the magazine *Remen Huati* (Popular Topics). The men had allegedly purchased fake printing authorizations from an editor of the *Journal of European Research* at the Chinese Academy of Social Sciences, according to official Chinese news sources. Printing authorizations are a prior restraint used to curtail independent publishing in China.

CPJ was unable to determine the date of Fan's arrest, but on October 16, 1995, he was indicted on charges of profiteering. On January 31, 1996, the Chang'an District Court in Shijiazhuang City sentenced him to 13 years in prison, with three years' subsequent deprivation of political rights, for publishing and distributing illegal "reactionary" publications. Yang escaped arrest and was not sentenced.

Fan's appeal was rejected on April 11, 1996, according to the Chinese government's response to a query by the

San Francisco-based prisoners' advocacy group Dui Hua Foundation.

**Xu Zerong**, freelance  
IMPRISONED: June 24, 2000

Xu is serving a 13-year prison term on charges of "leaking state secrets" through his academic work on military history and of "economic crimes" related to unauthorized publishing on foreign policy issues. Some observers believe that his jailing may have been related to an article he wrote for the Hong Kong-based *Yazhou Zhoukan* (Asia Weekly) magazine revealing clandestine Chinese Communist Party support for a Malaysian insurgency in the 1950s and 1960s.

Xu, a permanent resident of Hong Kong, was arrested in Guangzhou and held incommunicado for 18 months until his trial. He was tried by Shenzhen Intermediate Court in December 2001, and his appeal to Guangzhou Higher People's Court was rejected in 2002.

According to court documents, the "state secrets" charges against Xu stemmed from his use of historical documents for academic research. Xu, also known as David Tsui, was an associate research professor at the Institute of Southeast Asian Studies at Zhongshan University in Guangzhou. In 1992, he photocopied four books published in the 1950s about China's role in the Korean War, which he then sent to a colleague in South Korea. The verdict stated that the Security Committee of the People's Liberation Army of Guangzhou later determined that the books had not been declassified 40 years after being labeled "top secret." After his arrest, St. Antony's College at Oxford University, where Xu earned his doctorate and wrote his dissertation on the Korean War, was active in researching his case and calling for his release.

Xu was also the co-founder of a Hong Kong-based academic journal, *Zhongguo Shehui Kexue Jikan* (China Social Sciences Quarterly). The "economic crimes" charges were related to the "illegal publication" of more than 60,000 copies of 25 books and periodicals, including several books about Chinese politics and Beijing's relations with Taiwan.

He was arrested just days before an article appeared

in the June 26, 2000, issue of *Yazhou Zhoukan* in which he accused the Chinese Communist Party of hypocrisy by condemning other countries for interfering in its internal affairs by criticizing its human rights record.

Xu began his sentence in Dongguan Prison, outside of Guangzhou, but was later transferred to Guangzhou Prison, where it was easier for his family to visit him. He has been spared from hard labor and has been allowed to read, research, and teach English in prison, according to the U.S.-based prisoner advocacy group Dui Hua Foundation. He has suffered from high blood pressure and diabetes.

In 2006, Xu's family members were informed that he had received a nine-month reduction in his sentence, according to Dui Hua. Based on that, he would be scheduled for release in 2012.

**Jin Haike**, freelance

**Xu Wei**, *Xiaofei Ribao*

**Yang Zili**, *Yangzi de Sixiang Jiayuan*

**Zhang Honghai**, freelance

IMPRISONED: March 13, 2001

The four members of an informal discussion group called Xin Qingnian Xuehui (New Youth Study Group) were detained and accused of "subverting state authority." Prosecutors cited online articles and essays on political and social reform as proof of their intent to overthrow the Chinese Communist Party leadership.

Yang, Xu, Jin, and Zhang were charged with subversion on April 20, 2001. More than two years later, on May 29, 2003, the Beijing No. 1 Intermediate People's Court sentenced Xu and Jin to 10 years in prison each, while Yang and Zhang each received sentences of eight years. Each of the sentences was to be followed by two years' deprivation of political rights.

The four young men were students and recent university graduates who gathered occasionally to discuss politics and reform with four others, including an informant for the Ministry of State Security. The most prominent in the group, Yang, posted his own thoughts and reports by the others on topics such as rural poverty and village elections, along with essays advocating democratic reform, on a popular Web site, *Yangzi de Sixiang Jiayuan* (Yangzi's Garden of Ideas). Xu was a reporter at *Xiaofei Ribao* (Consumer's Daily). Public security agents pressured the newspaper to fire him before his arrest, a friend, Wang Ying, reported online.

The court cited a handful of articles, including Jin's "Be a New Citizen, Reform China" and Yang's "Choose Liberalism," in the 2003 verdict against them. Beijing Higher People's Court rejected their appeal without

hearing defense witnesses. Three of the witnesses who testified against the four men were fellow members of the group who later tried to retract their testimonies.

Yang, Xu, and Jin were imprisoned at Beijing's No. 2 Prison. Yang's wife, Lu Kun, who was also initially detained and questioned, was unable to visit him for four years after his imprisonment, she told reporters in 2005. Zhang, who initially suffered from ill health in detention, was jailed at Lishui Prison in Zhejiang province, where he made sweaters, his brother told CPJ.

**Tao Haidong**, freelance

IMPRISONED: July 9, 2002

Tao, an Internet essayist and pro-democracy activist, was arrested in Urumqi, the capital of the Xinjiang Uighur Autonomous Region (XUAR), and charged with "incitement to subvert state power." According to the *Minzhu Luntan* (Democracy Forum) Web site, which had published Tao's recent writing, his articles focused on political and legal reform. In one essay, titled "Strategies for China's Social Reforms," Tao wrote that "the Chinese Communist Party and democracy activists throughout society should unite to push forward China's freedom and democratic development or else stand condemned through the ages."

Previously, in 1999, Tao was sentenced to three years of "re-education through labor" in Xi'an, Shaanxi province, according to the New York-based advocacy group Human Rights in China, because of his essays and his work on a book titled *Xin Renlei Shexiang* (Imaginings of a New Human Race). After his early release in 2001, Tao began writing articles and publishing them on various domestic and overseas Web sites.

In early January 2003, the Urumqi Intermediate Court sentenced Tao to seven years in prison. His appeal to the XUAR Higher Court later in 2003 was rejected. Now held in Changji, Tao is slated for release in July 2009.

**Zhang Wei**, *Shishi Zixun* and *Redian Jiyao*

IMPRISONED: July 19, 2002

Zhang was arrested and charged with illegal publishing after producing and selling two underground newspapers in Chongqing, in central China. According to an account published on the Web site of the Chongqing Press and Publishing Administration, a provincial government body that governs all local publications, beginning in April 2001, Zhang edited two newspapers, *Shishi Zixun* (Current Events) and *Redian Jiyao* (Summary of the Main Points), which included articles and graphics he had downloaded from the Internet.

Two of Zhang's business associates, Zuo Shangwen and Ou Yan, were also arrested on July 19, 2002, and indicted for their involvement with the publications. Zuo printed the publications in neighboring Sichuan province, while Ou managed the publications' finances. At the time of their arrests, police confiscated 9,700 copies of *Shishi Zixun*.

The official account of their arrests stated that the two publications had "flooded" Chongqing's publishing market. The government declared that "the political rumors, shocking 'military reports,' and other articles in these illegal publications misled the public, poisoned the youth, negatively influenced society, and sparked public indignation." Zhang, Zuo, and Ou printed more than 1.5 million copies of the publications and sold them in Chongqing, Chengdu, and other cities.

On December 25, 2002, the Yuzhong District Court in Chongqing sentenced Zhang to six years in prison and fined him 100,000 yuan (US\$12,000), the amount that police said he had earned in profits from the publications. Zuo was sentenced to five years and fined 50,000 yuan (US\$6,000), while Ou was sentenced to two years in prison.

**Abdulghani Memetemin**

East Turkistan Information Center

IMPRISONED: July 26, 2002

Memetemin, a writer, teacher, and translator who had actively advocated for the Uighur ethnic group in the northwestern Xinjiang Uighur Autonomous Region, was detained in Kashgar, a city in Xinjiang, on charges of "leaking state secrets."

In June 2003, Kashgar Intermediate People's Court sentenced him to nine years in prison, plus a three-year suspension of political rights. Radio Free Asia provided CPJ with court documents listing 18 specific counts against Memetemin, including translating state news articles into Chinese from Uighur; forwarding official speeches to the Germany-based East Turkistan Information Center (ETIC), a news outlet that advocates for an independent state for the Uighur ethnic group; and conducting original reporting for ETIC. The court also accused him of recruiting additional reporters for ETIC, which is banned in China.

Memetemin did not have legal representation at his trial.

**Huang Jinqiu**, *Boxun News*

IMPRISONED: September 13, 2003

Huang, a columnist for the U.S.-based Web site *Boxun*

*News*, was arrested in Jiangsu province. Huang's family was not officially notified of his arrest for more than three months. On September 27, 2004, the Changzhou Intermediate People's Court sentenced him to 12 years in prison on charges of "subversion of state authority," plus four years' deprivation of political rights. The sentence was unusually harsh and appeared linked to his intention to form an opposition party.

Huang worked as a writer and editor in his native Shandong province, as well as in Guangdong province, before leaving China in 2000 to study journalism at the Central Academy of Art in Malaysia. While he was overseas, Huang began writing political commentary for *Boxun News* under the pen name Qing Shuijun. He also wrote articles on arts and entertainment under the name Huang Jin. Huang's writings reportedly caught the attention of the government in 2001. Huang told a friend that authorities had contacted his family to warn them about his writing, according to *Boxun News*.

In January 2003, Huang wrote in his online column that he intended to form a new opposition party, the China Patriot Democracy Party. When he returned to China in August 2003, he eluded public security agents just long enough to visit his family in Shandong province. In the last article he posted on *Boxun News*, titled "Me and My Public Security Friends," Huang described being followed and harassed by security agents.

Huang's appeal was rejected in December 2004.

Huang's lawyer told CPJ in early 2005 that the journalist had been mistreated in prison and was in poor health. In March 2008, his family told CPJ that his health conditions and treatment had improved. Huang was serving his sentence in Pukou Prison, near Nanjing.

**Kong Youping**, freelance

IMPRISONED: December 13, 2003

Kong, an essayist and poet, was arrested in Anshan, Liaoning province. A former trade union official, he had written articles online that supported democratic reforms, appealed for the release of then-imprisoned Internet writer Liu Di, and called for a reversal of the government's "counterrevolutionary" ruling on the pro-democracy demonstrations of 1989.

Kong's essays included an appeal to democracy activists in China that stated, "In order to work well for democracy, we need a well-organized, strong, powerful, and effective organization. Otherwise, a mainland democracy movement will accomplish nothing." Several of his articles and poems were posted on the *Minzhu Luntan* (Democracy Forum) Web site.

In 1998, Kong served time in prison after he became

a member of the Liaoning province branch of the China Democracy Party (CDP), an opposition party. In 2004, he was tried on subversion charges along with codefendant Ning Xianhua, who was accused of being the vice chairman of the CDP branch in Liaoning, according to the U.S.-based advocacy organization Human Rights in China and court documents obtained by the San Francisco-based Dui Hua Foundation. On September 16, 2004, the Shenyang Intermediate People's Court sentenced Kong to 15 years in prison, plus four years' deprivation of political rights. Ning received a 12-year sentence.

Kong suffered from hypertension and was imprisoned in the city of Lingyuan far from his family, making visits difficult. In a letter written to his family from prison, Kong said that he had received a sentence reduction to 10 years in his appeal, but that information could not be confirmed.

**Shi Tao**, freelance  
IMPRISONED: November 24, 2004

Shi, the former editorial director at the Changsha-based newspaper *Dangdai Shang Bao*, was detained near his home in Taiyuan, Shanxi province.

He was formally arrested and charged with "providing state secrets to foreigners" by sending an e-mail on his Yahoo account to the U.S.-based editor of the Web site *Minzhu Luntan* (Democracy Forum). In the anonymous e-mail sent several months before his arrest, Shi transcribed his notes from local propaganda department instructions to his newspaper, which included directives on coverage of the Falun Gong and the upcoming 15th anniversary of the military crackdown on demonstrators at Tiananmen Square. The official Xinhua News Agency reported that the National Administration for the Protection of State Secrets later certified the contents of the e-mail as classified.

On April 27, 2005, the Changsha Intermediate People's Court found Shi guilty and sentenced him to a 10-year prison term. In June of that year, Hunan Province High People's Court rejected his appeal without granting a hearing.

Court documents in the case revealed that Yahoo had supplied information to Chinese authorities that helped them identify Shi as the sender of the e-mail. Yahoo's participation in the identification of Shi and other jailed Internet writers and dissidents in China raised questions about the role that international Internet companies are playing in the repression of online speech in China and elsewhere.

In November 2005, CPJ honored Shi in absentia with its annual International Press Freedom Award for

his courage in defending the ideals of free expression. During a visit to CPJ's offices in New York in June 2007, Shi's mother, Gao Qinsheng, highlighted the 2008 Beijing Olympics as an opportunity for the international community to renew calls for her son's release. In November of that year, members of the U.S. House Foreign Affairs Committee rebuked Yahoo executives for their role in the case and for wrongly testifying in earlier hearings that the company did not know the Chinese government's intentions when it sought Shi's account information.

**Zheng Yichun**, freelance  
IMPRISONED: December 3, 2004

Zheng, a former professor, was a regular contributor to overseas online news sites, including the U.S.-based *Epoch Times*, which is affiliated with the banned religious movement Falun Gong. Zheng wrote a series of editorials that directly criticized the Communist Party and its control of the media.

Because of police warnings, Zheng's family remained silent about his detention in Yingkou, Liaoning province, until state media reported that he had been arrested on suspicion of inciting subversion. Zheng was initially tried by the Yingkou Intermediate People's Court on April 26, 2005. No verdict was announced, and on July 21 he was tried again on the same charges. As in the April 26 trial, proceedings lasted just three hours. Though officially "open" to the public, the courtroom was closed to all observers except close family members and government officials. Zheng's supporters and a journalist were prevented from entering, according to a local source.

Prosecutors cited dozens of articles written by the journalist, and listed the titles of several essays in which he called for political reform, increased capitalism in China, and an end to the practice of imprisoning writers. On September 20, the court sentenced Zheng to seven years in prison, to be followed by three years' deprivation of political rights.

Sources familiar with the case believe that Zheng's harsh sentence may be linked to Chinese leaders' objections to the *Epoch Times* series "Nine Commentaries on the Communist Party," which called the Chinese Communist Party an "evil cult" with a "history of killings" and predicted its demise.

Zheng is diabetic, and his health suffered a decline after his imprisonment. After his first appeal was rejected, he intended to pursue an appeal in a higher court, but his defense lawyer, Gao Zhisheng, was himself imprisoned in August 2006. Zheng's family has been unable to find another lawyer willing to take the case.

**Zhang Lin**, freelance

IMPRISONED: January 29, 2005

Zhang, a freelance writer and political essayist who made a living by writing for banned overseas Web sites, was convicted of “inciting subversion of state power” and misrepresenting national authorities in his articles and in a radio interview.

Zhang, who spent years in jail in the 1990s for his pro-democracy activism and for organizing a labor union, was detained at a train station near his home in Bengbu, in central China’s Anhui province. Police apprehended him as he was returning from Beijing, where he had traveled to mourn the death of ousted Communist Party leader Zhao Ziyang. He was initially accused of “disturbing public order,” but police formally arrested him on charges of inciting subversion after confiscating the computer he was using.

The Bengbu Intermediate People’s Court tried him on June 21, 2005, in proceedings that lasted five hours, his lawyer, Mo Shaoping, told CPJ. The defense argued that the six articles and one interview cited by the prosecution were protected free expression.

Zhang’s wife told reporters that his imprisonment was connected to essays he wrote about protests by unemployed workers and official scandals. On July 28, 2005, the court convicted Zhang and sentenced him to five years in prison.

For 28 days in September 2005, Zhang waged a hunger strike to protest his unjust sentence and the harsh conditions at Bengbu No. 1 Detention Center. Officials there subjected him to long hours of forced labor making Christmas ornaments and refused to allow him to read newspapers or other material, according to his lawyer. During his hunger strike, he was fed through his nose. He was hospitalized briefly before returning to the detention center.

Zhang’s appeals were rejected without a hearing, and he was moved to a prison in Anhui province. Zhang’s wife told CPJ that his health has suffered during his imprisonment. They have a young daughter.

**Yang Tongyan (Yang Tianshui)**, freelance

IMPRISONED: December 23, 2005

Yang, commonly known by his pen name Yang Tianshui, was detained along with a friend in Nanjing, eastern China. He was tried on charges of “subverting state authority,” and on May 17, 2006, the Zhenjiang Intermediate People’s Court sentenced him to 12 years in prison.

Yang was a well-known writer and a member of the

Independent Chinese PEN Center. He was a frequent contributor to U.S.-based Web sites banned in China, including *Boxun News* and *Epoch Times*. He often wrote critically about the ruling Communist Party, and he advocated the release of Internet writers Zheng Yichun and Zhang Lin.

According to the verdict in Yang’s case, which was translated into English by the San Francisco-based Dui Hua Foundation, the harsh sentence against him was related to a fictitious online election, established by overseas Chinese citizens, for a “democratic Chinese transitional government.” Yang’s colleagues say that without his prior knowledge, he was elected “secretariat” of the fictional government. Yang later wrote an article in *Epoch Times* in support of the model.

Prosecutors also accused Yang of transferring money from overseas to Wang Wenjiang, who had been convicted of endangering state security. Yang’s defense lawyer argued that this money was humanitarian assistance to the family of a jailed dissident and should not have constituted a criminal act.

Believing that the proceedings were fundamentally unjust, Yang did not appeal. Yang had already spent 10 years in prison for his opposition to the military crackdown on demonstrators at Tiananmen Square in 1989.

In June, Shandong provincial authorities refused to renew the law license of Yang’s lawyer, press freedom advocate Li Jianqiang, who also represented imprisoned journalists Zhang Jianhong and Guo Qizhen.

**Guo Qizhen**, freelance

IMPRISONED: May 12, 2006

Guo was detained as he prepared to join a rolling hunger strike by the lawyer Gao Zhisheng, who was later jailed. Guo was formally arrested on charges related to his prolific writing for U.S.-based Chinese-language Web sites *Minzhu Luntan* (Democracy Forum) and *Epoch Times*.

The Cangzhou Intermediate People’s Court tried Guo on charges of “inciting subversion of state authority” on September 12, 2006. He was convicted and sentenced to four years in prison, plus an additional three years’ deprivation of political rights.

In the case presented to the prosecutor on June 16, 2006, the Cangzhou Public Security Bureau cited several online essays as proof of Guo’s crimes, including one titled “Letting some of the people first get rich while others cannot make a living,” in which he accused the Communist Party government of using its policies to support an “autocratic” and “despotic” regime. Guo

was critical of corruption and widespread poverty in the country.

In his defense, Guo argued that his criticism of the Communist Party was protected by the Chinese constitution. In March 2007, an appeals court upheld Guo's conviction.

Three months later, Shandong provincial authorities refused to renew the law license of Guo's lawyer, press freedom advocate Li Jianqiang, who also represented imprisoned journalists Zhang Jianhong and Yang Tongyan.

Guo is married and has a teenage son. Guo's wife, Zhao Changqing, told CPJ in April 2008 that she had been unable to visit her husband due to the high cost of traveling to the prison. She confirmed that he suffered beatings that led to a permanent leg injury. Guo also complained of high blood pressure and chest pains.

**Zhang Jianhong**, freelance

IMPRISONED: September 6, 2006

The founder and editor of the popular news and literary Web site *Aiqinhai* (Aegean Sea) was taken from his home in Ningbo, in eastern China's Zhejiang province. In October 2006, he was formally arrested on charges of "inciting subversion." He was sentenced to six years in prison by the Ningbo Intermediate People's Court in March 2007, followed by one year's deprivation of political rights.

Authorities did not clarify their allegations against Zhang, but supporters believed they were linked to online articles critical of government actions. An editorial he wrote two days before his detention called attention to international organizations' criticism of the government's human rights record, and in particular, the poor treatment of journalists and their sources two years before the start of the Olympics. Zhang referred to the situation as "Olympicgate."

Zhang was an author, screenwriter, and reporter who served a year and a half of "re-education through labor" in 1989 on counterrevolutionary charges for his writing in support of protesters. He was dismissed from a position in the local writers association and began working as a freelance writer.

His Web site *Aiqinhai* was closed in March 2006 for unauthorized posting of international and domestic news. He had also been a contributor to several U.S.-based Chinese-language Web sites, including *Boxun News*, the pro-democracy forum *Minzhu Luntan*, and *Epoch Times*.

In September 2007, Shandong provincial authorities refused to renew the law license of Zhang's lawyer, press

freedom advocate Li Jianqiang, who also represented imprisoned journalists Guo Qizhen and Yang Tongyan.

Zhang's wife, Dong Min, was permitted to see her husband in March 2008, shortly after he was transferred the medical ward of a Hangzhou prison. She told CPJ that Zhang suffers from a debilitating form of muscular dystrophy that depletes his energy. Zhang and Dong continue to appeal for his release on medical grounds.

**Sun Lin**, *Boxun News*

IMPRISONED: May 30, 2007

Nanjing-based reporter Sun was arrested along with his wife, He Fang, on May 30, according to the U.S.-based Web site *Boxun News*. Sun had previously documented harassment by authorities as a result of his audio, video, and print reports for the banned Chinese-language news site.

Sun was accused in the arrest warrant of possessing an illegal weapon, and a police statement issued on June 1 said he was the leader of a criminal gang. Lawyers met with Sun and He in June but the couple were later denied visits by counsel or family members, according to a *Boxun* report. A trial was postponed twice for lack of evidence.

The couple's 12-year-old daughter now lives with He's parents, according to *Boxun* Editor Watson Meng.

**Ma Shiping**, freelance

IMPRISONED: June 16, 2007

**Qi Chonghuai**, freelance

IMPRISONED: June 25, 2007

Qi and Ma criticized a local official in Shandong province in an article published June 8, 2007, on the Web site of the U.S.-based *Epoch Times*, according to Qi's lawyer, Li Xiongbing. On June 14, the two posted photographs on Xinhua's anti-corruption Web forum showing a luxurious government building in the city of Tengzhou.

Police in Tengzhou detained Ma on June 16 on charges of carrying a false press card. Qi, a journalist of 13 years, was arrested in his home in Jinan, the provincial capital, and charged with fraud and extortion, Li said. Qi was convicted and sentenced to four years in prison on May 13, 2008.

Qi was accused of taking money from local officials while reporting several stories, a charge he denied. The people from whom Qi was accused of extorting money were local officials threatened by his reporting, Li said. Qi told his lawyer and his wife, Jiao Xia, that police beat him during questioning on August 13, 2007, and again

during a break in his trial.

Ma, a freelance photographer, had local media affiliations. No verdict or sentence was publicly reported in his case. Ma's lawyer did not return phone calls.

**Zi Beijia**, Beijing TV  
IMPRISONED: July 18, 2007

Police arrested Zi after he allegedly fabricated a July 8 story about the sale of steamed buns stuffed with cardboard. Ten days after the report aired, Beijing TV apologized for the story and said that it was an invention. The Xinhua News Agency said Zi confessed, although a number of local journalists told CPJ that they believed the report to be factual and Zi to be innocent.

On August 12, the Beijing No. 2 Intermediate Court sentenced Zi to a year in prison for the unusual crime of "infringing on the reputation of a commodity." Zi's arrest came amid widespread international reports about food and product safety defects in China. After the arrest, CPJ research found that domestic news reports about consumer safety were noticeably tamer.

**Lü Gengsong**, freelance  
IMPRISONED: August 24, 2007

The Hangzhou Public Security Bureau charged Lü with "inciting subversion of state power," according to human rights groups and news reports. Officials also searched his home and confiscated his computer hard drive and files.

The detention was connected to Lü's articles on corruption, land expropriation, organized crime, and human rights abuses, which were published on overseas Web sites. The day before his arrest, Lü reported on the trial and two-year sentence of housing rights activist Yang Yunbiao. Lü, a member of the banned China Democracy Party, was the author of the 2000 book, *Corruption in the Communist Party of China*, which was published in Hong Kong.

Lü was found guilty of subversion and sentenced to four years in prison on February 5, 2008. Lü's wife told CPJ in April 2008 that she had not been allowed to see her husband on her numerous visits to Xihu Prison in Hangzhou.

**Hu Jia**, freelance  
IMPRISONED: December 27, 2007

Hu, 34, was charged with "incitement to subvert state power" based on six online commentaries and two interviews with foreign media in which he criticized the

Communist Party. On April 3, 2008, he was sentenced to three and a half years in prison.

A prominent human rights activist, Hu had advocated for AIDS patients, defended the rights of farmers, and promoted environmental protection. His writings, which appeared on his blog, criticized the Communist Party's human rights record, called for democratic reform, and condemned government corruption. Hu's wife, human rights activist Zeng Jinyan, and infant daughter have been confined to their home under police surveillance, according to news reports.

**Jamyang Kyi**, Qinghai TV  
IMPRISONED: April 1, 2008

An editor and news producer for state-run Qinghai TV for more than 20 years, Kyi was detained in Xining, the capital of western Qinghai province, according to The Associated Press. Radio Free Asia quoted an unidentified source in Beijing as saying that police in Qinghai's capital, Xining, had formally arrested the reporter. No charges had been publicly disclosed as of May 1, 2008.

In addition to her journalism, Kyi is a well-known singer who combines elements of popular and traditional Tibetan culture. An advocate for women's rights, she has written several articles to draw attention to problems facing women in Tibet.

In 2006, Kyi was a visiting scholar at Columbia University in New York, with the aim of improving the quality of news broadcasting in Tibet. She studied journalism and gave lectures on Tibetan-language reporting in Qinghai during her two months in the United States. She also performed music alongside exiled Tibetan performers. Her experiences were recorded on a Tibetan-language blog that she established after her return home.

Kyi's arrest followed violence in the Tibet Autonomous Region and Tibetan areas of western provinces that developed from March protests against Chinese rule. Unrest continued sporadically in April despite the deployment of a heavy security presence in Lhasa and other areas. Access to the region was restricted for international journalists. Chinese officials said that tens of Tibetans had surrendered or been detained for taking part in the unrest; exiled Tibetan groups said the arrests numbered several hundred.

Kyi had not been linked to the protests and was not known to have had past trouble with the authorities, according to AP.



Committee to Protect Journalists  
330 7<sup>th</sup> Avenue, 11<sup>th</sup> Floor New York, NY 10001  
t 212.465.1004 f 212.465.9568

[www.cpj.org](http://www.cpj.org)