

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

1. Between 2001 and 2006, have farmers had difficulty obtaining compensation where their land has been appropriated by private companies (which may have close association to government)?
2. Would it be usual, in 2006, for an organiser of a protest relating to compensation to be imprisoned, tortured and jailed for 2 months?
3. Is there any information about a protest on or about 5 June 2006 by about 500-600 farmers in front of the government of Wensheng District of Liaoyang City?
4. Is there any information about the company, Tongxing Group Corporation?

RESPONSE

1. Over the relevant years, have farmers had difficulty obtaining compensation where their land has been appropriated by private companies (which may have close association to government)?

Question 1 of RRT Country Research Response of 15 December 2006 noted that “while there are legal measures which the farmers can take against the expropriation of land with inadequate compensation, these measures are weak and rarely successful”. The same response refers to 2006 reports by the US Congressional Research Service and the Asian Development Bank (ADB) and argues that “expropriation of farmland by local, provincial or national governments is covered by the Land Administration law, which permits the state to expropriate land in the public interest in return for compensation. As many such expropriations are carried out by corrupt officials with inadequate compensation, economically disadvantaged peasants have engaged in mass protests, some of them violent” (RRT Country Research Response 2006, *Research Response CHN31124*, 15 December – Attachment 1).

Growth of Private Enterprise

According to the Director of the Research Centre for Small and Medium Sized Enterprise, Chen Naixing, the Chinese government “has provided a relaxed environment for the private sector and more and more private companies have started to focus on long-term development”. The private sector is rapidly growing in China and according to a Chinese government publication, *Beijing Review*:

The private sector is rapidly becoming the most dynamic and promising sector for innovation in China. According to statistics from the ACFIC, more than 70 percent of companies in the country's 53 national hi-tech industrial parks are privately owned. Other statistics from the Ministry of Technology show that since China adopted policies of reform and opening up in 1978, about 70 percent of technological innovation, 65 percent of patents applications and 80 percent of new product development have come from small and medium-sized firms. More than 95 percent of small and medium-sized companies are privately owned (Feng, J. 2007, ‘Striving to Innovate’, *Beijing Review*, 14 February http://www.bjreview.com.cn/nation/txt/2007-02/14/content_58845.htm – Accessed 17 April 2007 – Attachment 2).

Official statistics from 2006 showed that China's private sector accounted for 65 per cent of the Gross Domestic Product (GDP). According to China's official English language newspaper, *China Daily*:

The CPC Central Committee, in order to improve the socialist market economic system approved in 2003, has called for vigorously promoting and guiding the private sector and granting private companies the same treatment in investment, financing, taxation, land use and foreign trade (‘Reform, opening-up go on in post-Deng era’ 2007, *China Daily*, 19 February http://www.chinadaily.com.cn/china/2007-02/19/content_811814_3.htm – Accessed 17 April 2007 – Attachment 3)

Unrest in Rural Areas

The growth of private enterprise has led to expropriation of land by both local municipal governments and private developers in the rural areas for commercial activities. According to the *International Herald Tribune*:

Peasants are not allowed to own the land they farm and have little say if the government decides to sell it for commercial development. Compensation is assessed according to complex formulas, but rarely approaches the market value of the land, leaving many feeling disenfranchised by the development around them (Kahn, J. 2006, ‘In China, a warning on illegal land grabs’, *International Herald Tribune*, 20 January source: *The New York Times* (20 January 2006) <http://www.iht.com/articles/2006/01/20/news/china.php> – Accessed 17 April 2007 – Attachment 4).

A Chinese political dissident told the *Washington Post* in March 2007 that:

“As long as the problem of landownership is not solved, conflicts on unfair land seizure cannot be avoided. Since land is in the hand of the government, a developer can bribe an official and make the official claim that the land is seized for public use,” said Liu Xiaobo, a leading political dissident. “If the developer could get the approval from the official, he is legally entitled to seize the land” (Fan, M. 2007, ‘China Looks To Protect Private Property’, *The Washington Post*, 9 March <http://www.washingtonpost.com/wp->

In a report in the *USA Today*, Calum MacLeod states that “seizures of land have sparked anger across China’s countryside. In 2005, the government reported 87,000 mass protests, many linked to land expropriation.” The same report highlighted that the residents of Gongtan had defied the odds and were able to extract better compensation from the authorities after the government in 2004 moved to expropriate land for a dam project.

In the weeks since, though, the gloom in Gongtan (pop. 21,000) has lifted a bit. Through guile, resolve and faith in a petition system that dates to China’s emperors, townspeople appear to have forced authorities to sweeten the compensation to residents who must move from their homes next month.

It would be a rare victory. Chinese authorities have confiscated land from millions of peasants for development. Along the Yangtze River, the government has forced 1.2 million people to relocate as part of the Three Gorges Dam project. About 150,000 others must move by the time it is complete in 2008.

Seizures of land have sparked anger across China’s countryside. In 2005, the government reported 87,000 mass protests, many linked to land expropriation. Protests and violent clashes over property confiscation were partly behind the national parliament’s passage early this month of modest new legal protections for private property.

In recent years, Gongtan has become a magnet for savvy backpackers and culturally conscious Chinese tourists because it is a rare slice of imperial-age river life in a nation swept by change. Heavy timbers anchor wood-and-stone ganlan-style houses, some of which date to the Ming Dynasty (1368-1644). Lanterns illuminate the slab-stone alleyways and wood latticework that trims many of the homes.

Unlike residents of other doomed towns, most Gongtan residents accepted the fate of their town when they learned in 2004 that it would be submerged by a new dam on the Wu. “It’s a shame to lose our old houses and culture, but we support the project. The country needs electricity,” says Zhou Wei, 37, a teacher.

What infuriated residents was the fact that local officials presented a take-it-or-leave-it financial package and never consulted with them. Authorities offered each household the equivalent of \$3 to \$6 per square foot for their houses, plus \$40 in moving expenses and a \$250 rent allowance.

In the first of several protests, more than 200 townspeople gathered beside the river in January 2006. They dipped their thumbs in ink, then placed thumbprints and signatures on a document naming representatives they had selected to talk with the government.

By December, residents still had no response from local authorities. They placed three of their own candidates alongside official candidates in district elections organized by the local Communist Party.

One of the mavericks, Gongtan hair salon owner Ran Jingsong, says he was the leading vote-getter, but “the government refused to appoint me.” Instead, he got a warning from the local party boss not to take part in any more protest activities, he says.

People in Gongtan demonstrated again in January and February. The protests were peaceful, but their anger showed. They hung a banner vowing to “oppose until death forcible relocation.”

Some in the town argued that officials in the central government would be more compassionate. “The top leaders in Beijing are good, but our local leaders are corrupt,” says Luo Yixiong, a mother of two.

So in February, residents met in secret and asked Luo and four others to travel 1,500 miles to Beijing. The five, chosen for their ability to articulate arguments and speak formal Mandarin, set off on a three-day journey to the capital.

In Beijing, they joined hundreds of other petitioners outside the State Council Letters and Visits Bureau. The office is a modern-day version of the system of last resort installed centuries ago by Chinese emperors to rectify injustice.

Their presence was risky. It was bound to enrage officials back in Gongtan. And while petitioning is legal, only a tiny number of petitions succeed. In addition, petitioners are often rounded up by police who hunt for them in the cheap Beijing hostels where many spend the night. The Gongtan group stayed in the home of a friend to avoid being arrested before they could present their case.

Back home, local officials organized a joyless New Year’s celebration and tried to persuade townspeople to sign compensation contracts. Earthmovers to be used for demolition were parked ominously by the river. Residents sat silently through speeches by party officials, who played taped applause over loudspeakers.

“It’s all fake,” resident Lu Xianhui said at the time. “They bused in song-and-dance acts to persuade us to sign contracts, but the real people of Gongtan won’t sign.”

Earlier this month, Gongtan got a sign that its pleas had been heard. Provincial inspection teams arrived, dispatched by Chongqing province authorities who had been contacted by the petitions bureau in Beijing. Last week, a county boss came by with a new offer: \$11 a square foot in compensation, plus 10 times the original moving fees and rental allowance.

“Their attitude is much better than our local Gongtan officials,” resident Ran Jingbo says. “They want us all to move out completely by the end of (April), so they are trying to meet our demands.”

Kevin J. O’Brien, a China scholar at the University of California, Berkley, writes in an upcoming issue of China Quarterly that the persistence of ordinary Chinese sometimes pays off. “Unlawful fees are revoked, illegal land grabs are reversed, and corrupt cadres are dismissed. But more often than not ... petitioners’ representatives meet repression.”

Some in Gongtan are not confident. Luo, the mother of two who went to Beijing, says county police came by to warn her against further “illegal activities” and ask about her contacts with a USA TODAY reporter. “I still don’t believe in our government,” she says.

Luo and 300 other residents protested again Monday outside local government offices, demanding apologies and written contracts. They fear the government is renegeing on the improved offer, and plan to petition again.

Gongtan’s activism rankles local Youyang county leaders. Zhang Chunming, a county official who has worked on the town’s move, says Gongtan residents have rejected the same relocation packages offered to other people living along the River Wu.

“Only a quarter of Gongtan’s people have signed the government contract, and we are already past the March 5 deadline to start moving the town,” Zhang says. “They think they are different because Gongtan is called ‘Chong-qing’s No. 1 cultural and historical town.’ But

historical value is intangible. Their requests for extra money will be endless, and they should accept what they have been offered.”

Jason Tower, a China scholar at the University of Michigan, says Gongtan has already beaten the odds. Chinese academics studying the petition system have concluded that only one in 500 petitions succeeds, he says.

“It’s extremely rare to win a petition case, or even to get a reply,” Tower says (MacLeod, C. 2007, ‘Chinese villagers protest land grab’, *USA Today*, 16 March http://www.usatoday.com/news/world/2007-03-26-china-river_N.htm – Accessed 17 April 2007 – Attachment 6).

While the residents of Gongtan were able to get a better compensation deal from the Chinese authorities, others were not so successful. Zhang Shuxi in a report to *Boxun News* argued that local authorities along with the private contractors had embezzled compensation money. According to *Buxon News*:

Before I came to USA, all my family members are vegetable farmers. Since early 1980s household-based land contract system, our family has got 2 MU lands, which is the only way to support my family. The vegetable income is not bad because of the geographic advantage of suburban district. Our family is not rich, but it is not a problem to clothe and feed my family.

But in spring of 2004, the local government tore up the land contract without our agreement and expropriated our land as the school land for Tianjin Medical University. The compensation money from government is not enough. We did not agree with the compensation and began to appeal to village and district government and the higher authorities for help. But we did not get any reply from the government. One government official revealed the truth to us that our village Communist Party branch chief secretary had a good relation net and we can not succeed by appeal unless we can also have good relation with the higher official working in Beijing. We are only common people. How can we have relation with higher officials? At last we got RMB20, 000 per MU. Later some people organized to straggle against the land expropriation but were arrested by the policemen.

Later on, we began to know from the construction company that land compensation money from higher government is RMB220, 000 per MU. So RMB200,000 of the land compensation money were appropriated by the local government officials . We only got RMB20, 000 as land compensation, which is not enough for us to re-settle. Same like the 1,000,000,000 farmers, we don’t have any pension and medical welfare system. The land is the only way to survive. But now our land was expropriated, how can we live in the future?

Because of the extension of the city area, the lands in our neighbor villages were expropriated, too. The unfair compensation caused many social conflicts. When farmers knew the truth that the compensation money were appropriated, embezzled and squandered by the government officials, they began to straggle against the officials. In July, August 2005, more than 100 farmers in our neighbor village -Guo Huang Village protested against the local officials because they wasted the land compensation money. One of the leaders has relations with higher official in Beijing and he went to Beijing to appeal. The village Party chief secretary found him secretly and wanted to give him RMB100, 000 to ask him to stop the appeal. The leader refused. Several days later, when the leader went to visit his mother by bicycle, he was suddenly shot down by three gun bullets from the window of a passing car. Then he was sent to hospital. I got news from my family several days ago that he became paralyzed.

It is hard to believe that communist government and officials are same as gangsters to treat farmers just for their own benefits. I am now fortunately in USA but I cannot forget the tragedies happened in my family and the neighbor village. I began to realize that the only way to protect our right is to stand up and straggle.

I believe that this kind of tragedy will not happen after China is democratized as a multi-party country (Zhang, S. 2007, 'Where is the Land compensation money?', *Boxun News*, 22 March [http://www.boxun.us/news/publish/china_comment/Where is the Land compensation money.shtml](http://www.boxun.us/news/publish/china_comment/Where_is_the_Land_compensation_mon ey.shtml) – Accessed 17 April 2007 – Attachment 7).

On 12 April 2007, an *Associated Press* report which stated that a man in eastern China set himself on fire and died after his request for more money for giving up his home to a commercial developer went unanswered ('Chinese Man Dies After Setting Himself Ablaze Over Land Compensation' 2007, *Associated Press*, 12 April <http://goldsea.com/Asiagate/704/12fire.html> – Accessed 17 April 2007 – Attachment 8).

China's Property Law

As a response to the growing unrest in the countryside, on 16 March, the Tenth National People's Congress (NPC), after fourteen years of debate, passed new property laws which will come into effect from 1 October 2007. According to Carl Delfeld on the Seeking Alpha website:

Last week, at the Tenth National People's Congress [NPC], China passed new laws effective October 1st, 2007 aimed at bolstering private property rights, particularly focused on land use rights. It should be noted that the new laws do not grant outright freehold ownership of land; nor does anyone know how well these laws will be enforced. However, the new laws do grant longer term control over land and potentially pave the way for the transfer of properties across generations, thereby unlocking a critical component of the private economy (Delfeld, C. 2007, 'China Passes Law Bolstering Private Property Rights', Seeking Alpha website, 27 March <http://china.seekingalpha.com/article/30810> – Accessed 17 April 2007 – Attachment 9).

According to the *Guardian Unlimited*:

Along with private businesses, the new law also aims to bolster the rights of home buyers who have pushed the urban home ownership rate to more than 80 per cent. It is also intended to help farmers who have frequently lost their land to infrastructure and housing projects with little or no compensation ('New law strengthens China's private property rights' 2007, *Guardian Unlimited*, 16 March <http://www.guardian.co.uk/china/story/0,,2035673,00.html> – Accessed 17 April 2007 – Attachment 10).

On 25 March 2007, Xu Zhiqiang writing in *China View* argued that there are confusion and debate over the property law planned to be enacted in October 2007, "especially on how to define the developer and government's motivation or whether an act is for the public, the collective or the private individual". According to Xu, the protest by Yang Wu in Southern China against developers is a test case for the new law.

Yang Wu's house looks like an island, standing 10 meters above and in the middle of a vast dug out construction pit. On March 23 the 51-year-old Chongqing resident proudly flew China's national flag from his house, showing it to the reporters who had come from all over the country.

Almost a month ago a curious netizen photographed Yang's house, which is in southwest China, and circulated the picture on the Internet. The image soon ignited hot debates and Yang's house became the most famous house in China overnight.

Netizens called it "the hardest nail house in China."

...In China's former disputes surrounding land seizure and house demolition, the strong developer always seemed to be the winner, and few house dwellers can mount a resistance to such an extent. That's why Yang and his house have become such a national talking point.

Some speculate that Yang must have backing to support his campaign. The developer claimed that Yang had asked for 20 million Yuan (US\$2.5 million) as compensation for demolishing his house.

...In China, along with the soaring urbanization and construction, conflicts between dwellers and developers and the government have emerged rapidly in recent years.

Farmers and many city dwellers are often hurt at the expropriation of their land for piffling compensation. Yang's example brings hope to these individuals.

On the other hand, the time of Yang's exposure pushes him into the national spotlight. In mid-March, on the final sitting of the annual parliament meeting, the National People's Congress (NPC) passed a new "property law" which is seen as a historic breakthrough to protect private property to an equal degree as public and collective property. This is the first time in modern China that private property has been protected by law.

In *The Economist's* article "China's Next Revolution" issued on March 8, the law was described as "a great symbolic victory for economic reform and the rule of law." It went on to say:

"Clearer, enforceable property rights are essential if China's fantastic 30-year boom is to continue and if the tensions it has generated are to be managed without widespread violence."

The law is planned to be enacted this October but there is still much confusion and debate, especially on how to define the developer and government's motivation or whether an act is for the public, the collective or the private individual (Xu, Z. 2007, 'The Hardest Nail House in China' in *Archive for the 'Land Seizure Category, China View* website, 17 April <http://chinaview.wordpress.com/tag/social/economy/land-seizure/> – Accessed 17 April 2007 – Attachment 11).

According to a report in *The Economist*, the new property law in China is a breakthrough but the same report qualifies this further by stating that:

This latest law, likewise, will not bring the full property-rights revolution China's development demands. Indeed, it will not meet the most crying need: to give peasants marketable ownership rights to the land they farm. If they could sell their land, tens of millions of underemployed farmers might find productive work. Those who stay on the farm could acquire bigger land holdings and use them more efficiently. Nor will the new law let peasants use their land as security on which they could borrow and invest to boost productivity. Nor, even now, will they be free from the threat of expropriation, another disincentive to investment. Much good land has already been grabbed, and the new law will merely protect the grabbers' gains.

This law cannot in itself resolve the murkiest question: who owns what? This is especially true in the countryside, where the mass collectivisation during Mao's Great Leap Forward of

half a century ago left farmland “collectively” owned. Peasants have since been granted short (30-year) leases. But even outside agriculture it is often unclear whether a “private” enterprise is really owned by individuals or by a local government or party unit. Conversely, some “collective” or “state” enterprises operate in ways indistinguishable from the private interests of their bosses. Moreover, should an underdog try to use the new law to enforce his rights, the corrupt and pliant judiciary would usually ensure he was wasting his time. Since the Cultural Revolution, when the NPC passed just one law between 1967 and 1976, the legislature has been legislating quite prolifically. But the passage of laws is not the rule of law (‘China’s next revolution – Property rights in China’ 2007, *The Economist*, 10 March – Attachment 12).

Advocates of farmers’ rights argue that the new land legislation lacks “provisions that protect farmers from land grabs.” According to *Inter Press Service*, “local governments that often work in gloves with greedy developers would retain the power to convert agricultural land to other uses if deemed so in the public interest” (Bezlova, A. 2007, ‘Rights-China: New property law ignores farmers’ rights’, *Inter Press Service*, 16 March – Attachment 13).

Chinese actions on illegal property deals

On 17 April 2007, the Chinese government news service *Xinhua* reported on a document from the Central Committee to the Chinese police to crack down on crime. “The document urges improving the system to resolve disputes in the countryside and take the initiative to tackle dispute-prone issues, including burden on farmers, land contracts, land expropriation, environmental pollution, unpaid wages and disposal of collective assets.” On 5 April, China Economic Review website reported that “eight Chinese government departments will launch a campaign later this month to curb illegal activities in the real estate market. Power misuse, illegal land acquisition and tax policy implementation will be targeted by the Ministry of Finance, the Ministry of Land Resources, the National Development and reform Commission and five other departments”. The Chinese Embassy in the United States in a press release dated 12 April 2006 stated that “China’s latest five-year program to raise people’s awareness of laws and legal processes will for the first time focus on farmers”. Vice Minister for Civil Affairs, Dou Yupei, said that “the Ministry will also improve training for village and township officials to ensure that rural affairs are handled lawfully” (‘Chinese police to intensify crackdown on rural crime’ 2007, *BBC Monitoring* (source: *Xinhua*), 17 April – Attachment 14; ‘Crackdown on illegal property deals’ 2007, China Economic Review (source: *Shanghai Daily*), 5 April

<http://www.chinaeconomicreview.com/property/category/land/> – Accessed 17 April 2007 – Attachment 15; ‘China to raise farmers’ awareness of legal rights’ 2006, Embassy of the People’s Republic of China website, 12 April <http://www.china-embassy.org/eng/zt/zgrq/t282490.htm> – Accessed 17 April 2007 – Attachment 16).

2. Would it be usual, in 2006, for an organiser of a protest relating to compensation to be imprisoned, tortured and jailed for 2 months.

Many protest organisers have been detained or arrested and violence has often been used to remove protestors from land. Question 2 of RRT Country Research Response CHN31124 of 15 December 2006 referred to a 2004 UN Human Rights Report, according to which “China has a system of administrative detention which by passes the court system, under which a person may be held in punitive detention without trial or charge for up to three years for public order offences” (RRT Country Research Response 2006, *Research Response CHN31124*, 15 December – Attachment 1; ‘Human Rights Watch’ 2004, *Demolished*:

Forced evictions and the Tenants' Rights Movement in China, March, Vol. 16, No. 4(C), pp.22-31 – [Attachment 17](#); also see: RRT Country Research Response 2006, *Research Response CHN30705*, 11 October – Attachment 18; 'Congressional-Executive Commission on China' 2005, *Virtual Academy: Forced Eviction Chart*, <http://www.cecc.gov/pages/virtualAcad/rol/forcedevictionchart.php> – Accessed 25 February 2005 – [Attachment 19](#)).

On 12 April 2007, seven villagers in southern China were jailed for two to four years for protesting against a land grab by local authorities and demanding compensation. According to *Agence-France Presse*:

The seven were sentenced to between two and four years in prison by a court in Nanhai county, Guangdong province on Tuesday, the China Rights Defenders said in a statement.

They had been convicted in December last year of extortion stemming from the payment of compensation in two property disputes a year earlier, it said.

The compensation had been arbitrated by local police, the group said, but this was ignored by the court.

Court officials in Nanhai were unavailable for comment Thursday.

The seven convicted were part of a group of villagers in Nanhai's Sanshan district that are opposing several land development projects, the group said.

The case came to light after the state indicated a willingness to better protect ordinary people in land grabs, which are often the result of cozy deals between developers and government officials.

Guangdong is the factory floor of China's booming export-oriented economy, as well as the home of some of the nation's most strident land disputes.

Police opened fire on protesters in December 2005 in Guangdong's Dongzhou village, killing at least three as peaceful demonstrations turned violent.

"Throwing these villagers in prison for rejecting officials selling their land for profit without giving them adequate compensation also says how little the government is doing for the farmers' basic right to make a living," the rights group said.

"Without adequate compensations, these farmers have almost nothing to go on in starting a business or finding employment."

China's parliament passed the nation's first property rights law earlier this year, in what many hoped would end widespread land confiscations by local officials ('Seven villagers jailed in south China after protesting land grab' 2007, *Agence-France Presse*, 12 April – Attachment 20).

On 18 January 2007, US government funded *Radio Free Asia* reported that "authorities near the southern Chinese city of Foshan have dispatched more than a thousand police and security personnel after local residents staged a protest at the use of their land by local government. The police detained and fined protestors and according to *Radio Free Asia*:

Villagers had staged a sit-in and tried to stop construction work from going ahead, saying that the land had been taken over for development without their agreement and that they hadn't received any compensation.

Police destroyed the tents in which the protesters were camping and ripped down banners hanging there, including a large portrait of Mao Zedong, witnesses said.

Cheng said there were some clashes as police moved to detain villagers, but that there were seven or eight officers for every detainee. "I heard that nine people were detained," Cheng added.

One of those detained was Liang Huanpian. Her husband Luo Jilun told RFA reporter Ding Xiao: "There was no official notification, and we don't know the reason for her detention. She was put in the police vehicle and taken away. I'm now frightened that they're going to come back for me."

The authorities' response to the Sanshangang protest has been swift.

On Tuesday, civil rights activist Liang Weitang was taken away by police, and on Wednesday, four other villagers were ordered to pay more than 50,000 yuan to the property developers by a civil court in compensation for obstructing the development of the disputed land ('Police Raid Guangdong Village, Detain Land Protesters' 2007, *Radio Free Asia*, 18 January http://www.rfa.org/english/china/2007/01/18/china_clash/ – Accessed 19 April 2007 – Attachment 21).

On 26 September 2006, thirty two farmers representing refugees from the Hubei province protested by kneeling on Tiananmen Square. The organiser of the protest, Zhou Xhirong, was arrested by the police. According to the Falung Gong associated publication, *The Epoch Times*:

On October 6, June 4th Tiangwang, a mainland rights advocacy website, published news that Zhou Zhirong, who organized the "Kneeling Appeal on Tiananmen Square," had been arrested by the local police and has not been heard of since. The police also issued an arrest warrant for another organizer, Hong Yunzhou, whose whereabouts are currently unknown.

The authority claims that these two people instigated the farmers to kneel at Tiananmen Square without just cause. But rights advocates have replied that the real reason behind the arrests is that the "Kneeling Appeal" attracted some publicity and thus embarrassed the offending government agencies.

During a phone interview with Radio Free Asia, Local CCP Chief Jin Yan told a reporter that Zhou and Hong should be arrested because they instigated innocent farmers to kneel on Tiananmen Square. Jin is the person responsible for the farmer's relocation in the Chibi area.

Jin claimed that after being detained for some time those farmers who went to appeal admitted that they had been deceived by Zhou and Hong. Although the reporter pointed out to Jin that the farmers who held the banners would have known what the banners said, Jin still insisted the appeal was manipulated by Zhou and Hong, and they staged the appeal to vent their hatred of Chinese society ('Men Arrested for Organizing "Kneeling Appeal" on Tiananmen Square' 2006, *The Epoch Times*, 10 October <http://en.epochtimes.com/news/6-10-10/46883.html> – Accessed 19 April 2007 – Attachment 22).

In July 2006, Fu Xiancai, an activist assisting people displaced by the Three Gorges Dam project, was beaten and left paralysed after a meeting with the Public Security Bureau. It is alleged that Fu gave an interview to a German broadcaster, criticising the resettlement terms ('China Police Say Activist's Injuries Self-Inflicted' 2006, *The Epoch Times*, 27 July <http://en.epochtimes.com/news/6-7-27/44306.html> – Accessed 19 April 2007 – Attachment 23).

US Department of State 2006 reported that Chinese law allowed police to detain suspects and deny access to family members and lawyers.

The law provided for administrative review of detention decisions. It also expanded the number and type of offences subject to administrative detention to include illegal demonstrations, disturbing social order in the name of religion, invasion of privacy, and publication that incites ethnic or national hostility or discrimination. Police continued to hold individuals without granting access to family members or lawyers, and some trials continued to be conducted in secret. Detained criminal suspects, defendants, their legal representatives, and close relatives were entitled to apply for bail; however, in practice few suspects were released pending trial (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – China*, 8 March, Section 2b & 6b – [Attachment 24](#)).

US Department of State 2007 report stated that:

In March [2006] UN Special Rapporteur Nowak reaffirmed earlier findings that torture remained widespread. Nowak reported that beatings with fists, sticks, and electric batons continued to be the most common tortures. He also found that prisoners continued to suffer cigarette burns, prolonged periods of solitary confinement, and submersion in water or sewage, and that they were made to hold extreme positions for long periods, were denied medical treatment, and were forced to do hard labor (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – China*, March – Attachment 25).

3. Is there any information about a protest on or about 5 June 2006 by about 500-600 farmers in front of the government of Wensheng District of Liaoyang City.

No information about a protest on 5 June 2006 in Liaoyang city could be located in the sources consulted. Nevertheless, there have been a number of protests from farmers in the past. According to Chinese government statistics as reported by the US Department of State, there were 87,000 “public order disturbances” in 2005 including worker protests. Human Rights Watch reported that there were 74,000 protests in China in 2004 involving 3.5 million people including “workers, farmers, people forcibly evicted from their homes, victims of police abuse, and HIV/AIDS activities, among others”.

The vast majority of demonstrations during the year concerned land disputes, housing issues, industrial, environmental, and labor matters, and other economic and social concerns. During the year over 87 thousand “public order disturbances” were reported, according to government statistics, up 6.6 percent from 2004. Some of these demonstrations included thousands of participants. Incidents described as mob violence rose by 13 percent over 2004, according to the Ministry of Public Security, which said that the number of demonstrations continued to grow and protesters were becoming more organized.

...Worker protests occurred throughout the year. Most involved actual or feared job loss, wage or benefit arrears, allegations of owner/management corruption, dissatisfaction with new contracts offered in enterprise restructuring, or discontent over substandard conditions of employment (US Department of State 2006, *Country Reports on Human Rights Practices 2005 – China*, 8 March,

4. Is there any information about the company, Tongxing Group Corporation?

There is a Tongxing Group 桐星集团 (*Tongxing jituan*) which is a group of companies associated with cement, clothing and textiles (and perhaps other things) and based in Zhejiang province. It has websites at <http://www.txjb.cn/enaboutus.asp> (English) <http://www.zjtongxing.com/> (Chinese). There may be many other companies with the name ‘Tongxing’ in China.

List of Sources Consulted

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US Department of State www.state.gov

United Nations (UN)

UNHCR www.unhcr.ch

Non-Government Organisations

Amnesty International www.amnesty.org

Human Rights Watch www.hrw.org

International News & Politics

International Herald Tribune website www.iht.com

The Washington Post website www.washingtonpost.com

USA Today website www.usatoday.com/

Guardian Unlimited website www.guardian.co.uk

Topic Specific Links

Beijing Review website www.bjreview.com

China Daily website <http://www.chinadaily.com.cn/>

Buxon News website <http://www.peacehall.com/news/gb/english/page1.shtml>

Goldsea website <http://goldsea.com/>

China View website <http://www.chinaview.cn>

China Economic Review website www.chinaeconomicreview.com

Radio Free Asia website www.rfa.org

The Epoch Times website www.epochtimes.com

Search Engines

Google search engine <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

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