

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. Is there a problem with criminal gangs and lawlessness resulting from land disputes, especially in Fujian Province?**
- 2. What is the status of state protection?**

**RESPONSE**

- 1. Is there a problem with criminal gangs and lawlessness resulting from land disputes, especially in Fujian Province?**
- 2. What is the status of state protection?**

In the wake of her bold modernization, China has faced multitudes of problems. One of the difficulties faced is the land appropriation disputes between farmers/city dwellers deemed to have right to use the land or dwellings under the Communist system and local government officials who “sold” the land to developers. Disputes erupt often between farmers/city dwellers and developers. Local governments and/or developers have sometimes hired/mobilized thugs under various names (eg, “irregular policemen” and “city administrative teams” - Southerland, Dan 2007, ‘China’s Media Controls: Could Bloggers Make a Difference?’, *China Brief*, vol 7, issue 8, 18 April – Attachment 1) in the course of dispute settlement.

To illustrate the difficulties faced by China in land disputes, *The Economist* comments that:

While land disputes are common in any fast-developing economy, they are aggravated in China by the lack of clarity over property rights. In theory, rural land is “collectively owned”. But it is uncertain whether this means by the villagers themselves or whether township governments, which each control several villages, exercise these collective rights on behalf of the peasants.

Peasants have renewable land-use contracts valid for 30 years, but they cannot sell them. And even if villagers have a theoretical say in the disposal of their land, in practice, villages are usually controlled by Communist Party representatives whose duty is to enforce higher-level orders. Village chiefs elected by the villagers themselves have little power to obstruct them.

The party's refusal to allow private land ownership has eased the takeover of rural land for industrial use, urban expansion or the construction of transport infrastructure. But it has also created vast opportunities for corruption. Rural officials often pocket much of the money paid by developers as compensation for the land-lost peasants, or make great profits by taking over land at little or no cost and selling it at market prices. Efforts in recent years to reduce the tax burden on peasants have given local governments even more incentive to sell land to boost their revenue...

In these areas close to cities, agriculture has often ceased to be the main source of income for peasants. Many have jobs in local industries, even though they keep their land-use rights. Disputes over compensation for loss of land are frequently driven by peasants' desire to maximise their gains from the transfer, rather than fears over the loss of a vital means of subsistence.

But protests by these relatively affluent villagers can still be an embarrassment to the government ('China's land disputes: Turning ploughshares into staves' 2005, *The Economist*, 23 June – Attachment 2;

For further background reading, see also Lum, T. 2006, *Social Unrest in China*, US Congressional Research Service, 8 May, <http://www.fas.org/sgp/crs/row/RL33416.pdf> – Accessed 12 December 2006 – Attachment 3; RRT Research and Information Services 2007, *Research Response CHN32404*, 15 October – Attachment 4; and RRT Research and Information Services 2006, *Research Response CHN30369*, 26 July – Attachment 5.

There are numerous reports of land disputes but none of them, it appears, indicates that they ran out of control and lawlessness prevailed for long although they are widespread and threatening social stability of the country. Reports of thugs involved in land disputes are not uncommon. Yet reports on how they were treated and disputes controlled are rare.

To examine the extent of lawlessness resulting from the involvement of thugs in land disputes and their treatment, a limited number of reports found relevant to the issue are listed below:

- China News Agencies (NCNA) deplored the fact that “institutional and systematic problems hindering the healthy development of the economy and society are still very outstanding.” NCNA hinted at the severity of corruption among senior officials, as well as regional cadres not following orders from the center. Indeed, the Hu-Wen team is facing more challenges from regional “warlords” who often refuse to heed Beijing’s orders concerning the preservation of arable land or the punctual payment of the salaries of migrant workers. The recent case of local authorities in Panyu, Guangdong Province hiring thugs to intimidate villagers who tried to impeach a corrupt village chief has illustrated the frequency with which grassroots cadres collude with greedy businessmen and underworld gangs ('Congressional-Executive Commission on China Annual Report' 2004, Congressional-Executive Commission on China, 5 October - Attachment 6)
- Thugs reported employed by eviction companies in Chengdu, Sichuan Province attacked police officers and people being forcibly removed from their homes for

redevelopment on August 1. The thugs were released soon after being arrested. ('Forced Evictions Turn Violent in Sichuan and Shaanxi' 2006, *Radio Free Asia*, 1 August, 2006 – Quote from 'Petition and Protests: Thug attacks' 2006, Human Rights in China website, 31 August

[http://www.hrichina.org/public/contents/article?revision\\_id=30597&item\\_id=30595](http://www.hrichina.org/public/contents/article?revision_id=30597&item_id=30595) – Accessed 13 June 2007 – Attachment 7).

- Reports emerging in recent months provide a snapshot of unrest and instability in rural China. In June 2005, villagers in the town of Shenyong in Hebei Province were beaten with sticks and knives by locally hired thugs after a power company acquired the rights to local farmers' land. Six farmers were killed and 48 injured in an event that later led to the removal of local leaders by provincial authorities. Earlier in March, Zhou Changqing, the elected village chief of Yinjialin, a Jinan suburb, was severely beaten, along with his colleagues, by a party secretary backed by the local government (*Xinjingbao*, June 13, 2005) (Fan, Li 2005, 'Unrest in China's Countryside', *Xinjingbao*, 13 June – Quote from *China Brief*, vol 6, issue 2 – Attachment 8).
- In June 2005, local officials hired armed thugs to break up a protest by farmers in Shengyou village, Hebei province, killing six villagers and wounding more than 100. Villagers had opposed local government efforts to seize their land and claimed that local officials had embezzled money that should have gone to the villagers (Congressional-Executive Commission on China 2006, 'Congressional-Executive Commission on China Annual Report 2006', GECC website, 20 September <http://www.cecc.gov/pages/annualRpt/annualRpt06/CECCannRpt2006.pdf> - Accessed 16 January 2007 - Attachment 9).
- In June, the *South China Morning Post* reported that at least six people were killed in Hebei province, when several hundred armed thugs attacked villagers who refused to hand their land over to an electronics factory ('Chinese Citizens Increasingly Stand Up for Human Rights: Prominent lawyers defend house-church pastor; peasants protest against corruption' 2005, *Compass Direct*, 28 July - Attachment 10).
- In 2005, several thousand southern farmers, trying to stop earth-moving machinery, fought 600 police armed with clubs. In northern China, developers and officials hired thugs with pikes and knives to attack protesting villagers, killing six and injuring fifty (Keidel, Albert 2006, 'China's social unrest: The story behind the stories', Carnegie Endowment website, September [http://www.carnegieendowment.org/files/pb48\\_keidel\\_final1.pdf](http://www.carnegieendowment.org/files/pb48_keidel_final1.pdf) - Accessed 25 October 2006 – Attachment 11).
- Rights defenders Liu Anjun and Yu Xinjiao were both released from prison in late July. Liu Anjun was crippled in 2003 in an attack by thugs allegedly in the hire of developers while petitioning on behalf of residents displaced by a redevelopment scheme. He was detained and imprisoned in 2004 for disturbing public order after objecting to police beating someone else ('Human Rights Defender Liu Anjun and Poet Yu Xinjiao Released from Prison' 2006, *Radio Free Asia*, 28 July 28 <http://hrichina.org/public/contents/article?revision%5fid=29674&item%5fid=29670>, Accessed 14 Aug 06 – Attachment 12).

- One former Communist party chief in the city of Dingzhou in Hebei Province, for example, was found by a court to have hired "thugs" to physically abuse peasants who had protested low levels of compensation for appropriated land ... Tension in villages like Dongzhou was high following the protests, according to *The Straits Times*, which cited rural experts and peasants as saying that local authorities had tightened control over the villages and that residents were fearful of officials and "local thugs" who were collaborating with the authorities (25 Feb. 2006) (Immigration and Refugee Board of Canada 2006, CHN101063.EX – China: Civil unrest involving farmers, workers, homeowners and tenants, particularly in rural areas of Guangdong; conditions causing the unrest; government response; reports of arrests, beatings and detention (2004 - 2006), 24 April – Attachment 13). Referring to the same incident, another report comments that in February 2006, former Party secretary of Dingzhou city, He Feng, was sentenced to life in prison, and four others to death, for their roles in the shooting and beating of villagers protesting inadequate land compensation, including the killing of six (Lum, T. 2006, *Social Unrest in China*, US Congressional Research Service, 8 May – footnote 24, <http://www.fas.org/sgp/crs/row/RL33416.pdf> – Accessed 12 December 2006 – Attachment 3).
- ... police brought in hired thugs to suppress a village protest. The open letter by peasants from Wanli Village in Cangshan Town, Fuzhou City, Fujian Province says that on the morning of August 1, a large group of law enforcement officers accompanied by a number of individuals recently released from Reeducation Through Labor (RTL) and Reform Through Labor (laogai) camps suddenly arrived at a factory where villagers were staging a sit-in. After climbing over the factory gate, the police officers and civilians attacked the villagers... the conflict between officials and villagers arose over possession of the factory where the villagers staged their sit-in... Although the provincial PSB director, Chen Youcheng, ordered the Cangshan PSB branch to seriously investigate the matter, no discernable action has been taken to date... this is only the latest of a number of oppressive actions taken against the peasants of Wanli Village, who have been engaging in extended protests over infringement of their rights in recent official land confiscation and clearance operations ('Police and Thugs Suppress Fujian Peasant Protest' 2004, Human Rights in China Press Releases, 25 August <http://iso.hrichina.org/public/contents/press?revision%5fid=10613&item%5fid=9765> - Accessed 11 January 2008 - Attachment 14).
- Referring to the same incident, another report notes that police and officials have once again brought in convicted criminals to suppress protests by peasants of Wanli Village in Cangshan Town, Fuzhou City, Fujian Province. The peasants of Wanli Village have been engaged in an extended protest against appropriation and redevelopment of their farmland and involuntary removal to a new location... Sources say the authorities were especially ruthless in this operation because of their vexation over leaks to the international community over an incident in early August when police and enlisted thugs were sent in to intimidate a group of villagers occupying a disputed factory premises... Apart from good income from crops, villagers have also enjoyed a monthly income of 400 yuan per shareholder from rental of the disputed factory premises. The villagers feel the compensation offered them in the redevelopment plans is grossly inadequate, and more than 400 households have refused the terms ('Protesting Peasants Under Siege in Wanli Village' 2004, Human Rights in China Press Releases, 9 September

[http://www.hrichina.org/public/contents/press?revision\\_id=10615&item\\_id=9789](http://www.hrichina.org/public/contents/press?revision_id=10615&item_id=9789) - Accessed 15 January 2008 – Attachment 15).

- The confrontation occurred Tuesday, March 20 [2007], on Guanzhou Island, situated in a tributary of the Pearl River, in the Haizhu district of Guangzhou city. Three witnesses confirmed Chen's death. Villagers were already angry at the seizure of farm land by local officials at below-market rates to build an international biosphere as part of a controversial "College City" project... Dozens of villagers gathered Tuesday in a show of support for another villager who had been injured by a dirt truck earlier that day, they said. The truck had struck a villager at the construction site of a tunnel that will connect Guanzhou Island, where the new biosphere project is located, with the island where the College City project is located. In a show of support for the injured villager, dozens of villagers demanded compensation from the truck driver... A report Thursday in the Chinese-language *Guangzhou Daily* newspaper said those involved in the case had been detained and would be dealt with according to the law. The Haizhu district government had set up a special task force, it said, which will put the project on hold and will comfort and compensate the injured and the bereaved. The report characterized the death as the result of an armed scuffle between construction workers and villagers brought on by a "traffic incident." But Guanzhou Island residents told RFA that they considered the incident an armed assault on villagers. "Many of the villagers were just onlookers in their pajamas. Out of nowhere 30 to 40 people wearing hard hats with iron clubs in their hands descended upon the villagers," one woman said... The Haizhu district government has expropriated more than 2,000 mu (1 mu = 0.165 acre) of land for the construction of the biosphere. Villagers claim they have been paid at below-market rates for the land and say they were coerced into signing the contract. China's leaders have criticized the proliferation of College City projects which began to appear following a crackdown on unauthorized "development zones," often little more than a front for local government property scams. In April 2004, an investigative report by RFA's Mandarin service found that local Guangdong officials had divided up land into parcels to get around central government restrictions on land acquisitions for construction projects. Local residents, who had valid land leases and construction permits, were under increasing pressure to leave their homes to make way for a College City development. But while central government is increasingly aware of the problem, recently passing a Property Law aimed at protecting property rights, enforcement of its directives at the local level happens only rarely ('Villager Dies in Guangdong Land Clashes' 2007, *Radio Free Asia*, 22 March [http://www.rfa.org/english/china/2007/03/22/china\\_guangzhou/](http://www.rfa.org/english/china/2007/03/22/china_guangzhou/) - Accessed 21 December 2007 – Attachment 16).
- ... Even in highly publicized cases such as the bloody crackdown on peasant protesters in the southern Chinese city of Shanwei in December 2005 and the bid by the villagers of Taishi to remove their elected chief earlier that year, the authorities sentenced a group of protesters it describes as ringleaders to jail terms of up to five years for their part in the protest. Behind the scenes, however, alarm bells are ringing for the Communist Party. In a two-part feature story on the loss of rural land to development projects pushed forward by greedy and corrupt officials, the official Xinhua news agency quoted Premier Wen Jiabao as sending out a warning to the Party rank and file that "illegal" seizures of land in rural areas could lead to instability... According to China's official news agency Xinhua, 40 million farmers have lost their land over the past decade due to urbanization, with another 15 million set to suffer a

similar fate over the next five years, according to a report from China's Ministry of Labor and Social Security in July. The total area of land seized illegally for development nationwide rose by 20 percent in the first five months of this year, according to the Ministry of Land and Resources. ('Grass Roots Pressures Forge China's Civil Rights Movement' 2006, Radio Free Asia, 25 September [http://www.rfa.org/english/news/social/2006/09/25/china\\_civilrights/](http://www.rfa.org/english/news/social/2006/09/25/china_civilrights/) - Accessed 21 December 2007 – Attachment 17).

- China sees thousands of incidents of popular unrest across the country annually, many of which are over the demolition of people's homes, or the appropriation of their farmland by local officials keen to cash in on booming property prices. The country's parliament, the National People's Congress (NPC), passed a law in mid-March setting out plans for a nationwide property registration process, in which the rights of individual, collective and State ownership would be specified for all existing property in the country. Article 66 states: "The legitimate properties of individuals shall be protected by law and shall not be occupied and damaged by any institution and individual." The law also provides for litigation and compensation in cases where property rights have been infringed ('Nail House' Stories Fire Up Chinese Netizens' 2007, *Radio Free Asia*, 2 April [http://www.rfa.org/english/news/politics/2007/04/02/china\\_nailhouse/](http://www.rfa.org/english/news/politics/2007/04/02/china_nailhouse/) - Accessed 21 December 2007 – Attachment 18).
- China's leadership has intervened in mounting unrest surrounding a controversial hydroelectric dam in the south western province of Sichuan, calling a temporary halt to work on the project. Local residents told RFA's Mandarin service that martial law had been imposed since fighting between local villagers fighting relocation and government-sponsored thugs flared up at the weekend. "There has been a directive from central government ordering work on the dam to stop temporarily. As soon as they heard about it, everybody went home to their villages. Everyone says that they will do what central government tells them," a resident of Hanyuan County near the dam told RFA's Mandarin service. "On the day of the fighting and the day after, they beat up a lot of ordinary and innocent people," the woman said...Others said that while the armed crackdown on the 30,000 protesters who tried to block riot police from getting to the dam site had been carried out by People's Armed Police, unidentified gangs had also been beating people. "There are some people not from around here, thugs, who aren't proper armed police. They go round beating people up," another resident told RFA. Two people were also reported killed in the unrest which began Friday. Around 100,000 people will be displaced by the project, which is part of Beijing's much-vaunted "Go West" investment program aimed at boosting economic growth and relieving poverty in China's lagging hinterland... Deputy national police chief Tian Qiyu and head of the State Council secretariat Wang Yang had arrived in the area Monday to hold an emergency meeting on how to deal with rising tensions, according Hong Kong media. The territory's *Sun* newspaper said local officials responsible for a heavy-handed crackdown on protesters might face corruption charges. The intervention from Beijing came after a meeting of provincial leaders designated the protests the work of a small number of people intent on troublemaking... The central government had also ordered an increase in compensation for relocating residents from 320 yuan (U.S. \$38) per square meter of living space to 428 yuan (U.S. \$51), the paper said. Local officials and representatives of state-owned enterprises involved in the project had been sent out to do face-to-face

ideology work with the farming communities, it said ('China Orders Temporary Halt on Sichuan Dam After Unrest' 2004, Radio Free Asia, 10 November [http://www.rfa.org/english/news/social/2004/11/10/china\\_sichuan/index.html](http://www.rfa.org/english/news/social/2004/11/10/china_sichuan/index.html) - Accessed 21 December 2007 – Attachment 19).

A HRW publication, “‘We could disappear at any time’”: Retaliation and abuses against Chinese petitioners’ makes several references to thugs hired or working for local officials mainly in the course of officials handling of petitioners (Human Rights Watch 2005, “‘We could disappear at any time’”. Retaliation and abuses against Chinese petitioners’, HRW website, December <http://hrw.org/reports/2005/china1205/china1205wcover.pdf> - Accessed 9 December 2005 – Attachment 20. See also another recent HRW publication for the practice of increasing use of plainclothes thugs/officers to deter foreign journalists in China (Human Rights Watch 2007, “‘You will be harassed and detained’”: Media freedoms under assault in China ahead of the 2008 Beijing Olympic Games’, HRW website, August <http://hrw.org/reports/2007/china0807/china0807web.pdf> - Accessed 8 August 2007 – Attachment 21)

Given the above reports, it appears that despite the efforts of the national government to address the problems arising out of lawlessness caused by the involvement of thugs in land disputes at the local level, it has not been able to achieve the aim it set out to achieve.

As to the government response to social unrest including the land appropriation disputes, Thomas Lum, a China specialist comments that:

The PRC government’s efforts to address social unrest have been hampered by tensions between the central and local governments, institutional weaknesses, inconsistent policies, and the inability or unwillingness to undertake fundamental political reforms. The central government has acknowledged that the grievances of many citizens have been legitimate, and occasionally has corrected local policies that have violated the law or punished local officials for employing excessively violent tactics against protesters. However, the state has reserved the authority to arbitrarily determine which protest activities are acceptable. It has not developed adequate institutions that protect human rights, cede political power to social groups, ensure judicial independence, and resolve social conflict. Many small demonstrations have been tolerated, but marching, organizing, and talking to reporters have brought harassment and repression by government authorities. At the end of 2005, the central government pledged a number of additional reforms aimed at rural unrest, including better management of land use, strengthening the legal system, protecting farmers’ land, raising rural incomes, increasing social spending on health care and education, and abolishing the national tax on farmers. However, these policies will likely be resisted by local officials whose power remains unchecked and who are desperate to attract investment and prone to corruption.<sup>25</sup> The PRC government, at the national and local levels, has applied a carrot and stick approach, or a combination of appeasement and scare tactics, toward controlling restive social groups. Experts have noted a pattern whereby government authorities allow demonstrations to grow, and even publicly sympathize with protesters, while taking time to identify group leaders (Lum, T. 2006, *Social Unrest in China*, US Congressional Research Service, 8 May – footnote 24, <http://www.fas.org/sgp/crs/row/RL33416.pdf> – Accessed 12 December 2006 – Attachment 3).

## List of Sources Consulted

#### Internet Sources:

##### **Government Information & Reports**

UK Home Office <http://www.homeoffice.gov.uk/>

US Department of State <http://www.state.gov/>

##### **United Nations (UN)**

Office of the High Commissioner for Human Rights (OHCHR)

<http://www.ohchr.org/english/countries/cn/index.htm>

UNICEF <http://www.unicef.org/>

##### **International News & Politics**

*BBC News* <http://news.bbc.co.uk>

##### **Region Specific Links**

Xinhua <http://www.xinhuanet.com/english/>

Asian Centre for Human Rights <http://www.achrweb.org>

PRC Criminal Procedure Law 1997 <http://en.chinacourt.org/public/detail.php?id=2693>

##### **Search Engines**

Copernic <http://www.copernic.com/>

#### Databases:

FACTIVA (news database)

BACIS (DIMA Country Information database)

REFINFORMATION (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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2. 'China's land disputes: Turning ploughshares into staves' 2005, *The Economist*, 23 June. (CISNET China CX125413)
3. Lum, T. 2006, Social Unrest in China, US Congressional Research Service, footnote 24, 8 May. (<http://www.fas.org/sgp/crs/row/RL33416.pdf> – Accessed 12 December 2006)
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18. 'Nail House' Stories Fire Up Chinese Netizens' 2007, Radio Free Asia, 2 April. ([http://www.rfa.org/english/news/politics/2007/04/02/china\\_nailhouse/](http://www.rfa.org/english/news/politics/2007/04/02/china_nailhouse/) - Accessed 21 December 2007).
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