

## **Refugee Review Tribunal**

### **AUSTRALIA**

#### **RRT RESEARCH RESPONSE**

**Research Response Number:** CHN30551  
**Country:** China  
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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.

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#### **Questions**

- 1. What information do we have of people being released from police cells by the intervention of family?**
- 2. What information do we have of people escaping from jail with the assistance of family?**
- 3. Could you also try and find out the name of the prison in Dalian city and its proximity to main landmarks in the city? Any information you are able to obtain about the prison would be helpful.**

#### **RESPONSE**

- 1. What information do we have of people being released from police cells by the intervention of family?**
- 2. What information do we have of people escaping from jail with the assistance of family?**

No reports were found among the sources consulted that refer to people escaping from jail with the assistance of their families. However, several references were found to widespread corruption among government officials in China, and to the fact that on some occasions, families have been able to negotiate the early release of prisoners by paying a bribe. This would appear to depend on the severity of the charge, and on the nature of the detention facility. There are various forms of administrative detention which police can use at their own discretion, and which are not subject to judicial scrutiny: for instance, the detention of vagrants or migrant workers from the country with no identification papers; and the period of detention while a crime is being investigated, before formal charges are laid. There are also some references to bribes being involved in reduced prison sentences. On the other hand, political prisoners who have been charged and sentenced are far more strictly controlled and are sometimes denied any contact with their families at all.

The following three reports refer directly to the payment of bribes.

A 2004 *Xinhua* report on reform of prison management states:

A nationwide inspection on problems existing in China's jails will be jointly launched later this month by the Supreme People's Procuratorate (SPP), the Ministry of Public Security and the Ministry of Justice. The inspection, to end in January 2005, is mainly to investigate and redress jail keepers' illegal practices in a bid to safeguard the justice of the law and protect prisoner's legitimate rights and interests, according to a video-telephone conference held here on Monday. Zhao Dengju, deputy procurator-general of the SPP, said at the conference that **necessary supervision on jail keepers' illegally reducing prisoners' penalties, releasing prisoners on parole and allowing prisoners to be bailed out for medical treatment was very lacking in some jails. Therefore, judicial corruption emerged in these areas, which damaged judicial justice and exerted a baneful influence on society, Zhao said. He said illegal practices in the before-mentioned areas will be checked and redressed through inspection and a long-term supervision system of jail work is expected to be established through the inspection** ('China to examine prison management' 2004, *Xinhua News*, 17 May, Embassy of Switzerland in Beijing website, <http://www.sinoptic.ch/embassy/presseschau/2004/20040517-0521.htm> - Accessed 28 August 2006 – Attachment 1).

The April 2006 UK Home Office report on China quotes a 2004 report by the Laogai Research Foundation which states that "many prisoners are able to negotiate a reduction in their prison time by bribing the authorities" (UK Home Office 2006, *Country of Origin Information Report: China*, UK Home Office website, April, Para.5.78 – Attachment 2).

A December 2005 report by Human Rights Watch on the detention of petitioners quotes a woman who had allegedly been raped, who stated that her attackers were freed by the police, apparently after paying a bribe (Human Rights Watch 2005, "*We Could Disappear at Any Time*": *Retaliation and Abuses Against Chinese Petitioners*, Volume 17, No. 11(C), December. p.64 – Attachment 3).

The next two reports examine systems of administrative detention, which are often not subject to judicial scrutiny. Police have a free hand and sometimes take the opportunity to extort money from detainees or their relatives.

A 2003 report by Human Rights in China discusses the "much abused Custody and Repatriation system" which was used against vagrants and migrant workers who had moved around the country without permission. The report states that "the C&R system has been dominated by extortion for more than a decade. Police use it to kidnap the powerless and demand ransom from their families and friends". People without documents are the most vulnerable, and "for the police, the possibility of using the C&R system to collect ransom becomes an incentive to detain as many people as possible" (Tong Yi 2003, 'Kidnapping by police: Custody & repatriation', *China Rights Forum*, No.2, [http://www.hrichina.org/fs/reportables/pdf/reportable-resources/tongyi.pdf?revision\\_id=8925](http://www.hrichina.org/fs/reportables/pdf/reportable-resources/tongyi.pdf?revision_id=8925) – Accessed 28 August 2006 – Attachment 4).

A 2004 report by the Laogai Research Foundation comments that the Custody and Repatriation system was officially abolished in 2003, but nevertheless remains in practice and "affects upwards of two million people a year". It describes the death of a young man who had travelled to Guangdong to work as a graphic designer, but left his residency and identity documents behind. He was arrested and detained, and "when his employer and friends showed up at the police station, documents in hand" they discovered that he was dead. His family paid for an autopsy to be conducted, which concluded that he had been beaten and burned, and died of internal injuries. Several police, staff and inmates were eventually

punished, including one execution (Laogai Research Foundation 2004, *Laogai Handbook 2003-2004*, Part 1, pp.28-29 <http://www.laogai.org/news2/book/part-1.pdf> – Accessed 25 August 2006 – Attachment 5).

The same report also describes another form of administrative detention called “Shelter and Investigation” where “police, on their own authority...detain people without charge for up to three months merely on suspicion that they may be involved in a crime”. This system was supposed to be abolished in 1996, but elements of it remain and police can still “detain a person for up to 14 to 37 days, depending on the nature of his alleged offense, before formally placing him under arrest”(Laogai Research Foundation 2004, *Laogai Handbook 2003-2004*, Part 1, pp.29-30 <http://www.laogai.org/news2/book/part-1.pdf> – Accessed 25 August 2006 – Attachment 5).

A 2001 report by Human Rights in China makes it clear, however, that for politically sensitive cases where detainees are regarded as dissidents, they may be denied their rights under criminal procedures law, and may not be able to have any contact with their families at all. Major points in the report include:

- The Criminal Procedure Law (CPL) is “applied in a discriminatory fashion in politically sensitive cases”. Dissident defendants are routinely denied a range of rights that are supposed to be guaranteed under the law, and one of these is the right to family notification of arrest or detention (p.6).
- Article 75 of the CPL states that that “suspects, defendants and their legal representatives, including family members, legal counsel and defenders, have the right to request the release of suspects or defendants, upon finding that their detention has exceeded stipulated time limits” (p.44).
- The report contains at p.68 examples of families not being notified of the arrest or detention a family member. Even though “the CPL provides that families or work units shall be notified within 24 hours of the arrest or detention of an individual” in practice “the families of political dissidents, many of whom lack work units, are almost invariably deprived of this right”.
- It is article 64 of the CPL which “provides that families or work units shall be notified within 24 hours of the arrest or detention of an individual. According to this provision, they shall be made aware of the reason for the arrest or detention as well as the location of detention” However, “China clearly flouts these protections by contacting families of dissident defendants weeks or months after their arrest or detention” (p.86) (Human Rights in China 2001, *Empty Promises: Human Rights Protections and China’s Criminal Procedure Law in Practice*, March, [http://www.hrichina.org/fs/view/reportables/pdf/reportable-resources/Empty\\_Promises\\_Text.pdf](http://www.hrichina.org/fs/view/reportables/pdf/reportable-resources/Empty_Promises_Text.pdf) - Accessed 28 August 2006 – Attachment 6).

**3. Could you also try and find out the name of the prison in Dalian city and its proximity to main landmarks in the city? Any information you are able to obtain about the prison would be helpful.**

Reputable sources indicate that there is more than one prison in Dalian (see below for names and further details). There are also at least two “reform through labour” camps (RTL) and several detention centres in Dalian. Sources suggest that it is hard to say with certainty how many detention facilities there are in any province, since some of them operate in secrecy.

A 2004 report by the Laogai Research Foundation, called the *Laogai Handbook 2003-2004*, lists known prisons and RTL camps in each province, and provides as much information about them as is known. [The report stresses that it cannot say with certainty how many detention facilities are in a province, and that it does *not* include administrative detention centres – see Attachment 5, below.] The report indicates that there is more than one prison in Dalian and that some seem to have changed their names and designation over the years. The most recent names and details follow:

- **Dalian Nanguanling Prison, or Liaoning Dalian Nanguanling Prison.** It is also known as **Dalian No.3 Cement Plant**, since that is the kind of work the prisoners are engaged in. The address of the prison is given as 192 Yaoxi Street, Ganzi District, Dalian City. This prison was created on 7 February 2004 when Dalian Prison was combined with Nanguanling Prison. The cement plant itself has a 30-year history and produces ordinary Portland cement under the trademark “Jinbei” (p.361).
- **Dalian Prison**, also called **Dalian Quartz Diabase Product Plant**, located at 80 Xinsheng Street, Dalian City. Established in 1953, it holds about 1000 inmates and processes construction materials, wood products, precision optical items for the military, bricks and other products. It includes three factories (p.363).
- **Nanguanling RTL**, located in Dalian City, produces bricks, and in 1990 held 741 prisoners (p.374).
- **Dalian RTL**, located at 175 Nanlin Street, Ganjingzi District, Dalian City. Established in 1980 and produces chopsticks, dried flowers, cashmere overcoats and several other products (p.374) (Laogai Research Foundation 2004, *Laogai Handbook 2003-2004*, Part 2b <http://www.laogai.org/news2/book/part-2b.pdf> – Accessed 25 August 2006 – Attachment 7).

Other reports discuss administrative detention camps in Dalian, and indicate that there at least three of these. Names mentioned in some reports include the Masanjia Transformation-Through-Education House; the Dalian Transformation-Through-Education House; the Dalian City Labor Camp; and Yaojia detention centre.

A 2002 Canadian Refinfo response on the enforcement of the one-child policy in Liaoning Province quotes information provided by the China Rights Forum on camps in Dalian:

China Rights Forum article reported that the government “significantly tightened enforcement of the population control policy” in 1991 (Spring 1999, 65). Referring to the situation in a village of Dalian township in 1995, China Rights Forum provided the following “testimony from a former detainee”:

In August 1995 the Dalian Township government had set up three detention centers: one in the government compound, one in the rabbit farm and one in the Dongge School. Anywhere from 200 to 400 people, including 40 to 50 women, might be locked up at one time. Approximately 2,000 to 3,000 people were held in these detention centers between early July to August 18 (Immigration and Refugee Board of Canada.2002, CHN40232.E – *China: The “one child policy” in Liaoning province (1982-November 2002); reports of forced abortions in Dalian, Liaoning (2000-November 2002)*, 19 November – Attachment 8).

Another Refinfo response quotes information obtained from Falun Gong sources which mention a “Dalian City 621 Centre” or “forced transformation centre”:

According to the document, the centre is located in the backyard of the labour re-education centre, formerly the “drug rehabilitation center,” of the Dalian City Justice Department (ibid.). Reportedly, the centre has seven floors; the fourth, fifth and sixth floors of which were purportedly used for the detention of Falun Gong practitioners...

...those practitioners who wrote a “guarantee letter” promising to no longer follow Falun Gong were released (ibid.). If the detainee refused to write such a letter they were sent to the Masanjia labour camp (ibid.).

Several other articles published by Falun Dafa Clearwisdom also make brief reference to Dalian City 621 Centre (18 Nov. 2001; ibid. 4 Dec. 2001; 31 Dec. 2001). As well, another article detailed the treatment of Falun Gong practitioners in the “Dalian City Labor Camp” (ibid. 21 Sept. 2001).

...A 19 June 2001 article published by the People’s Daily, documenting a former Falun Gong practitioner’s successful “re-education,” reported that, following her detention by police, Wang Dan had been sent to the Dalian Transformation-Through-Education House. The article further reported that, as she had had a leading role in “practicing Falun Gong and holding hunger strikes at the Dalian house,” she had been transferred to the Masanjia Transformation-Through-Education House in Liaoning Province (People’s Daily 19 June 2001) (Immigration and Refugee Board of Canada 2002, *CHN39550.E – China: The existence and use of Dalian N.621 Enforcement Centre*, 6 August – Attachment 9).

Amnesty International reports from 1999 and 2000 refer to a Yaojia Detention Centre, located in Nanguanling in Dalian, as a place of detention for Falun Gong practitioners (Amnesty International 2000, *People's Republic of China: The Crackdown on Falun Gong and Other So-Called “Heretical Organizations”*, ASA 17/11/00, 23 March, Section 7 – Attachment 10); (Amnesty International 1999, *People's Republic of China: Report on Torture and Ill-Treatment of Followers of the Falun Gong*, ASA 17/54/99, 22 October – Attachment 11).

Of interest is a website which lists government officials in Dalian [the Google translator has been used to translate from the Chinese]. It states that the Dalian Prison Administration Bureau is the “administrative organ of all prisons in Dalian, as the leader organization for all captives schools, police officers’ schools and prisons entities”. This implies that there are several prisons and other facilities in the city (‘Dalian Government (Dalian City)’ (undated), China Detail website (unofficial Google translation),

<http://translate.google.com/translate?hl=en&sl=zh-CN&u=http://www.chinadetail.com/Nation/CityGovernmentDalian.php%3FPHPSSESSIONID%3Df98acb20d3bb449acb6639ad8707edcb&sa=X&oi=translate&resnum=3&ct=result&prev=/search%3Fq%3D%2522dalian%2Bprison%2522%26start%3D10%26hl%3Den%26lr%3D%26sa%3DN> - Accessed 29 August 2006 – Attachment 12).

The Laogai Research Foundation comments in the introduction to its 2004 *Laogai Handbook* that it is very hard to say how many labour reform camps there are in each province or autonomous region with any certainty “because of the secrecy with which the Chinese Communist Party enshrouds these camps” (Laogai Research Foundation 2004, *Laogai Handbook 2003-2004*, Part 1, p.22 <http://www.laogai.org/news2/book/part-1.pdf> – Accessed 25 August 2006 – Attachment 5).

It should also be noted that the *Laogai Handbook* does not contain information about detention centres “which are usually run by the Public Security Bureau at the village, township and county level. A substantial number of people are held within these facilities, but

they are generally not subjected to long-term incarceration there. However, in their brief stays, prisoners are still subjected to numerous human rights abuses” (Laogai Research Foundation 2004, *Laogai Handbook 2003-2004*, Part 1, p.36  
<http://www.laogai.org/news2/book/part-1.pdf> – Accessed 25 August 2006 – Attachment 5).

## **List of Sources Consulted**

### Internet Sources:

Google search engine <http://www.google.com.au/>  
Laogai Research Foundation website

### 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

1. 'China to examine prison management' 2004, *Xinhua News*, 17 May, Embassy of Switzerland in Beijing website  
<http://www.sinoptic.ch/embassy/presseschau/2004/20040517-0521.htm> - Accessed 28 August 2006
2. Country of Origin Information Service, UK Home Office 2006, 'Country of Origin Information Report: China', UK Home Office website, April
3. Human Rights Watch 2005, "*We Could Disappear at Any Time*": *Retaliation and Abuses Against Chinese Petitioners*, Volume 17, No. 11(C), December
4. Tong Yi 2003, 'Kidnapping by police: Custody & repatriation', *China Rights Forum*, No.2, [http://www.hrichina.org/fs/reportables/pdf/reportable-resources/tongyi.pdf?revision\\_id=8925](http://www.hrichina.org/fs/reportables/pdf/reportable-resources/tongyi.pdf?revision_id=8925) – Accessed 28 August 2006
5. Laogai Research Foundation 2004, *Laogai Handbook 2003-2004*, Part 1, <http://www.laogai.org/news2/book/part-1.pdf> – Accessed 25 August 2006
6. Human Rights in China 2001, *Empty Promises: Human Rights Protections and China's Criminal Procedure Law in Practice*, March, [http://www.hrichina.org/fs/view/reportables/pdf/reportable-resources/Empty\\_Promises\\_Text.pdf](http://www.hrichina.org/fs/view/reportables/pdf/reportable-resources/Empty_Promises_Text.pdf) - Accessed 28 August 2006
7. Laogai Research Foundation 2004, *Laogai Handbook 2003-2004*, Part 2b <http://www.laogai.org/news2/book/part-2b.pdf> – Accessed 25 August 2006
8. Immigration and Refugee Board of Canada.2002, *CHN40232.E – China: The “one child policy” in Liaoning province (1982-November 2002); reports of forced abortions in Dalian, Liaoning (2000-November 2002)*, 19 November
9. Immigration and Refugee Board of Canada 2002, *CHN39550.E – China: The existence and use of Dalian N.621 Enforcement Centre*, 6 August
10. Amnesty International 2000, *People's Republic of China: The Crackdown on Falun Gong and Other So-Called “Heretical Organizations”*, ASA 17/11/00, 23 March
11. Amnesty International 1999, *People's Republic of China: Report on Torture and Ill-Treatment of Followers of the Falun Gong*, ASA 17/54/99, 22 October
12. 'Dalian Government (Dalian City)' (undated), China Detail website, <http://translate.google.com/translate?hl=en&sl=zh-CN&u=http://www.chinadetail.com/Nation/CityGovernmentDalian.php%3FPHPSSESID%3Df98acb20d3bb449acb6639ad8707edcb&sa=X&oi=translate&resnum=3&ct=result&prev=/search%3Fq%3D%2522dalian%2Bprison%2522%26start%3D10%26hl%3Den%26lr%3D%26sa%3DN> - Accessed 29 August 2006