Questions

1. What date is the Spring festival in China – does it take place after March?
2. Is there a rural detention centre near Nanchang Town, as well as one in the town itself?
3. Does the detention centre supply labour for the Nanchang No.1 Construction Company?
4. Is the Nanchang No.1 Construction Company a State Owned Enterprise?
5. What is the relationship between the Nanchang No.1 Construction Company and the Nanchang Government? Would the Company have to go through a tender process when taking government work, or would the government simply order them to do the work?
6. Is it unusual to be put into administrative detention for 10 months without a trial? Would people in administrative detention be sent off to do labouring work on a construction site every day?
7. Is it likely that the authorities would detain a person who had just been released in a different area?
8. Is anything known of the Longtian Municipal Council Building? Is there an administrative detention centre at the back of the building? Are there any reports of a breakout in March 2006?

RESPONSE

1. What date is the Spring festival in China – does it take place after March?

Information found on the Chinese New Year 2007 website (which was confirmed by other sources) indicates that the spring festival in China is the same as the Chinese New Year festival. The date is determined by the lunar calendar: the first day of the New Year can fall “anywhere between late January and the middle of February”, and the festivities continue for two weeks from that date. In 2006, the festival commenced on 29 January (‘Chinese New Year of the Dog’ 2007, Chinese New Year 2007 website, http://www.123chinesenewyear.com/chinesenewyear-of-the-dog/ – Accessed 15 February 2007 – Attachment 1; ‘Chinese New Year 2007’ 2007, Chinese New Year 2007 website,
2. Is there a rural detention centre near Nanchang Town, as well as one in the town itself?

The sources consulted mention several detention centres of various kinds in Nanchang, some of which appear to be in rural areas as they involve farm work.

The *Laogai Handbook 2005-2006*, a publication by the authoritative Laogai Research Foundation, lists the known major detention centres in each province of China. However, it does not contain information about those detention centers which are “run by the Public Security Bureau at the village, township and county levels”. It states that the information contained is incomplete and that there are likely to be other centres which have not been documented because of the “closed and secret nature of the Laogai system”. It also states that “Laogai facilities may operate under multiple internal names as designated by the Judicial system”, giving the example of one centre that has both a commercial name and two internal names (*The Laogai Research Foundation 2006, Laogai Handbook 2005-2006, October, p.26 – Attachment 3*).

The *Laogai Handbook* lists several detention centres of various kinds in Nanchang in Jiangzhi Province:

- Nanchang Prison, also known as Guanghua Plastics Factory, in Changzheng Road, Changling Town, Nanchang City (p.135).

- Hongcheng Prison, which makes clothing and “wire-drawing”, in Xinjian County, Nanchang City (p.136).

- Ganjiang Prison, also known as Jiangxi Zhugang Farm, which “cultivates an area of nearly 2,000 hectares”, mainly growing rice (p.136).

- The Provincial Women’s Prison, enterprise unknown, Xinjian County, Nanchang (p.136).

- Wenzhen Prison, enterprise unknown, Wenjia Town, Jinxian County, Nanchang (p.137).

- Changbei Prison, enterprise unknown, Changleng Town, Xinjian County, Nanchang City (p.139).

- Ganbin Prison, also known as Zhugang Farm, in Nanchang City (p.139).

- Provincial Juvenile RTL [Reeducation Through Labour], enterprise unknown, Jianxin County, nanchang City (p.142).

Other sources mention various administrative and other centres in Nanchang, some of which may be the same as some listed above.

A 2001 report by the UN Commission on Human Rights mentions several instances of Falun Gong practitioners being detained in various centres: the First Detention Centre of Nanchang and the Second Detention Centre (Par.x, p.10); the Third Detention Centre of Nanchang (Par.xii, p.10); and the “Women’s Drug Treatment Centre (also called labour camp) of Nanchang city” (Par.xxx, p.15) (UN Commission on Human Rights 2001, Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women, E/CN.4/2001/73/Add.1, 13 February – Attachment 4).

A 2001 report by the Falun Gong on detained practitioners mentions the No. 2 Detention Center of Nanchang City (p.3) and the Xinjian County Detention Center in Nanchang, Jiangxi Province (p.4) (Falun Dafa Information Centre 2001, Falun Gong Human Rights Update, Vol.1, No.16, 18-24 February – Attachment 5).


3. Does the detention centre supply labour for the Nanchang No.1 Construction Company?

No information was found among the sources consulted that indicates whether any of the detention centres in Nanchang supply labour to the Nanchang No.1 Construction Company. The enterprises for some of the Nanchang centres are listed, but others are unknown. In general the use of labour from detention centres for construction projects is common in China.

The Laogai Handbook supplies the details of the enterprises conducted by several of the detention centres it lists for Nanchang. These include a prison which is also a plastics factory (p.135), one which manufactures clothes (p.136) and one which is a rice farm (p.136). However, there are several others where the enterprise is listed as “unknown” (p. 137, 139, 142, 143) (The Laogai Research Foundation 2006, Laogai Handbook 2005-2006, October – Attachment 3).

Of the use of detainees for labour in general, the Handbook states that “prisons and RTLs often sign contracts with companies and factories to do their labor-intensive work” (p.15). It states:

The “production” aspect of the Laogai slogan highlights the dual roles of the system. In 1988 the Ministry of Justice in the Criminal Reform Handbook stated that the Laogai “organizes criminals in labor and production, thus creating wealth for society.” Our research and analysis shows that the Laogai has benefited tremendously from globalization. International trade provides the camps access to hard currency as they export their products—everything from socks to diesel engines, raw cotton to processed graphite. Throughout the last decade, Laogai enterprises in
certain regions, most notably Liaoning and Shandong provinces, have developed into small economic empires. These camps produce hundreds of millions of yuan in profit and pay millions in taxes. The international community and even the ordinary Chinese citizen is completely unaware of how the economic function of the Laogai often supersedes the legal purpose.

Due to strong resistance from Western nations against forced labor products, in 1991 China’s State Council re-emphasized the ban on the export of “forced labor products” and stipulated that no prison is allowed to cooperate or establish joint ventures with foreign investors. However, the State Council’s move was merely superficial and prisoners today still make large quantities of forced labor products as noted in this book. Moreover, the Chinese government grants special privileges to enterprises using labor camps and prisons to produce exports. Prisoners are forced to manufacture products without payment and often work 10-17 hour days, sometimes even overnight. Those who cannot fulfill their tasks are beaten and tortured (The Laogai Research Foundation 2006, Laogai Handbook 2005-2006, October, p.1-2 – Attachment 3).

Of the use of labour for construction projects specifically, the Handbook states:

During the early years of the Laogai, inmates were the primary labor force for massive state-run reconstruction projects that would have been impossible to undertake with regular workers. Millions of prisoners worked on irrigation, mining and dam building projects that were carried out during the Great Leap Forward at the end of the 1950s. Most of these projects took place in the more remote provinces, such as Gansu, Guizhou, Xinjiang and Tibet. Prisoners in these areas were forced to reclaim wastelands and to unearth dangerous mines. As a result of treacherous conditions combined with the famine caused by the Great Leap forward policies, hundreds of thousands of inmates perished in prisons during this time (The Laogai Research Foundation 2006, Laogai Handbook 2005-2006, October, p.8 – Attachment 3).

The Laogai Handbook mentions several prisons in other provinces which are associated with construction companies, which indicates that the practice continues to some extent. These include Qingliu Prison in Fujian Province, which is also known as the Qingliu Jianxin Construction Company, among other things (p.148); Rongcheng Prison in Fujian, which also is associated with the Jianxin Construction Company (p.150); Jianxin Prison in Qinghai Province which is also known as the Qinhai Sanli Construction Limited Liability Company (p.217); and Xinsheing Construction Company, the name of the prison unknown, in Qinghai Province (p.223) (The Laogai Research Foundation 2006, Laogai Handbook 2005-2006, October, p.8 – Attachment 3).

4. Is the Nanchang No.1 Construction Company a State Owned Enterprise?

No detailed information was found among the sources consulted on the Nanchang No.1 Construction Company. Only one of the reports found is in English. The rest are from Chinese websites, which were searched using the Chinese characters 南昌 第一施工 公司. These have been translated using Google Translator, which provides only a rather garbled and very unreliable translation. The reports indicate that the company exists, and one website does contain the words “state-owned enterprise” but the context is unclear and this could not be regarded as definitive. The fact that the company was apparently founded in 1956 would also indicate that it started as a state-owned enterprise, but it should be noted that many such companies have been partially privatised in recent years [please see the following question for further details].

The English report that was found is a 2005 report from the English version of a Chinese television website. It states:
In East China’s Jiangxi Province, hundreds of thousands of people have been left homeless following last week’s devastating earthquake. Many homes were destroyed during the earthquake, and the ones left standing might not be safe either.

Liu Jingui, local villager, said, “I can’t stay inside my house anymore. The cracks on the wall look horrible.”

Wang Zimo, GM, Nanchang No.1 Construction Company, said, “These houses are very dangerous. They were not strong enough even before the quake occurred. We have marked hundreds of houses like these. They have to be dismantled, otherwise they could become new killers.”

Guo Endong, Emergency Rescue Team, CSB, said, “We have checked hundreds of buildings in the area. Some buildings look fine from their appearance but they have had structural damage.”


A description from a Google translation of a Chinese website refers to “The first construction company of Nanchang” which appears to be the same company. In the box listing “enterprises”, the description states “state-owned enterprises”, but it is not clear whether this refers to the company itself. It states that the company is involved with “construction of industrial and civil construction, municipal construction, hydropower installed ventilation equipment, construction machinery, high indoor and outdoor decoration, construction machinery”. In the section called “enterprise profile” it states:

The first construction company in Nanchang City of Jiangxi Province, was established in 1956. Approved by the Ministry of Construction and civil engineering construction enterprise level quality for industrial, municipal construction project level. A project to install fire. Construction of China’s 500 largest enterprises in the world.
The company’s computer center.
Concrete pump and transport vehicles
Large timber production workshop
Robinson Bougainville Urban Design Institute of Architects American and Czech companies in the Agricultural Bank of construction site workers, exchange technology ‘companies Organization Department Holds Press Conference advanced technology, management capability and abundant employs 8,000 people, with total assets of 756 million yuan, a high, Junior titles in engineering and technical personnel at 5.4% of the total number of employees. economic titles accounted for 9.2% of the total staff, the company has large tower crane, high-tonnage transport vehicle. concrete mixing concrete pump truck, excavator and other modern equipment, “the two steel” leasing material : 5,100 tons of steel pipe, steel mold 65,000 square meters, 1.5 million sets of fastener. with the construction of industrial and civil construction, municipal construction, hydropower installed ventilation equipment, construction machinery, High indoor and outdoor decoration, construction machinery, real estate development comprehensive capabilities.
New Library in Jiangxi
Haikou City South overpass
Construction of the Shanghai Huahong Group PLC East Park construction site

The company 40 years, the construction of a large number of domestic and foreign construction projects. Housing development of a number of commercial residential buildings and offices, businesses throughout the city of Nanchang, Jiangxi, Hubei, Jiangsu Province, Shanghai Municipality, Hunan and Kuwait, Iraq, Libya, Mali, Japan, more than 10 countries and regions.
Insisted on “quality, and ensure the completion of superior service, centered on credit” management, a record number of excellent works and the provincial and ministerial level model works fine. Quality inspection of 100 construction enterprises in the country, won the seventh by the MOC awards. Many quality inspections and assessments in the province, which was the first to be pacesetters in the quality of state enterprises. promoting technological progress and development companies have made outstanding contributions. Construction was classified as a “National Advanced Construction Enterprise,” “National Equipment Management units outstanding.” Jiangxi “outstanding enterprise management units” and “level (AA) credit business.” Government award for eight consecutive years by “honoring contracts, honored” advanced units Construction of the 94 years of my cab stamping workshop Jiangling Automobile Group project won the “China State Construction Engineering Luban Award.” “departmental model Project Award” double honor. Building a representative of the highest level. First Construction Company in the city of Nanchang, Jiangxi dedicated to providing quality service to new and old customers. to make greater contributions to the cause of national construction (‘The first construction company in Nanchang’ 2006, Samsco.com website, 9 November http://translate.google.com/translate?hl=en&sl=zh-CN&u=http://www.samsco.com.cn/info/92106.htm&sa=X&oi=translate&resnum=2&ct=result&prev=/search?q=%E5%8D%97%E6%98%8C%25E5%2585%AC%25B8%25E5%2585%25AC%25E5%258F%25B8%25E5%2585%25AC%25E5%258F%25B8%26hl – Accessed 20 February 2007– Attachment 8).

A company profile on another website provides further information. Note that the information on employment and assets is quite different:

The first construction company founded in Nanchang City in Jiangxi Province in 1956, the company’s technology forces advanced, stronger management, employs 2,703 people, with total assets of 5,000 billion split up San Jiu Shi 632 million. more than 3,613 secondary education, higher, 535 junior officers titles. Of which : 32 senior titles, the intermediate grade 180. Companies with large Crane, goods lifts, senior foreign Bracket construction, high tonnage vehicles, excavators, Concrete mixing plant and other modern equipment. “With two steel” leasing material : 5,000 tons of steel pipe, steel formwork 50000M2. With the construction of various housing projects, the municipal public works, road works, foundations and foundation engineering, construction and fitting decoration works. Steel works, the installation of mechanical and electrical equipment, fire prevention facilities construction and construction machinery. real estate development and offshore projects above the necessary equipment, materials for export, foreign labor required to send the comprehensive capabilities.

The company 40 years, the construction of a large number of domestic and foreign construction projects. Housing development of a number of commercial residential buildings and offices, businesses throughout the city of Nanchang, Jiangxi Province, Shanghai Municipality, Jiangsu Province, Guangdong Province and Fujian Province and other provinces and municipalities. Companies “quality of the pursuit of excellence, dedication and excellent engineering, continuous improvement in quality and meet customer demand” for quality guidelines, Quality Resort stick to the road to the establishment of a set of self-improvement and continuous progress in the quality system and have passed the ISO 9001:2000 Quality System Certification also create a number of excellent works and the provincial and ministerial level model works fine. Jiangling Automobile Group in 1994 following the cab stamping workshop project won the “China State Construction Engineering Luban Award”, Yin Xiang won re-building project in 2000. Corporation has been given the title of Construction Equipment units outstanding management”, “Jiangxi advanced construction enterprises”, “Jiangxi outstanding business,” “Jiangxi Branch of the Agricultural Bank of China’s credit rating of triple-client”, the province “by the contract. re-credit units, “and” building 500 large-scale enterprises. “ “Construction Enterprises, the 500 best value for money”, “quality of Jiangxi trusted enterprises.” “Construction Safety Management Jiangxi advanced enterprises”, “advanced quality management Jiangxi construction business.” “Best Customer
Satisfaction in Nanchang construction enterprises”, “advanced unit in the city of Nanchang, the construction industry safety.” “Nanchang City construction industry advanced quality management units.”

Nanchang City in Jiangxi Province will be the first company dedicated to building new and old users with quality services. To make a greater contribution to the cause of the motherland. (‘The first construction company in Nanchang’ 2006, Cam.org.cn website, 28 April http://translate.google.com/translate?hl=en&sl=zh-CN&u=http://www.cam.org.cn/Html/city_gc/2006-4/29/082457299.html&sa=X&oi=translate&resnum=7&ct=result&prev=/search%3Fq%3D%25E5%258D%2597%25E6%2598%258C%25E7%25AC%25AC%25E5%25B7%25A5%2580%25E6%2596%25BD%25E5%25B7%25A5%25E5%2585%2581%25E5%25A5%25B1%25E5%2585%25AC – Accessed 20 February 2007 – Attachment 9).

Another report lists what appear to be recent projects, including the development of a website:

Nanchang branch of the first construction companies to lease two steel deserve “50 strong National Construction machinery and equipment rental business,” said glory No. 2006/11/18
2006/10/13. Civilization construction site of my screen 2006/10/13
2006/10/13. Center of my party organs (enlarged) study and regular 2006/10/13 AND SR -- 2006/10/13
Newsletter 2006/10/10
2006/10/10. Plane branch leadership in the system of working out 2006/10/10
2006/10/10. Accelerate economic development and to build a harmonious and peaceful society 2006/10/10
2006/10/10. Nanchang Railway Station Square West project to expedite the second phase transformation 2006/10/10
2006/10/10. Nanchang office annex building tenders filed delivery 2006/10/10
Congratulations on the success of the city of Nanchang, the first construction company website facelift! 2006/07/21
Management Information
All rights reserved : the first construction company in Nanchang, Jiangxi E channel technical support (‘The first construction company in Nanchang’ (undated), Nanchang First Architectural Engineering Co. of China website, http://translate.google.com/translate?sourceid=navclient&hl=en&u=http%3a%2f%2fwww%2encfaee%2ecom%2ecn%2fncyjgs%2fmore%2easpx – Accessed 20 February 2007 – Attachment 10).

5. What is the relationship between the Nanchang No.1 Construction Company and the Nanchang Government? Would the Company have to go through a tender process when taking government work, or would the government simply order them to do the work?

As seen in the previous question, the material which was found on the Nanchang No.1 Construction Company does not provide sufficient detail on the workings of the company to determine the answer to this question.

The reports below provide general information on the partial privatization of state-owned enterprises (SOEs). While not discussing the issue of tenders, they do indicate that many SOEs are no longer simply run by the government, and there is a varying degree of control exercised by the private investors.

A 2004 paper on the changes in China’s labour market discusses the growth of private companies and indicates that some state-owned enterprises have moved to a contractual system of labour hire:
The labor market has undergone significant changes since the opening up of the economy in the late 1970s. The pre-reform allocation of labor was characterized by direct allocation of jobs and administrative control of wages. Employers had very little control over their workforce or the wage bill, and employees had little say in where they worked. Opening up has gradually moved toward marketization of the labor market, particularly in the nonstate sector, including greater flexibility in hiring and firing of labor…

…A labor contracting system was introduced in the mid-1980s. This signaled a marked shift away from the system of lifetime tenures with its potentially distorted work incentives. The initial steps were modest and resulted in only moderate growth in the share of employees under contract, but further reforms in 1994 gave new impetus to labor contracting. As a result, the share of workers on contracts almost doubled from between 1994 and 1997, to about one third of urban workers. Restrictions on movements of workers across firms were also removed, in an attempt to reduce the scale of the mismatch of labor inherent in the pre-reform system.

SOEs gained the right to lay off permanent workers. Those employees without contracts had lifetime tenure with SOEs, but in the mid-1990s, this tenure was eroded. SOEs, however, were required to establish so-called “re-employment centers” (RECs) for laid-off workers (“xiagang”), which provide retraining and job search assistance and pay unemployment benefits. If the laid-off worker remained unemployed for more than three years, the employer could sever the relationship. From 2002, newly laid-off workers receive only unemployment benefits, and the RECs will be phased out by 2004.

Following the initiation of reforms in the early 1980s, a “dual-track transition” of the labor market took place with the development of the state sector. Employment in foreign funded enterprises (FFEs) and collectives rose rapidly in the 1980s due to labor market reforms and the opening of the economy to private and foreign investors, while SOEs maintained jobs and provided a wide range of social services for employees (including housing, health care, education, and pensions). Moreover, insolvent SOEs were supported by direct and indirect subsidies to avoid bankruptcies and widespread layoffs that might give rise to social tension…


Recent reports by the Economist Intelligence Unit indicate that state-owned enterprises may now except foreign investment.

A March 2006 EIU report states that:

Separate rules that were published by the Ministry of Finance and the State Economic and Trade Commission on November 4th 2002 abolished a ban, in place since 1995, against foreign investments in listed state-owned enterprises (SOEs). Under the revised rules, government-held, non-tradeable shares in listed SOEs may be sold to foreign investors via public tenders. The rules require foreign buyers to hold the shares for at least 12 months. Following acquisition of the shares, the SOEs remain classified as domestic companies (‘Organising an investment: Acquisition of an existing firm’ 2006, Economist Intelligence Unit – Country Commerce, 20 March – Attachment 12).

Another recent EIU report states:
Shareholding schemes and increased use of mergers and bankruptcies are being touted as key strategies for resurrecting the crippled state sector, combined with injections of new capital funds and debt-equity swaps. Although China’s leadership remains firmly against full-scale market reform, including full privatisation of state-owned enterprises (SOEs), the need for drastic action on the bad-debt crisis among state firms is pushing the authorities to allow private and foreign-investor takeovers of sagging SOEs. Newbridge Capital, a private-equity firm based in the United States, completed the purchase of a minority stake in Shenzhen Development Bank in December 2004; the deal was remarkable because, despite owning only a minority share of the bank, Newbridge was able to appoint a majority of the bank’s board of directors, thus effectively controlling the bank’s operations.

Although the partial privatisation of SOEs has continued via initial public share offerings both inside and outside of China, the main strategy that the central Chinese government has pursued concerning troubled SOEs has been to expand the private sector to make the state sector less important to the overall economy. At the same time, it has sought to follow what can be considered the South Korean model by creating a few huge state enterprises, modelled after the South Korean chaebol, that have the strength to compete internationally. Haier (in white goods) and TCL (in electronics manufacturing) are examples of the few large, modestly successful Chinese companies that have emerged. Nevertheless, it is far from certain whether this strategy will ultimately produce anything but a handful of giant dysfunctional firms from a pool of many smaller dysfunctional firms (‘China: Competition and price regulations’ 2006, Economist Intelligence Unit – ViewsWire, 4 April – Attachment 13).

Of interest is the fact that the Laogai Handbook 2005-2006 states that “all prison enterprises are state-owned, meaning the government provides land, property, equipment and financial support” (The Laogai Research Foundation 2006, Laogai Handbook 2005-2006, October, p.14 – Attachment 3).

6. Is it unusual to be put into administrative detention for 10 months without a trial? Would people in administrative detention be sent off to do labouring work on a construction site every day?

According to the Laogai Handbook and other sources there are several different kinds of detention facilities in China, some of which have inmates who have not had a formal trial. For instance, those centres designated as “Reeducation Through Labor” or laojiaosuo, may have inmates who have been sentenced to up to three years of “administrative discipline” by the police alone, and who perform forced labour. It is estimated that between 500,000 and 2 million people are currently in these particular centres.

According to the coding system use by the Laogai Handbook (see p.28), and information in the entries themselves, two of the known centres in Nanchang are designated as “reeducation through labor” or laojiaosuo:

- Provincial Juvenile RTL, enterprise unknown, Jianxin County, Nanchang City (p.142).

Detailed information on the various forms of detention follows:
The legal definition of the Laogai includes the following components: prisons (jianyu), reform-through-labor detachments (laodong zaiyao dui or laogaidui), reeducation-through-labor facilities (laodong jiaoyangsuo or laojiaosuo), forced job placement (qiangzhi jiuye or liuchang jiuye), detention centers (kanshousuo), custody and repatriation (shourong qiansong), shelter and investigation (shourong shengcha), and juvenile offender facilities (shaoguansuo). A less official component is psychiatric hospitalization. In general, prisons and Laogai detachments house “convicts,” prisoners who have received formal sentencing by the courts (due process and judicial independence in China notwithstanding). The distinction in the terms prison and laogaidui stems from a 1994 prison law that replaced the term Laogai (reform through labor) with prison (jianyu). An article in the January 7, 1995 edition of the government-sanctioned Beijing Legal Daily (Fazhi ribao) revealed the reasoning behind this superficial change:

Our renaming of the Laogai is what our associating with the international community calls for, and it is favorable in our international human rights struggle. Henceforth, the word “Laogai” will no longer exist, but the function, character and tasks of our prison administration will remain unchanged.

Reeducation through labor facilities, or laojiaosuo, house prisoners who receive “administrative discipline” and sentencing of up to three years by police or the courts with no formal trial. Detention centers are for “convicts” sentenced to short-term (usually less than two years) imprisonment by a court, those awaiting sentencing, and prisoners who are awaiting execution. Juvenile offender facilities are for adolescent “convicts” or reeducation through labor detainees. Finally, forced job placement personnel are subject to indefinite assigned labor at forced labor facilities as directed by the courts or the Laogai Department following the completion of their sentences. These prisoners are deemed “not fully reformed” and are therefore denied their freedom even after the completion of their sentences. This kind of extended imprisonment was widely practiced through the 1990s. Today forced job placement has been largely abolished, but is still practiced in some regions.

Prisoners in all eight Laogai components are equally deprived of their freedom and basic human rights. Furthermore, all of those detained, with only rare exceptions, are forced to labor against their will. In this book, the term Laogai is used to refer to all forms of imprisonment because the CCP depends on each one to maintain control and power.

[1] Laogai: Reform through Labor

Those confined to Laogai prisons are criminals who have been arrested and sentenced, and are forced to labor in factories, workshops, mines or farms. Conditions vary from camp to camp and from year to year, however certain basic tenets remain the same. All prisoners undergo thought reform, and are forced to labor in appalling conditions. LRF researchers have confirmed sites where prisoners mine asbestos and other toxic chemicals with no protective gear, work with batteries and battery acid with no protection for their hands, tan hides while standing naked in vats filled three feet deep with chemicals used for softening animal skins, and work in improperly run mining facilities where explosions and other accidents are a common occurrence.

Political prisoners are commonly housed together with other prisoners, although there are numerous reports of these prisoners being put in solitary confinement. Reports of torture are widespread and include beatings with fists and cattle prods, exposure to extreme cold and extreme heat, sleep deprivation, shackling and starvation. Members of China’s Uighur minority, and Falun Gong practitioners are frequent victims of torture in Chinese prisons.

[2] Laodong Jiaoyang (Laojiao): Reeducation through Labor

According to the 1957 law Laodong jiaoyang, commonly abbreviated as Laojiao, is an administrative type of reform designed to “reform idle, able-bodied people who violate law and discipline and who do no decent work, into new people, earning their own living” and “to further strengthen social order and enhance socialist construction.”
are not needed to sentence an individual up to three years in the Laojiao. Family members and employers can recommend people for reeducation, but usually it is local police that decide the Laojiao term. Because Laojiao inmates are not considered convicted criminals, they are not counted as prisoners in official numbers or covered by international treaties. Moreover, the goods they are forced to produce are not addressed in bilateral trade agreements regarding forced labor products.

The 1979 amendments to the “Measures for Reeducation through Labor,” clarified which categories of people should undergo reeducation through labor:

Counterrevolutionaries and anti-Party, antisocialist reactionaries, whose crimes are minor and not subject to criminal prosecution, and who have been dismissed by government offices, organizations, enterprises, schools or other units and have no way to make a living.

Later publicly issued copies of the same documents omitted the language about political dissidents, nevertheless, the purpose of Laojiao is clear—to eliminate all signs of dissent. On November 30, 1998, the Public Security Bureau issued a circular entitled “On the Issues of the Range of Reeducation through Labor”, which stated: “It is necessary to apply measures to strike the criminal activities in rural areas... Local ruffians, tyrants and scamps should be sent to reeducation through labor.”

In 1996 Lawyers Committee for Human Rights released a report on China’s newly revised Criminal Procedure Law, emphasizing that arbitrary detention violated international law standards. The report said:

As a non-criminal sanction, reeducation through labor is subject to none of the procedural constraints set out in the CPL. Reeducation through labor decisions are made by administrative committees and dominated by the police. Persons subject to these proceedings have no right to counsel or to a hearing, let alone a judicial determination of their obligations.

Reports by several other human rights organizations, including Amnesty International, Human Rights Watch, and LRF also document the continued use of the Laojiao system to arbitrarily detain both penal and political criminals alike. Today, the Laojiao system continues in the cities and countryside, and is still used to detain dissidents and members of groups that the government deems illegal. LRF estimates anywhere between 500,000 and 2 million people currently suffer in the Laojiao (The Laogai Research Foundation 2006, Laogai Handbook 2005-2006, October – Attachment 3).

The 2006 report by the US Congressional-Executive Commission on China confirms that periods of detention under Reeducation Through Labour can last up to three years:

The Chinese government continues to punish large numbers of citizens administratively, without effective judicial review and in contravention of human rights standards under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Public security agencies reported that they investigated and charged a total of 6.3 million “public security” (zhi’an) offenses in 2005, up from 5.4 million in 2004. “Public security” offenses include public order disturbances, traffic offenses, prostitution, drug use, and other “minor crimes” that the Chinese government typically sanctions with administrative punishments rather than formal criminal sentences. In some instances, public security agencies handle cases administratively because they do not have enough evidence for a formal prosecution, or because it is a convenient method for detaining and harassing activists. Administrative punishments can range from a warning or fine to detention in a reeducation through labor (RTL) center for up to three years, with the possibility of a one-year extension. Administrative punishments such as RTL can be harsher than some criminal punishments
such as fines, public surveillance, and criminal detention of one to six months (Congressional-
Executive Commission on China 2006, Congressional-Executive Commission on China Annual

The same report states that:

…forced labor is an integral part of the Chinese administrative detention system. Authorities
sentence some prisoners without judicial review to reeducation through labor (laojiao) centers,
where they are forced to work long hours without pay to fulfill heavy production quotas, and
sometimes are tortured for refusing to work (Congressional-Executive Commission on China

7. Is it likely that the authorities would detain a person who had just been released in a
different area?

The information contained in the Laogai Handbook indicates that the work performed in
detention facilities throughout China is considered to be valuable to the country’s growing
economy, and that there is an enormous population of detained people who are engaged in
various types of forced labour.

The Handbook contains details of another type of detention which may be used by police for
detaining people who have been released from other sentences and who are deemed to be in
need of further reeducation for various reasons:

One of the most blatant human rights abuses of the CCP is Jiuye. Through this system, prison
authorities can detain criminals for years past the expiration of their sentences, and maintain even
more control over dissidents. According to Chinese government regulations and criminal theory, a
prisoner who is considered “not well reformed” or a recidivist may be forced to remain indefinitely
in the Laogai camp. Chinese law stipulates that the following individuals are subject to forced
job placement:

They include: important counter-revolutionaries… who show no evident signs of repentance
during their terms and may revert to crimes after completing their terms, and assaulting the
socialist system, vilifying the Party’s line, principles, and policies…seriously violate reform
regimen…those who consistently refuse to labor, or deliberately sabotage production and do not
correct themselves despite repeated admonitions.

The National People’s Congress in 1981 reiterated the circumstances under which prisoners can
and should be detained in the Jiuye system:

Persons who commit crimes within three years after release from reeducation-through-labor or
within five years after escape from reeducation-through-labor shall receive strict punishment and
lose their urban residence. After they serve their terms, they shall get jobs in the farms where
they have received reeducation-through-labor. They also may lose their urban residence so that
after they serve their term, they usually are required to obtain employment on the farm and be
denied jobs in large or medium-sized cities.
After the Tiananmen Square massacre in 1989, the Chinese government became hypersensitive and very fearful of any possible political opposition. This fear was revealed in a topsecret document of the Central Committee and State Council, Zhongfa [1989] No.3, which was circulated at the province and military zone level. In this document, the highest authorities ordered:

Build rapidly some farms in the border provinces (zones). Those who originated from Beijing, and who have completed their sentences or who have been released from reeducation through labor, are not allowed to return to Beijing, and they should be sent out to the farms to work. Those who have already returned, but who do not have reasonable jobs or good behavior, and for whom the possibility exists of breaking the law again, can be taken into custody and sent back to the farms. We must gather the experience of ‘Forced Job Placement’ and establish the law.

Jiuye is an applied system without clear judicial regulations and as a result hundreds of thousands of “criminals” have been detained indefinitely in Laogai farms, mines or factories to produce wealth for the State. A common saying among labor camp prisoners describes the true nature of forced job placement: “There is an end to Laogai, but Jiuye is forever” (The Laogai Research Foundation 2006, Laogai Handbook 2005-2006, October – Attachment 3).

The Handbook also discusses the arbitrary detention of people who travel around looking for work and/or who do not have papers or a job:

[5] Custody and Repatriation
In urban centers throughout China, millions of migrants searching for work have created a unique population that is subject to arbitrary detention. The Custody and Repatriation (shourong qiansong, hereafter referred to as C&R) system, like Laojiao, is not considered a form of punishment but an administrative measure. This system has served as a means for police to easily round up undesirable elements in society; this often includes people in low-status positions, such as migrant workers, beggars, street children, garbage collectors, prostitutes, and the homeless. C&R affects more than two million people every year about 5-20% of whom are children. This method of detention has received little attention outside China until recently, mainly because those detained belong to marginalized groups in society. City authorities refer to these people as the “three no’s personnel” (sanwu renyuan), meaning they have no papers, no job, and no fixed house. Those who do not have official papers to live and work in the cities are forced to return to their poverty-stricken native villages. According to Chinese law, police maintain the right to detain these groups and repatriate them at any time.

C&R occurs most commonly in urban areas just before public events to “cleanse” the area of lower-status elements. For example, Chinese authorities carried out massive city sweeps in 1993 when the International Olympic Committee inspected Beijing to host the 2000 summer Olympics. Thousands of beggars, low-status workers, and homeless people were taken into custody. After China lost its bid to host by a very slim margin, it was revealed that police had beaten a mentally retarded boy to death in one detention center. Similar sweeps also took place in Beijing when U.S. President Bill Clinton visited in 1998 and when UN Secretary General Kofi Annan visited in 2000.

The death of 27-year-old Sun Zhigang, a Hubei native and college graduate, in a custody and repatriation center is one tragic example of the ominous consequences of C&R. Sun worked in Shenzhen, Guangdong Province as a graphic designer. On March 17, 2003, after leaving his home he was arrested because police suspected him of being an illegal immigrant. He had forgotten his residency and identification documents at home. When his employer and friends arrived at the police station with the proper documents, they discovered that Sun was dead – his body was found at a prison hospital. Sun’s family spent 4,000 yuan for an autopsy that concluded he was badly burnt in five areas, and that he ultimately died of internal injuries. According to reports, while in the C&R facility other inmates beat Sun to death. Facility employees
allegedly knew of and encouraged the beating. Sun’s murder elicited significant domestic and international condemnation, and Chinese authorities reacted quickly. No fewer than 18 suspects in Sun’s death were convicted and given harsh sentences, one staff member of the facility was executed, and several prisoners who allegedly carried out the beating received stiff jail terms or suspended death sentences. Police involved were given mostly administrative punishments. Sun’s death led to unprecedented public calls for abolition of the C&R detention for illegal migrants.

Accordingly, the central government abolished the 21-year-old Custody and Repatriation Law. New legislation was enacted entitled “Regulations on Helping and Supporting the Homeless and Tramps in the Cities” on August 1, 2003 to “deal humanely” with migrant workers. The new law is officially heralded as a major step in protecting migrant workers and others, however, looking at the text of the two regulations there is little substantive difference between the old and new except for the name change. In June 2003 Fujian worker Peng Lingwang was beaten to death while in detention proving that the inhumane system of C&R continues despite the new law. The upcoming summer Olympics in Beijing in 2008 will no doubt trigger massive sweeps in urban areas, and more deaths and beatings of innocent people are likely to occur (The Laogai Research Foundation 2006, Laogai Handbook 2005-2006, October – Attachment 3).

8. Is anything known of the Longtian Municipal Council Building? Is there an administrative detention centre at the back of the building? Are there any reports of a breakout in March 2006?

No information was found among the sources consulted on the Longtian Municipal Council Building, to the location of the detention centre in Longtian, or to a breakout.

A few references were found to a detention centre in Longtian, all of them referring to the same case. One example is a 1994 Amnesty International report which mentions the detention of a member of the “Shouters”:

Han Kangrui, a farmer aged 48, from Haiyou village, Longtian town, Fuqing city, Fujian province, currently believed to be detained in Longtian town detention centre (Amnesty International, 1994, China: Protestants and Catholics detained since 1993, March AI ASA 17/06/94 – Attachment 15)
List of Sources Consulted

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List of Attachments

1. ‘Chinese New Year of the Dog’ 2007, Chinese New Year 2007 website,

2. ‘Chinese New Year 2007’ 2007, Chinese New Year 2007 website,


7. Zhuo, Chen 2005, ‘Houses to be demolished’, CCTV.com website, 30 November,


