

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

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Questions

- 1. An update on the current treatment of followers of "The Shouters" in the Fujian province in China.**
- 2. What are some of the key beliefs that a committed follower should/would be aware of?**
- 3. What are the procedures for the issue of arrest warrants in China?**
- 4. Are arrest warrants either posted in a public place or otherwise available to members of the public?**
- 5. Would someone who was the subject of an arrest warrant and who was detained for periods of 15 days (1997) and a month (2005) be given, or otherwise be able to obtain, both their arrest warrant and release papers?**
- 6. Is it true that the Chinese authorities only consider those who have been imprisoned for more than a year, or those who have committed serious criminal offences, as persons who have committed a criminal offence?**
- 7. In other words, could a person who was arrested and detained by the Chinese authorities for 15 days in 1997 and a month in 2005 obtain a notarised non-criminal record certificate from the Chinese authorities in April 2006 verifying that he/she had not committed any criminal offences in China?**

RESPONSE

1. An update on the current treatment of followers of "The Shouters" in the Fujian province in China.

The Chinese government has determined that the "Shouters" (also known as "Local Church," the "Assembly Church," "Christian Assemblies" or the "Little Flock.") is one of the banned cults, making them illegal.

The 2007 US Department of State *Country Reports* comment on the sect in a general term as follows:

The authorities continued a general crackdown on groups considered to be "cults." These "cults" included not only Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as qigong groups), but also religious groups that authorities accused of preaching beliefs outside the bounds of officially approved doctrine. Groups that the government labeled cults included ... the Shouters... Authorities accused some in these groups of lacking proper theological training, preaching the imminent coming of the apocalypse or holy war, or exploiting the reemergence of religion for personal gain. The government accused the Eastern Lightning group and some other unregistered Christian groups of involvement in violence.

Actions against such groups continued during the year. Police also continued their efforts to close down the underground evangelical group Shouters, an offshoot of a pre-1949 indigenous Protestant group (US Department of State 2007 *Country Reports on Human Rights Practices - China*, 6 March – Attachment 1).

The 2006 US Department of State *Country Reports* also comment along similar lines (US Department of State 2006, *Country Reports on Human Rights Practices - China*, 8 March – Attachment 2).

The 2006 US Department of State *International Religious Freedom Report* notes that:

The Government has banned all groups that it has determined to be "cults," including the "Shouters" (founded in the United States in 1962) ...

After the revised criminal law came into effect in 1997, offenses related to membership in unapproved cults and religious groups were classified as crimes of disturbing the social order. A ban on cults, including the Falun Gong spiritual movement, was enacted in 1999. Under Article 300 of the criminal law, "cult" members who "disrupt public order" or distribute publications may be sentenced to three to seven years in prison, while "cult" leaders and recruiters may be sentenced to seven years or more in prison. Under the new Public Security Administrative Punishment Law, which took effect March 1, 2006. Falun Gong adherents could face five to fifteen days of administrative detention and fines of up to \$125 (1,000 RMB) for using superstitious cults or qigong activities to disrupt public order or harm public health. Public security officials said the law would be used against Falun Gong (US Department of State 2006, *International Religious Freedom Report: China*, 15 September – Attachment 3).

Similarly, Mr Philip Yee, member of “The Church in Melbourne” Shouters refers to the difficulties faced by the Local Church members in the Fujian province when he comments that:

1. As we understand it, the local churches in China are viewed differently in each province. Certain provinces allow the local churches to register with the authorities and once they have done so, they are allowed to worship. However, in other provinces, including Fujian province, the local churches are regarded as illegal gatherings and members there are still being arrested.
2. As mentioned above, the local churches in Fujian province are considered as illegal gatherings and as such are not registered.
3. The same situation applies, as far as we understand from speaking to members who come from Fuqing city, that the government is still persecuting members of the local church there. As far as we know, there is no Shandong town in Fuqing city.
4. According to our understanding, local churches in China are generally considered as "shouters" by the Chinese government particularly in Fujian province. The local churches would like to be known simply as local churches but this was a designation given by the Chinese government. I would also like to point out again that not only are the local churches considered as "shouters" church, but also some other groups are considered as "shouters". I guess one of the reasons why the Chinese government considered the local churches as "shouters church" is the practice of many members of the local churches to audibly praise God in their worship and also their carrying out the scriptural practice of calling audibly upon the name of the Lord Jesus Christ.
5. The Church in Melbourne has the same beliefs and similar practices to the local churches in China. We are Spirit regenerated believers who are redeemed by the precious blood of our Lord Jesus. We love to call on the name of our Lord Jesus Christ and to praise Him in our meetings. Sometimes we call loudly and sometimes softly (as during work so as not to disturb those around us). We have fellowship with all the local churches around the world. For more details of our beliefs, standing, mission and hope, you can visit www.localchurch.org.
6. Not all members of the local churches "shout" (or call loudly on the name of the Lord Jesus) and it is not a compulsory practice. We can call on the Lord Jesus' name softly and still enjoy Him.
7. The format of our prayer meetings are flexible and varies according to the leading of the Holy Spirit. Sometimes we start with singing, at other times we pray over the verses and other times we call on the name of the Lord Jesus. The length of our prayer meetings is around 1 to 1.5 hours (Yee, Philip 2006, Email to RRT Country Research: ‘RE: Request for information from the Refugee Review Tribunal’, 18 October – Attachment 4).

The most recent report involving the Shouters in Fujian is about the widely publicized bible smuggling incident. Human Rights Watch comments on the incident that:

On January 28, 2002, a court in Fuqing, Fujian province, sentenced Lai Kwong-keung (Li Guangqiang in Mandarin), a Hong Kong resident, to two years' imprisonment for "smuggling" some 33,000 bibles to Local Church groups. The smuggled version was not one approved by Chinese religious officials. Yu Zhudi and Lin Xifu, from the mainland, received three-year terms. After U.S. protests, the original charge, "using an evil cult to damage a law-based society," was downgraded to running an "illegal business operation," but each man was fined the equivalent of U.S.\$18,000. On February 9, Lai was permitted to return to Hong Kong after the court agreed that due to his medical condition he could temporarily "serve his sentences outside prison but under surveillance. A Local Church follower who organized songs and prayers in front of the courthouse also was detained until the trial concluded. Two other Local Church members from Anhui province have also been indicted on cult charges for proselytizing. After news broke in December that a Hubei province court had sentenced Gong Shengliang, leader of the Nanfang Jiaohui, to death on charges of "premeditated assault," rape, hooliganism, and using an evil cult to damage society, international pressure succeeded in delaying the execution so an appeal could be heard. Two other members reportedly received death sentences; another two received death sentences suspended for two years. If no further crime is committed, such sentences are generally commuted to life imprisonment. According to some accounts, several alleged rape victims were coerced into giving false testimony. A total of sixty-three members of the church have been charged. A court in Xiamen sentenced three mainland members of the Taiwan-based Holy Spirit Reconstruction Church to seven-year prison terms in January (Human Rights Watch 2002, *China Human Rights Update*, HRW Press Backgrounder, 15 February http://hrw.org/backgrounder/asia/china_update.htm - Accessed 20 February 2007 – Attachment 5).

Christian Post commented in 2004 on the release of a member of the Shouters arrested in connection with the incident in the province as follows:

Yu Zhudi, a Protestant activist imprisoned on charges of secretly distributing copies of Bibles in southeast China, has been released after three years. He was freed on March 7, 2004 in Baisha, near Fuqing (Fujian)... Yu was arrested in May 2001 along with two other members of the group, Lin Xifu and Li Guangqiang after being accused of smuggling 16,000 Bibles from Shenzhen into Fuqing ('Bible smuggler released after three years in prison' 2004, *Christian Post*, 10 March http://www.christianpost.com/article/20040310/14811_Bible_smuggler_released_after_three_years_in_prison.htm - Accessed 20 February 2007 – Attachment 6).

Since Yu Zhudi's release, no media report has been sighted of arrest/harassment of the Shouters in the Fujian province.

Of particular interest in connection with the situation in the Fujian province is a comment by the Executive Secretary of the Hong Kong Christian Council who stated:

'Fujian and Guangdong have "the most liberal policy on religion in China, especially on Christianity" (Executive secretary 1 Sept. 2005a). In his travels, the executive secretary has met with local authorities who, he said, usually tolerate activities of unregistered Christian groups (1 Sept. 2005a). While authorities are of a more tolerant nature in rural areas than in urban centres, they would usually take steps to discourage religious activity if it had a link to groups from outside China (Executive secretary 1 Sept. 2005a). The executive

secretary stated that he is aware of a number of unregistered churches along with Bible schools, fellowships and even missionaries that have been allowed to operate in the two provinces for years (1 Sept. 2005a). As an example, he cited the case of Pastor Samuel Lamb's unregistered Damajan Church in Guangzhou, which he said has been allowed to hold meetings on a daily basis for 20 years without interference from authorities (1 Sept. 2005a). In cases where arrests have been made, the executive secretary pointed out that groups such as the Shouters and the Eastern Lighting, which are considered "heretical" by many Christians, have been targeted (1 Sept. 2005a). Fujian and Guangdong have the "most liberal policy on religion in China, especially on Christianity"

(Immigration and Refugee Board of Canada 2005, *CHN100387.E - China: Situation of Protestants and treatment by authorities, particularly in Fujian and Guangdong (2001-2005)*, 7 September, IRB Website, http://www.irb-cisr.gc.ca/en/research/rir/index_e.htm?action=record.viewrec&gotorec=449522 – Accessed 17 October 2006 – Attachment 7).

It appears that the unofficial house churches including the Shouters have once enjoyed a high degree of official tolerance in the province and the sect expanded enormously (See footnote 604 ("Written statement of a former Local Church member's interview with Local Church officials in Anaheim (June 2002)")) and 623 (Tung Siu Kwan 1992, "The Waves of the 'Local Church' (Part II)", pp. 15-18) of Kindopp, Jason 2004, 'The Local Church: a Transnational Protestant sect', in *The Politics of Protestantism in Contemporary China: State Control, Civil Society, and Social Movement in a Single Party State*, 16 May, Accessed through Proquest Digital Dissertations Database via Sydney University Library – Attachment 8).

For earlier treatment of the Shouters in the province, see

RRT Country Research 2007, *Research Response CHN31358*, 7 March (Attachment 9)

RRT Country Research 2006, *Research Response CHN31015*, 8 December (Attachment 10)

RRT Country Research 2006, *Research Response CHN30801*, 6 November (Attachment 11)

RRT Country Research 2006, *Research Response CHN30786*, 20 October (Attachment 12)

RRT Country Research 2006, *Research Response CHN17561*, 7 October (Attachment 13)

RRT Country Research 2006, *Research Response CHN30727*, 3 October (Attachment 14)

2. What are some of the key beliefs that a committed follower should/would be aware of?

In its 1994 publication, Human Rights Watch Asia comments on the origin and belief of the Shouters as follows:

The Shouters, who refer to themselves simply as Christians were an outgrowth of an indigenous Chinese religious sect, variously known as the "Local Church," the "Assembly Church," "Christian Assemblies" or the "Little Flock." The original group, particularly strong in the provinces of Zhejiang, Henan, Fujian, and Guangdong, was founded in 1922 and is associated with the religious philosophy of Ni Tuosheng (1903-1972), better known as Watchman Nee. Imprisoned in 1952 during a government campaign aimed at the "bourgeois" private sector, Ni was accused of "having stolen a [huge amount] of national medicine, information, and property." He was sentenced in 1956 to a fifteen-year term as head of a counterrevolutionary clique, and died shortly after his delayed release in 1972.

Ni's disciple, Li Changshou, or Witness Li, who differed with Ni on tactics and doctrine, was primarily responsible for organizing the Shouter splinter movement. Its

roots date back to the mid-1930s when “Local Church” congregants added external vocalizations, such as “Oh, Oh Lord” and “Amen,” to quiet prayer.

The Shouter creed is evangelical, mystical, subjective, intuitive, apocalyptic, and individual. 3 According to Shouter literature, believers reject any human thought that goes beyond what the Bible says because they consider it the completed divine revelation. Thus, Bible reading is central to religious practice, and it is the duty of every Shouter to go out and preach the gospel to relatives, neighbors, friends, and colleagues. The Shouters then “nourish” the converted by visiting their homes regularly and leading them in Bible reading, singing, and prayer. Members meet in small groups with neither “appointed speakers or teachers.” Anyone moved to preach can, although it is usually the already recognized leaders, or elders, who do so. There is no professional ministry, and each local group is autonomous. Congregants meet clandestinely in each others’ homes; hence they are categorized with other Protestants who resist association with the official Chinese Christian Church, as “house church” members.

The Shouter creed has brought its members into open conflict with the Three-Self Patriotic Movement (TSPM), the official body responsible, under the Religious Affairs Bureau (RAB), for monitoring all Protestant affairs.’ The intrusion of Party doctrine and politics into religion in the official churches violates the sect’s principle that the church is not and should not be a human institution. The Shouters’ interest lies strictly in Bible study; they eschew involvement with broad social, political or economic matters and resist participating in socialist campaigns. The evangelical nature of Shouter practices violates the Religious Affairs Bureau’s three-fix policy. Shouters also resist government restrictions on what legitimately can be preached; in particular they resent government curbs on sermons dealing with the “second coming,” a central tenet of Shouter faith. The Chinese government regards the belief in a “second coming” as inherently antithetical to development, in fact, to the very need for development (Human Rights Watch Asia 1994, *China: Persecution of a Protestant Sect*, June, Vol.6 No.6 – Attachment 15).

Of the orientation and characteristics of the Shouters or the Local Church, *Protestantism in Contemporary China* states that:

The movement suited the Chinese environment in terms of practice, ecclesiology, nationalism, worship and theology. Church leaders were unpaid, and supported by contributions from the congregation. In fact many of them lived in poverty and literally did not know where the next day’s food would come from. The church was independent from missionaries and had no foreign stigma, although it is true that much of its theology derived ultimately from western sources, notably the Plymouth Brethren. The teaching was simple, based on reiterated statements of doctrine that led to an intense loyalty and sense of belonging. It was pietist and spiritual in orientation with a minimum emphasis on social welfare. Liturgy was rejected in the interests of solidarity and egalitarianism.

Thus already by the 1920s there were vigorous movements towards Chinese control of church institutions. Among the mechanisms tending towards this were devolution of control inside the denominational churches; the widespread network of unsupervised Christian groups in rural areas; the foundation of neo-western churches by separate Chinese groups; and the creation of Chinese churches that were to some extent Chinese in cultural content as well as personnel (Chan, Kim-Kwong, and Alan Hunter. *Protestantism in Contemporary China*, Cambridge: University Press, 1993: 121-123

<http://www.localchurch.org/recognition/excerpts/chan.html> - Accessed 20 February 2007 – Attachment 16) .

As referred to above, one aspect of the Local Church's dogma is its denial of the clergy-laity division in contrast to many traditional Christian denominations. Commenting on the topic, the Local Church web site states that:

In the church life every member of the Body can function. Although we do not all have the same function, we all have a function, and the function of every member is appreciated. We absolutely repudiate the clergy-laity system as a strategy of Satan to frustrate the function of the members of the Body of Christ. In the local churches we have no clergy and we have no laity; rather, we are members of the Body, all of whom have the right to function according to their measure. Furthermore, we have no pastor and no janitor. All the saints may share in the meetings, and all may also partake of the cleaning service ('Belief and Practices' 2003, Local Church http://www.localchurch.org/beliefs/church_life.html - Accessed 20 February 2007 – Attachment 17).

The above mentioned Jason Kindopp gives information on the Local Church's beliefs and practices as follows:

- The Local Church tends to depict humanity as “totally sinful”, and mainstream Protestant churches as corrupt. The Local Church sees itself as being “the ‘Lord’s recovery’ of Christianity through Li’s subjective interpretations of the Bible, unique worship methods, and exclusivist organizational form”.
- Li’s theology depicts the human being as “divided into flesh, soul and spirit”. The flesh is sinful, and the soul “has been corrupted into self-centredness”. Salvation for the individual is through the spirit: it “occurs through the ‘mingling’ of man’s spirit with God’s”.
- This “mingling” is achieved through practices devised by Li. “Pray-reading” involves the group practice of reading aloud from passages of scripture, which are viewed as “not merely God-inspired, but literally as God’s Spirit”, which can be literally imbibed by the believer. The very act of “pray-reading” is said to “kill the self”, which is “the most subtle enemy of the Lord”. Kindopp regards Ni and Li’s theology as appearing to “meld the doctrines of fundamentalist Protestant Christianity with traditional Chinese notions of spirituality”. The concept to “pray-reading”, for instance is “similar to that of *qigong* masters who claim to tap into cosmic forces” and both have an emphasis on breathing as a way of “imbibing the divine or cosmic power”. The “Calling on God” method consists of repeatedly shouting out “*Zhuaaaaa!!* (Lord aaaah)”. The emphasis on vocal practices has led to the group acquiring the derogatory title of “Shouters” in China.
- “The two formal leadership positions within the local Church base group are deacon and elder. Elders oversee the group’s operations, assuming legal responsibility for church properties and supervising the service content and structure. Deacons assist the elders by taking leading roles in the services and administering the Lord’s Table. Some Churches have full-time workers to attend to building maintenance and manage church

properties, supported through members' 'freewill offerings'. The Local Church's top leadership body is the Council of Elders.

- The Local Church separates itself from the broader society as much as possible to maintain its spiritual purity; will "quarantine" church members who have expressed dissent; and will shun those who have left the church.
- In China the Local Church's "highly associational organizational structure enables groups to form without any formal bureaucracy or clerical ties to the church hierarchy, facilitating their expansion" and allowing them to function in spite of official repression (Kindopp, Jason 2004, 'The Local Church: a Transnational Protestant sect', in *The Politics of Protestantism in Contemporary China: State Control, Civil Society, and Social Movement in a Single Party State*, 16 May –Attachment 8)

An RRT Research Response discusses whether baptism is an universally accepted rite of the Shouters (RRT Country Research 2006, *Research Response CHN30365*, 4 August – Attachment 18).

For further characteristics of the Local Church, see the above mentioned comments by Mr Philip Yee (Yee, Philip 2006, *Email to RRT Country Research: 'RE: Request for information from the Refugee Review Tribunal'*, 18 October –Attachment 4).

3. What are the procedures for the issue of arrest warrants in China?

4. Are arrest warrants either posted in a public place or otherwise available to members of the public?

5. Would someone who was the subject of an arrest warrant and who was detained for periods of 15 days (1997) and a month (2005) be given, or otherwise be able to obtain, both their arrest warrant and release papers?

6. Is it true that the Chinese authorities only consider those who have been imprisoned for more than a year, or those who have committed serious criminal offences, as persons who have committed a criminal offence?

7. In other words, could a person who was arrested and detained by the Chinese authorities for 15 days in 1997 and a month in 2005 obtain a notarised non-criminal record certificate from the Chinese authorities in April 2006 verifying that he/she had not committed any criminal offences in China?

As no adequate information had been found on Question 3, 4, 5, 6 and 7, a referral was sent to DFAT seeking comments on the following questions:

- A. What are the procedures for the issue of arrest warrants in China?
- B. Are arrest warrants either posted in a public place or otherwise available to members of the public?
- C. Would someone who was the subject of an arrest warrant and who was detained for periods of 15 days in 1997 and a month in 2005 be given, or otherwise be able to obtain, both their arrest warrant and release papers?
- D. Is it true that the Chinese authorities only consider those who have been imprisoned for more than a year, or those who have committed serious criminal offences, as persons who have committed a criminal offence?
- E. In other words, could a person who was arrested and detained by the Chinese authorities for 15 days in 1997 and a month in 2005 obtain a notarised non-criminal

record certificate from the Chinese authorities in April 2006 verifying that he/she had not committed any criminal offences in China? (RRT Country Research 2007, Email to DFAT 'Refugee Review Tribunal Information Request: CHN31404', 27 February - Attachment 19).

In response, Country Research received a reply on 16 March 2007:

The following ... information relates primarily to detention for criminal offences. Administrative detention is by its nature an extra-judicial form of punishment: authorities do not issue arrest warrants and those punished in this way are not tried or convicted of a criminal offence (but would likely have a record of their detention placed on their personal file). We provided further information on administrative detention in BJ552093L.

Question A

2. Articles 59 to 76 of China's Criminal Procedure Law sets out the procedure for the arrest of criminal suspects, including issues related to arrest warrants. China's Criminal Procedure Law is attached. We note that many of China's laws are now available on-line (see for example www.cecc.gov).

Question B

3. As per Article 71 of China's Criminal Procedure Law, the family and/or work unit of the person arrested should be notified of the arrest. Arrest warrants are not posted in a public place or otherwise available to members of the public.

Question C

4. In normal circumstances, both the arrest warrant and release papers should be given to the person who was the subject of the warrant.

Question D

5. If a person has been prosecuted and convicted of a criminal offence, two of the types of punishment available under China's criminal justice system are fixed-term imprisonment and criminal detention. According to China's Criminal Law (attached), a term of fixed-term imprisonment will be between six months and 15 years (Article 45). A term of criminal detention will be between one month and six months (Article 42). If a person has served a sentence of fixed-term imprisonment or criminal detention (and presuming the conviction is not subsequently quashed) Chinese authorities would consider that the person had committed a criminal offence.

6. If, however, the person was arrested and detained for a period but not subsequently prosecuted, or prosecuted but not convicted, then Chinese authorities would not consider that the person had committed a criminal offence. Under the Criminal Procedure Law (Articles 124-128), a criminal suspect may be detained after arrest and during the investigation phase for a maximum of six months (allowing for all possible extensions). In practice, criminal suspects are sometimes held beyond this maximum period.

7. If the detention was through another process, for example administrative detention (commonly used against prostitutes and drug users but also used to detain religious and political dissidents: see BJ552093L) or psychiatric detention, then Chinese authorities

would not usually consider that the person had committed a criminal offence, regardless of the detention period.

8. As a general point, we would note that China is still far from complying with rule of law standards. Chinese local authorities sometimes detain people or otherwise subject them to punitive measures in a way which is not in accordance with Chinese laws. Similarly, some areas of China follow practices which do not conform with national laws and regulations.

Question E

9. Only Chinese Public Security Bureaus (PSBs) can issue a certificate confirming that a person has not committed a criminal offence. PSBs we contacted in Beijing would not discuss their procedures for issuing these certificates.

10. If a person had been arrested and detained, but not convicted of an offence, then it is feasible that a PSB would certify that the person did not have a criminal record. Similarly, a person who had been put in administrative detention should be able to obtain such a certificate (given that such people have not been formally convicted of a criminal offence). A Chinese legal academic informed us that PSBs in different areas had differing rules regarding issuing certificates of non-criminal record (and implied that it could even be possible in certain circumstances for someone who had been convicted of a criminal offence to obtain a certificate of no-criminal record). But China has no concept of a 'spent' conviction (Department of Foreign Affairs and Trade 2007, *DFAT Report 612 RRT Information Request: CHN31404*, 16 March - Attachment 20).

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

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

United Nations (UN)

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

Freedom House website <http://www.freedomhouse.org/>

International News & Politics

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

Region Specific Links

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)
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List of Attachments

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20. Department of Foreign Affairs and Trade 2007, *DFAT Report 612 RRT Information Request: CHN31404*, 16 March.