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

Questions

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7. Please provide a brief outline of the 1978 pro-democracy movement.
8. Please provide information on the current attitude of the Chinese authorities toward the participants/organisers of the 1978 pro-democracy movement.
9. Is there any evidence that in recent years the authorities had heightened their interest in the participants of the 1978 pro-democracy movement?

RESPONSE

1. Question deleted.
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7. Please provide a brief outline of the 1978 pro-democracy movement.

A 1981 article by Brodsgaard provides a comprehensive discussion of the democracy movement of 1978-1979 and its background and history. The introduction to the article states:

The Beijing Spring or the Chinese Democracy Movement began as a dazibao movement in Beijing in November 1978 [a footnote explains that dazibao means “big-character notices” and refers to the Chinese custom of posting wall posters on important subjects]. The movement soon spread all over China and by Christmas engulfed all the major cities of the country. Activists organized into groups and started to publish poorly printed, unofficial journals – underground journals (dixia kanwu), as they have been called. These journals quickly became the principal media of the Democracy Movement.

In spite of varying philosophical and political orientations, the different democratic groups formed a kind of loose coalition. Their rallying point was the demand for democracy which Wei Jingsheng, one of the prominent figures of the Democracy Movement, had dubbed “The Fifth Modernization.” This demand does not imply opposition to the Four Modernizations, which are designed to change China into a modern, industrial society by the year 2000 through modernization of agriculture, industry, defense, and science and technology, but rather suggests that the modernization program is insufficient because it does not embrace that vitally important element without which the others will not or cannot be achieved – the modernization of democratic conditions. The primary demands of the Democracy Movement were civil liberties, basic economic rights, and a higher degree of freedom vis-à-vis state and party.

In March 1979, the Chinese authorities clamped down on the Democracy Movement, arresting several of its most prominent leaders. During the summer and early fall of 1979, the remaining organizations and groups were again allowed to voice criticism, but in December the final crackdown was launched by the Chinese leadership (Brodsgaard, Kjeld Erik 1981, ‘The Democracy Movement in China, 1978-1979: Opposition Movements, Wall Poster Campaigns, and Underground Journals’, Asian Survey, Vol. 21, No. 7, July, pp. 747-8 – Attachment 14).

Points of note in the article include:

- During 1976 there had been a series of gatherings in Tiananmen Square, some of them to mourn the death of Zhou Enlai. Poems and posters started to be posted in the square, some of them containing criticism of the Gang of Four, and also of Mao, who had just died. At first the demonstrators were branded as hooligans, but the Gang of Four were later arrested, and in 1978 the government reversed its position and the demonstrators were praised as true revolutionaries who were loyal to China. Hundreds who had been in prison were released (p.757-9).
- “Following the fall of the Gang of Four, poems written by the Tian’anmen demonstrators circulated more or less openly. From March 1978 some were posted on a brick wall at the Xidan Crossing in downtown Beijing, later called ‘Democracy Wall’”. The posters spread to other locations, including Tiananmen Square (p.758-9).
- The dazibao became increasingly critical of the Chinese government and called for liberalisation, reform and democracy. There were a series of public rallies in November calling for human rights and democracy (p.761).
- Activists began publication of mimeographed underground journals. The Democracy Wall movement spread to other parts of China, including Tianjin, Shanghai, Wuhan, Guangzhou and Guiyang, the central message being “political modernization is a prerequisite to economic modernization” (p.761)
There were a large number of different organisations and publications around the country which were involved in the democracy movement. The leading ones were *April Fifth Forum, Beijing Spring*, the Chinese Human Rights Alliance, the Enlightenment Society, *Exploration*, *M asses ’ Reference News*, and *Today* but there were many others (p.764).

“The political thaw culminated in China during February 1979. The political discussion on the Democracy Wall in Xidan and in the underground journals was in full bloom. There were gatherings in the parks where young people read their poetry and sang and danced to the music of guitars. Apparently, all this was accepted by the authorities. But behind the scenes the crackdown was being prepared” (p.770).

One of the main leaders, We Jingshen was arrested in March 1979, and in October he was sentenced to 15 years in prison. Regulations were introduced which restricted postings on the Democracy Wall, with writers having to submit their names and addresses. Most of the small journals stopped publishing (p.771-2) (Brodsgaard, Kjeld Erik 1981, ‘The Democracy Movement in China, 1978-1979: Opposition Movements, Wall Poster Campaigns, and Underground Journals’, *Asian Survey*, Vol. 21, No. 7, July, Attachment 14).

Brodsgaard’s concluding comments are of interest:

The rise and fall of opposition movements in China is closely related to power struggles in the CCP. The formulation of dissent is to a high degree a function of vertical cleavages among the elite in the sense that if the interests of protest movements coincide with those of a definite faction of the party, their criticism will find the way to publicity less hazardous. They will be tolerated, perhaps even encouraged, but only to the extent that they are of use as a public indictment of the policies of opposing factions. A given faction of the elite may be interested in ousting other factions from power in the party, but it can hardly be expected to support the abolition of elite rule as such. On the other hand, opposition movements tend to surpass the limits set by elite struggles (intra-party confrontations), by their very anti-bureaucratic and anti-authoritarian nature. They generally indicate the presence of a latent horizontal cleavage. Mao, Jiang Qing, Zhao Ziyang, Deng Xiaoping – all former protectors of protest movements – receded when faced with the consequences of “radical criticism”: the abolition of class rule (in this case the rule of a new bureaucratic-technocratic class rooted in the party). Confronted with this issue, they all chose the same solution: a restriction of the issues under debate followed by unsentimental repression of those less willing to learn (Brodsgaard, Kjeld Erik 1981, ‘The Democracy Movement in China, 1978-1979: Opposition Movements, Wall Poster Campaigns, and Underground Journals’, *Asian Survey*, Vol. 21, No. 7, July, 773-4 – Attachment 14).


Of interest is the website of Wei Jingshen, one of the leading figures of the 1978-9 movement, which contains material about him and written by him [http://www.echonyc.com/~wei/Voice.html](http://www.echonyc.com/~wei/Voice.html).
8. Please provide information on the current attitude of the Chinese authorities toward the participants/organisers of the 1978 pro-democracy movement.

9. Is there any evidence that in recent years the authorities had heightened their interest in the participants of the 1978 pro-democracy movement?

The material quoted in the previous questions indicates that several major figures from the democracy movement of 1978-1979 have continued to be involved in pro-democracy activities such as the banned China Democracy Party, and have experienced imprisonment and surveillance. Several well-known leaders from that period such as Wei Jingsheng and Xu Wenli are in exile overseas.

Among the sources consulted, no information was found on the treatment of individuals from the 1978-79 movement who live in China and who have not engaged in any pro-democracy activities since that time.

The material below does not discuss the participants in the events of 1978, but in general indicates that the individuals that attract the interest of the Chinese authorities are high profile dissidents or those known to be involved in recent anti-government activities. Known members of the China Democracy Party, for instance, are among those targeted.

The Department of Foreign Affairs and Trade commented in a 1999 cable that in general the Chinese government’s interest in particular individuals in the pro-democracy movement would depend on their profile and capacity to oppose the government:

DFAT’s assessment of the likely treatment of returning Chinese who were members or leaders of Chinese pro-democracy groups remains the same as that contained in the first paragraph of O.BJ12641, i.e. the primary determinant of the government’s attitude would be the person’s profile or influence before they left China, although their activities overseas would be taken into account. Similarly, we would assess the key factor as still being the individual’s capacity to “oppose the government in an effective and organised way”.

In 1998 the Hong Kong press reported a number of instances where prominent activists were not permitted to return to China, or were deported soon after arrival. DFAT considers it unlikely that the Chinese authorities would allow the entry to China of key leaders of the Chinese Liberal Democratic Party or other high profile dissidents. At the same time the authorities would likely take little interest in unimportant or inactive members of this or other pro-democracy groups. We would endorse the human rights watch view that this party has been virtually eliminated in China.

The recent action taken by the Chinese authorities against leading members of the China democracy party makes it likely that any member of a pro-democracy group who returned to China and sought to continue political activity would come to the attention of the authorities, but would be unlikely to be arrested and charged unless the individual persisted in political organising activity, ignored warnings from the authorities and developed a leadership role. If this occurred, any previous political activities of the individual abroad would probably be included in the authorities’ case (Department of Foreign Affairs and Trade (DFAT) 1999, DFAT Report No. 0120 – China: Response to RRT Information Request CHN13288, 8 February – Attachment 16).

RRT Research Response CHN17536, dated 22 September 2005, provides recent information on the position of the CDP in China. Citing a number of sources, the response indicates that that the CDP remains a banned organisation and that the Chinese government continues to surveil, detain and imprison current and former members (RRT Country Research 2006, Research Response CHN17536, 22 September 2005 – Attachment 17).
Question 4 of an August 2006 RRT Research Response examines the kinds of activities deemed to be “threatening national security and social stability” on China, and the various kinds of punishments these attract. It looks particularly at trade union activities (RRT Country Research 2006, Research Response CHN30440, 15 August – Attachment 18).

The most recent report on China by the US Department of State states that China Democracy Party members and former political prisoners and their families are among those targeted:

Among those specially targeted for arbitrary detention or arrest during the year were current and former China Democracy Party (CDP) activists, Falun Gong practitioners, domestic and foreign journalists, unregistered religious figures, and former political prisoners and their family members. Gao Zhisheng was detained and questioned several times during the year. On August 15, authorities reportedly abducted Gao from his sister’s home in Shandong Province and thereafter detained him. Gao’s wife and children were under house arrest in Beijing. On November 24, Gao Zhisheng’s wife, Geng He, was attacked by local officials while shopping in Beijing. In February activist Hu Jia disappeared after launching a hunger strike protesting government abuses. Officials held Hu for 41 days at an undisclosed location without any legal formalities or notice to his family (US Department of State 2007, Country Reports on Human Rights Practices 2006: China, 6 March – Attachment 17).

The section on the China Democracy Party from the September 2006 UK Home Office report on China contains some useful material and is extracted below:

**CHINA DEMOCRACY PARTY (CDP)**

16.03 The USSD Report 2005 stated, “More than 40 current or former CDP members remained imprisoned or held in reeducation-through-labor camps during the year…” [3e] (Section 3) On the issue of whether the CDP itself is still active in China the USSD is unclear, stating only that the CSP was “… an opposition party that had attracted hundreds of members nationwide within a few months of its founding in 1998 and that the CCP declared to be illegal.” [2e] (Section 3)

16.04 As reported by the official People’s Daily newspaper on 10 May 2003, the Intermediate People’s court in Liaoyang City sentenced two former steel workers to seven and four years imprisonment for attempting to overthrow state power and trying to set-up the Liaoyang branch of the China Democratic Party. [12e]

16.05 According to this report, “The court ruled that evidence proved that the two [Yao Fuxin and Xiao Yunliang] were guilty of crimes of subversion in accordance with articles 105 and 106 of the Criminal Law.” [12e] As reported by the International Confederation of Free Trade Unions (ICFTU) on 1 March 2006, Xiao Yunliang was released three weeks before of his four year sentence was due to expire. However, “… his apartment is currently being watched by four police guards and two police cars. Family and friends who have attempted to see him are being harassed and intimidated by police questioning, which has a caused a number of them to turn back for fear of reprisal.” [109a]

16.06 As reported by the USSD Report 2005, “In 1998 CDP founders Xu Wenli, Wang Youcai, and Qin Yongmin were sentenced to prison terms of 13, 12, and 11 years, respectively. Xu Wenli and Wang Youcai were released on medical parole to a foreign country in December 2002 and March 2004, respectively. Qin remained in prison at year’s end, as did others connected with a 2002 open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre signed by 192 activists.” [2e] (Section 3)
As reported by Dui Hua Foundation on 7 March 2006, “The Dui Hua Foundation has been advised by China’s Ministry of Foreign Affairs, citing information provided by the Ministry of Justice, that 72-year-old retired physics professor Tong Shidong will be released from Chishan Prison in Hunan Province on March 9, 2006. Tong, who helped to organize a branch of the China Democracy Party (CDP) at Hunan University in January 1999, is the oldest member of the CDP currently serving a prison sentence.” [36d]

As reported by the HRW in September 2000, “The CDP was to be based on the principles of ‘openness’ (gongkai), ‘peace’ (heping), ‘reason’ (lixing), and ‘legality’ (an falu). Its aim was to establish direct elections and the formation of a multi-party system.” [7a] (p1-2 of section III) As reported on the China Democracy Party’s website, accessed 30 March 2006, the CDP has held over 100 protests in front of the Chinese consulate in New York. It aims to attract Chinese Americans who are US citizens and build a mass movement in the US with the eventual aim of going back to China and establishing a democratic system of government there. The Party’s flag is a red, yellow and blue circle on a blue and red background. The circle is red on top, yellow in the middle and blue at the bottom. It is surrounded by eight yellow stars. The background is blue at the top and red at the bottom (UK Home Office 2006, Country of Origin Information Report: China, 29 September – Attachment 18).

List of Sources Consulted

Internet Sources:
Google search engine
Factiva

Databases:
CISNET
ISYS

RRT Library
Black Hands of Beijing
New Ghosts, Old Dreams

External
Liu Shi Xian
List of Attachments

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14. Department of Foreign Affairs and Trade (DFAT) 1999, DFAT Report No. 0120 – China: Response to RRT Information Request CHN13288, 8 February
15. RRT Country Research 2006, Research Response CHN17536, 22 September
16. RRT Country Research 2006, Research Response CHN30440, 15 August