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RRT RESEARCH RESPONSE

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Questions

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RESPONSE

1. I would like details of all reports of action over the past 2 years by Chinese authorities against PLA (People's Liberation Army) or related personnel who are alleged to have abused or exceeded their powers.

Sources indicate that the abuse of power by security officials (including the People's Liberation Army (PLA) and police) is widespread. Standards have been introduced to prosecute abuses of power by officials. Public security officials have also been convicted and sacked for such abuses. However, investigation of abuses is said to come in response to publicity, public pressure and efforts to petition the government. Although no information was found in the sources consulted specifically on abuses of power in the military, there is information that the government is taking action against corruption in the PLA.

The US State Department noted in its human rights report for 2007 that the security apparatus in China consists of the Ministries of State Security and Public Security, the People's Armed Police (PAP), the PLA and the state judicial, procuratorial and penal systems. It reported on the abuses of power in the following terms:

The SPP [Supreme People's Procuratorate] acknowledged continuing widespread abuse in law enforcement. **In July 2006 the SPP issued new standards for prosecuting official abuses of power.** Domestic news media reported the convictions of several public security

officials who had beaten to death suspects or prisoners in their custody. **Nonetheless, investigation of misconduct typically only came in response to publicity, public pressure, and persistent efforts by relatives of victims to petition the government. In July 2006 an SPP spokesperson said there were many abuse of power cases that the procuratorates did not dare handle** (US Department of State 2007, 'Role of the Police and Security Apparatus' in *Country Reports on Human Rights Practices for 2007 – China*, 11 March, Sect. 1.d – Attachment 1).

According to an October 2007 Congressional-Executive Commission on China (CECC) report the Chinese government, faced with popular anger over corruption and abuse of power, issued a number of laws and regulations which if implemented by local government authorities and Chinese Communist Party (CCP) officials could produce positive results. It stated:

...China over the past year has issued a number of laws and regulations which have the potential to produce positive results if central and local government departments and Party officials prove their ability and willingness to implement them faithfully. Faced with popular anger over rampant corruption and abuse of power, China's procuracy has issued broad-ranging provisions, including, among others, July 2006 Provisions on the Criteria for Filing Criminal Cases of Dereliction of Duty Infringing Upon Rights, which directs procurators to prosecute a lengthy list of crimes of official abuse, including cases of torture and retaliation against petitioners...(Congressional-Executive Commission on China 2007, *Annual Report 2007*, 10 October, p.5 – Attachment 2).

The report continued:

Last year's implementation of the Public Security Administration Punishment Law (PSAPL) helps expand the legal authority of PSB police to almost every realm of civilian life, creating new cause for concern about police abuses and domination over the general populace. [See Section II—Freedom of Expression for additional discussion of abuse of the PSAPL to exercise control over the sharing of information.] One month after the law went into effect, police reportedly filed over 35,000 cases, leading to the investigations of over 40,000 individuals, warnings or fines issued to over 16,000, and administrative detention of over 7,000 in Beijing alone. **In a July 2006 article** that asks "Why Some Police Resemble Crime Bosses," a China Youth Daily journalist comments: "If detention and other criminal investigation measures are used in the administration of public security cases, while public security aspects of the [police] power are brought into criminal investigations, then objectively, this creates a self-perception among some police that they are boss." 143 **The article asserts that there is a certain pervasiveness to abuse of power by the police, and that it can best be blamed on their unchecked legal authority.** In March 2007, a Shenzhen delegate to the National People's Congress proposed revising the PSAPL to further expand the authority of the police to detain individuals for disruption of city management. Under his proposal, individuals would be at the mercy of the police for such minor offenses as running an unlicensed business or health clinic. Within months, the China Media Project, based across the border from Shenzhen in Hong Kong, questioned whether Chinese police aren't already "over-reaching" in their application of the PSAPL.

Supervision over China's police forces has not improved in the last year, particularly when taking into account the concerns previously expressed by this Commission. The Commission noted in last year's annual report: "The government does not encourage external supervision over police affairs or prosecution of police abuses by the procuratorate, as mandated by law." **While the MPS [Ministry of Public Security] continues to disclose the number of police officers who have been disciplined or even dismissed for improprieties, their sanctions are still decided and administered internally, by Party or MPS superiors.** One prominent

Beijing law professor argues that the increasingly vicious nature of the police is attributable to this lack of meaningful constraints either externally or internally. In February 2006, the Procuratorial Daily published an article that recognized the lack of power exercised by lawyers and courts during the investigative stage of the criminal process, and highlighted the urgency of greater procuratorate supervision as the only means for reining in the police (Congressional-Executive Commission on China 2007, *Annual Report 2007*, 10 October, pp.46-47 – Attachment 2).

However, in respect of the flow of information between the central authorities and local officials abusing their power, an article published by the Jamestown Foundation states that:

Predictably, there have been constant complaints by Chinese citizens that local officials use PAP troops for extra-legal purposes such as tax and debt recovery, and land seizures. For example, the PAP was used to break up a large protest against illegal land grabs in Sanjiao, Guangdong Province in January 2006 [9] (BBC News, January 20, 2006). In May 2007, more than 1,500 PAP troops were used to break up a 20,000 strong protest against corrupt officials in Hunan Province (The Economist, March 15, 2007).

This temptation to use the PAP as a coercive instrument to entrench one's rule within a de facto kingdom is immense. **Local CCP leaders have a huge informational advantage over the central leadership who have little other formal sources of information other than what local authorities reveal.** It is difficult for central authorities to prove that local officials have abused their power or over-reacted when ordering any coercive action (Lee, John 2008, 'PAP: The rise of the Party's Army', *China Brief*, 18 June, Jamestown Foundation website http://www.jamestown.org/china_brief/article.php?articleid=2374250 – Accessed 19 June 2008 – Attachment 3).

A *South China Morning Post* article, dated 25 July 2008, reported that following riots against alleged police injustices government agencies were saying that officers would be “held to account for abuses of power and use of excessive force in dealing with petitioners”. Agencies released two documents detailing a new code of conduct for police in dealing with petitioners (Li, Raymond 2008, 'Under new rules, police face sack if they mishandle petitioners, riots', *South China Morning Post*, 25 July – Attachment 4).

A February 2007 *China Daily* news article reported that the Ministry of Public Security was increasing its efforts to uncover abuses of power by police:

The Ministry of Public Security is ramping up efforts to uncover abuses of power by police officers, and Minister Zhou Yongkang said there will be no mercy for offenders.

“We need stronger supervision of police officers to prevent misconduct and violation of the law,” the minister said at a police anti-corruption conference on Friday.

He said the ministry would not tolerate any case of law violation as it was a blight on the police force.

Ministry figures released at the meeting show that 5,942 police officers were found to have violated procedure or the law last year. Of them, 178 were convicted on criminal charges, and the others received either administrative penalties or punishment from the Communist Party of China.

Cases included extorting confessions by torture, misuse of guns and other police weapons, accepting bribes, and government procurement irregularities.

“The number was down 9.8 percent over 2005, which shows that our efforts have paid off,” secretary of the ministry’s commission for discipline inspection Zhu Chunlin said at the meeting.

“Forced confessions by torture and weapons misuse are also on a steady decline,” he added, attributing the drop to stronger discipline and a series of countermeasures including videotaping interrogations.

But he did not disclose the exact numbers of the two categories of cases.

Procuratorate authorities are clamping down on abuse of power as well. The Supreme People’s Procuratorate (SPP) announced on Thursday that it had found 306 prosecutors contravening laws or procedures across the country last year (Zhe, Zhu 2007, ‘Ministry zeros in on abuses of power’, *China Daily*, 10 February – Attachment 5).

An *Operational Guidance Note* produced by the UK Home Office in July 2007 refers to corruption and abuses of power:

According to the NGO Transparency International (TI) in its Corruption Perception Index 2006, China was placed 70 out of 163 in its citizens’ perceptions of the level of corruption, scoring 3.3 out of ten on a scale in which three out of ten indicates ‘rampant corruption’. There are indications that the government has been trying to stamp out practices for securing illicit gains in politics or business. It was reported in October 2006 that 67,505 corrupt officials have been punished since 2004. **According to official figures, 10,000 officials were found guilty of corruption or abuse of power.** 82.83 per cent were given suspended sentences compared to 52.6 per cent in 2001. In February 2007, it was reported that a total of 273 prosecutors were disciplined in 2006 for corruption (UK Home Office 2007, *Operational Guidance Note: China*, 12 July, para.3.12.5 – Attachment 6).

In June 2008, in Guizhou province, thousands rioted over a claim that police covered up the rape and murder of a girl. The *Shanghai Daily* reported that “two top police officers” were sacked when the dispute “escalated into a violent protest against the county government due to “improper handling” of the issue by local authorities” (‘Protests in two Chinese cities’ 2008, *BBC News*, 5 September <http://news.bbc.co.uk/2/hi/asia-pacific/7600762.stm> – Accessed 10 September 2008 – Attachment 7; Li, Raymond 2008, ‘Under new rules, police face sack if they mishandle petitioners, riots’, *South China Morning Post*, 25 July – Attachment 4; ‘Police officials sacked in wake of wild protest’ 2008, *Shanghai Daily*, 4 July – Attachment 8).

Although no information was found in the sources consulted specifically on “abuses of power” relating to the PLA there is information concerning the PLA and corruption.

The PLA experiences corruption problems but not to the same degree as in the 1980s and 1990s. Reasons include the professionalisation of the army and the decision to divest the military of its commercial operations (Zissis, Carin 2006, ‘Modernizing the People’s Liberation Army of China’, *Backgrounder*, 5 December, Council of Foreign Relations website <http://www.cfr.org/publication/12174/#4> – Accessed 20 October 2008 – Attachment 9; Fan, Maureen 2008, ‘In China, Police Clash With Protesters Who Invested in Illegal Schemes’, *Washington Post*, 6 September – http://www.washingtonpost.com/wp-dyn/content/article/2008/09/05/AR2008090503517_pf.html – Accessed 20 October 2008 – Attachment 10).

Fan writes in the *Washington Post*:

The new audit rules for the People's Liberation Army, which includes the army, navy, air force and the People's Armed Police, are designed to root out corruption, extravagance and waste at the top levels of the military, according to front page articles in the People's Daily, the official mouthpiece of the Communist Party, and in the Liberation Army Daily, the PLA's newspaper.

The audit results, which will categorize officials as excellent, good, mediocre and poor, follow more general regulations announced last year. They are part of a campaign to professionalize the military and prevent cases such as a major embezzlement scheme by the deputy commander of the navy two years ago.

"We should use the audit results to evaluate the officials and determine how they are promoted," the Liberation Daily news article said. "People who perform badly in their economic responsibilities, their positions should be changed. They cannot be regarded as officers with potential."

"The release of this opinion demonstrates that the PLA thinks it should be a role model in society, but under a market economy sometimes PLA officials are sometimes influenced by financial gain," said one Beijing-based senior PLA officer and researcher who argued that the new rules are preemptive (Fan, Maureen 2008, 'In China, Police Clash With Protesters Who Invested in Illegal Schemes', *Washington Post*, 6 September –

http://www.washingtonpost.com/wp-dyn/content/article/2008/09/05/AR2008090503517_pf.html – Accessed 20 October 2008– Attachment 10).

Information published by the Strategic Studies Institute of the US Army War College noted in relation to corruption and land sales by the military:

The potential for graft and corruption in these sales is obvious, and central oversight over the practice is mandatory. In fact, **in the summer 2006, a 5-year effort to combat military corruption was announced** with the audit of "983 leading officers, including 26 at army level, 135 at divisional level, and 822 at regimental level," to determine "if there are any irregularities involving budgetary work, building projects, equipment procurement, investment, real estate projects, and profitable services." (Blasko, Dennis J., 'PLA Ground Force Modernization and Mission Diversification: Underway in all military regions' in Kamphausen, Roy and Scobell, Andrew (eds) 2007, *Right Sizing the People's Liberation Army: Exploring the Contours of China's Military*, September, p.300, Strategic Studies Institute website <http://www.strategicstudiesinstitute.army.mil/pdffiles/PUB784.pdf> – Accessed 23 October 2008 – Attachment 11).

The *Backgrounder* article stated:

The government continues to expose corruption scandals, as it did this summer when the Central Military Commission dismissed the deputy commander of the Chinese navy, Admiral Wang Shouye, for taking about \$15 million in bribes. Mulvenon [deputy director at the Center for Intelligence Research and Analysis] says such outings are usually connected with sheer audacity, the loss of power by a particular individual, and the government's need to "scratch this public itch" of corruption. "There aren't elders doing all kinds of nefarious things," he says, to the same degree as in the past. Since divestiture, the PLA has undergone a large-scale combat modernization that coincided with the development of a more professional military force (Zissis, Carin 2006, 'Modernizing the People's Liberation Army of China',

Backgrounder, 5 December, Council of Foreign Relations website
<http://www.cfr.org/publication/12174/#4> – Accessed 20 October 2008 – Attachment 9).

Other information in connection with the abuses of power by local officials was reported by Human Rights Watch in a report relating to the harassment of lawyers in China:

The ability of lawyers to obtain justice for their clients is constrained by limits on freedom of expression and information. While the central government makes use of media exposure and “public opinion supervision [yulun jiandu]” to promote its policies and keep local officials’ corruption and abuses of power in check, it maintains that the media should not be allowed to become a platform for criticizing or opposing CCP rule, which in turn may result in limiting the exposition of official wrongdoing (Human Rights Watch 2008, *China: “Walking on Thin Ice”: Control, intimidation and harassment of lawyers in China*, April, pp.83-84 – Attachment 12).

Of interest may be the following information relating to discrimination against single women and single mothers:

There is a very active group for women: the All China Women’s Federation that is part of the Communist Party (<http://www.women.org.cn/english/index.htm>). They do a lot for the benefit of women in general, especially for women forced into marriage, forced into prostitution, etc. But their influence is limited by the local authorities, if the latter abuse their power. If there is, for instance, a party leader of a village, who wants to have a woman for his pleasure, then he will get her. This woman may complain, and ask the All China Women’s Federation for help. But whether the complaint might be successful, or whether the Federation can help, depends on the local situation. In some village they might not be able to help. In another village the party leader might even lose his job. The outcome depends on the power of the local leader and on how good the contacts of the Women’s Federation to other levels within the party hierarchy are.

It is difficult to say whether this organisation is present everywhere in the PRC. But in principle it has the same structure as the CCP, so it is probably present in every district (not in every town) (Weyrauch, Thomas 2006, *Important Aspects on Human Rights in the People’s Republic of China*, 10th European Country of Origin Seminar in Budapest (1-2 December 2005), ECOI website, 17 March, p.17 – Attachment 13).

List of Sources Consulted

Internet Sources:

Google search engine <http://www.google.com.au/>
Silobreaker search engine <http://www.silobreaker.com/>
Amnesty International <http://www.amnesty.org/>
Human Rights in China (HRIC) <http://www.hrichina.org/public/index>
Human Rights Watch <http://www.hrw.org/>

Databases:

FACTIVA (news database)
BACIS (DIAC Country Information database)
REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments

1. US Department of State 2007, 'Role of the Police and Security Apparatus' in *Country Reports on Human Rights Practices for 2007 – China*, 11 March, Sect. 1.d.
2. Congressional-Executive Commission on China 2007, *Annual Report 2007*, 10 October, pp.4-5, 45-47, 221.
3. Lee, John 2008, 'PAP: The rise of the Party's Army', *China Brief*, 18 June, Jamestown Foundation website http://www.jamestown.org/china_brief/article.php?articleid=2374250 – Accessed 19 June 2008. (CISNET China CX202737)
4. Li, Raymond 2008, 'Under new rules, police face sack if they mishandle petitioners, riots', *South China Morning Post*, 25 July. (FACTIVA)
5. Zhe, Zhu 2007, 'Ministry zeros in on abuses of power', *China Daily*, 10 February. (FACTIVA)
6. UK Home Office 2007, *Operational Guidance Note: China*, 12 July, para.3.12.5.
7. 'Protests in two Chinese cities' 2008, *BBC News*, 5 September <http://news.bbc.co.uk/2/hi/asia-pacific/7600762.stm> – Accessed 10 September 2008. (CISNET China CX209760)
8. 'Police officials sacked in wake of wild protest' 2008, *Shanghai Daily*, 4 July. (FACTIVA)
9. Zissis, Carin 2006, 'Modernizing the People's Liberation Army of China', *Backgrounders*, 5 December, Council of Foreign Relations website <http://www.cfr.org/publication/12174/#4> – Accessed 20 October 2008.
10. Fan, Maureen 2008, 'In China, Police Clash With Protesters Who Invested in Illegal Schemes', *Washington Post*, 6 September – http://www.washingtonpost.com/wp-dyn/content/article/2008/09/05/AR2008090503517_pf.html – Accessed 20 October 2008.
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12. Human Rights Watch 2008, *China: "Walking on Thin Ice": Control, intimidation and harassment of lawyers in China*, April, pp.83-86.

13. Weyrauch, Thomas 2006, *Important Aspects on Human Rights in the People's Republic of China*, 10th European Country of Origin Seminar in Budapest (1-2 December 2005), ECOI website, 17 March, pp.16-17.