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AUSTRALIA

RRT RESEARCH RESPONSE

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Questions

1. Is there a labour camp called Liaoning Masanjiazi Labour Camp and was it in existence in March 2006 until March 2007?
2. If it is in existence, please provide me with some basic information about this camp.
3. Please provide me with some basic information about labour camps and procedures for release.

RESPONSE

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The Laogai Handbook 2005-2006 is a list of prisons, labour camps, detention centres and similar facilities in China, compiled by the US-based Laogai Research Foundation. The Foundation states that the Handbook is “the most authoritative record that exists on China’s Laogai (Reform through Labour) system”. This does provide basic information on (1) a prison complex in Masanjiazi town, Yuhong District, Shenyang; and (2) a prison called “Masanjia RTL (“Reeducation through Labour”) in Western Shenyang City. Both are in Liaoning Province. The authors of the Handbook give the business or public name of the camp under “Enterprise”, while the camp or prison name according to the Ministry of Justice is under “Prison”.

1. Prison complex in Masanjiazi town, Yuhong District, Liaoning Province:
The *Laogai Handbook 2005-2006* provides the following details on this facility:

<table>
<thead>
<tr>
<th>Enterprise</th>
<th>Prison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shenyan Waterproofing Works; Construction and New materials Plant Ltd Heat Preserving Tubes Plant</td>
<td>Shenyang No.1 Prison</td>
</tr>
</tbody>
</table>

Details: Location: Masanjiazi Town, Yuhong District; Postal Code 110145; Tel: 024-88200384/8820039. Shenyang No. 1, 3, 5 prisons merged, Oct. 21, 2003 moved to new site. New prison 245,000 sq. m., inmates have 10-15 yr sentences, a secondary alert prison. 22 prison monitoring zones, 4 enterprises, 18 companies including: agricultural, chemical, construction, real estate development, new building materials, clothing, etc., extensive foreign joint venture operations. Shenyang Construction Waterproofing Engineering est. 2005 with city real estate bureau, Xiangfeng group enterprises, etc. Shengbailun biology drug manufacture ltd. co. signed contract for 600,000 yuan, to create Shenyang subway waterproofing engineering project. SBS volume material foundation coating factory cooperation developed JS cement waterproofing coating and the acrylic acid polymer coating. Zhongji new material ltd. co. tubular factory in 2006 first batch of orders form Xinbei thermoelectricity near 5,000 m. tubular holders, as of Apr. 20, 2006 had 14 production areas


2. Masanjia RTL (“Reeducation through Labour”), Western Shenyang City:

The *Laogai Handbook 2005-2006* provides the following details on this facility:

<table>
<thead>
<tr>
<th>Enterprise</th>
<th>Prison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Masanjia Xinsheng Farm</td>
<td>Masanjia RTL</td>
</tr>
</tbody>
</table>

Location: Western Shenyang City

Est. on Aug. 31, 1957. Medium-sized agricultural enterprise, area 23,800 mu, including a farm and orchard of 16 T mu. Also has a pig farm with an annual output of 30 T head, a chicken farm, a machine works and a clothing factory. Main products for export are MDL-83 far-infrared welding rod driers and MD-78 crush beater machines. Other products include cooling filters, oil pumps and electrode iron pattern plates. Total output 850 T in 1958, 104.4 million in 1997. From 1957 to 1997 held a total of 36 T prisoners. Became one of the largest centers for detaining Falun Gong practitioners in Liaoning and even in China after 1999.


According to a 2001 article on the Falun Gong website Clear Harmony, the “Masanjia Labour Camp, [is] also known as Masanjiazi Reform Centre”. For this and other information on this camp, including from an earlier *Laogai Handbook*, please see question one of the recently completed *RRT Research Response CHN33071* (RRT Research & Information 2008, *RRT Research Response CHN33071*, 13 March – Attachment 2).
3. Please provide me with some basic information about labour camps and procedures for release.

Basic information on labour camps in China is provided in the introduction to the Laogai Handbook (The Laogai Research Foundation 2006, Laogai Handbook: 2005-2006, October – Attachment 1). The Laogai Research Foundation writes on “reform through labour” (laogai) in the following terms:

The Chinese word Laogai, meaning “reform through labor,” refers to a system of forced labor camps that spans China’s territory – from the highly industrialized prison factories of the eastern coastal cities to the isolated, fenceless farms of the West. And while Chinese officials and others tout the so-called “legal reforms” that are being carried out in the market economy dominating China today, these reforms have not brought about real changes to the Laogai system, and the camps are more prevalent than ever (p.5)

…In the fifty years since the creation of the Laogai, little of its organizational structure has changed. The Laogai system, despite minor modifications in regulations, is still governed by the same directives that were issued under Mao. These policies have led to three distinct categories of incarceration: Convict Labor Reform (Laogai), Reeducation through Labor (Laojiao), Forced Job Placement (Jiuye), and five sub-categories: detention centers, custody and repatriation, shelter and investigation, juvenile offender camps, and psychiatric hospitals. Today the Laogai system is thriving and an unknown number of people continue to suffer in 1,045 camps. While many are incarcerated for ordinary crimes, others are convicted of crimes that are political in nature, such as “endangering state and public security” or “revealing state secrets”. These crimes are so broadly defined that essentially authorities can arrest almost anyone. (p.6)

…Components of the Laogai

The Chinese Communist Party utilizes numerous forms of imprisonment under China’s Public Security Bureau (PSB), the Ministry of Justice, and the People’s Liberation Army. LRF [Laogai Research Foundation] has gathered evidence on the main components of the Laogai as defined by Chinese law, policies, and practices. The legal definition of the Laogai includes the following components: prisons (jianyu), reform-through-labor detachments (laodong gaizao 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
Other reports also refer in brief to the forced labour system. According to a Congress-Executive Commission on China report:

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 (Congress-Executive Commission on China 2006, Annual Report 2006, 20 September, pp.6-7 – Attachment 3).

The US State Department reported that:

Forced labor remained a serious problem in penal institutions. Many prisoners and detainees in reeducation-through-labor facilities were required to work, often with no remuneration. There is no effective mechanism to prevent the export of goods made under such conditions (US Department of State 2008, Country Reports on Human Rights Practices for 2007 – China, 11 March, Sect. 6.c/ ‘Prohibition of Forced or Compulsory Labor’ – Attachment 4).

In 2002, Amnesty International also commented on the origins and use of the Re-education through Labour (RTL) system in China:

“Re-education through Labour” (laodong jiaoyang)

The system of “re-education through labour” – a form of administrative detention imposed as a punishment – is based on a State Council Decision approved by the National People’s Congress in 1957, which was later updated with new regulations.

“Re-education through labour” (RTL) involves detention without charge or trial, and without judicial review, for between one and three years – which can be further extended by one year. People receiving terms of “re-education through labour” have no right of access to a lawyer and there is no hearing for them to defend themselves. “Sentencing” or assignment to a term of RTL is usually decided by the public security (police) alone, without judicial supervision or review.

RTL does not objectively address “crime”. It applies to people who are regarded as troublemakers or accused of minor offences which are not considered to amount to “crime” and which therefore are not prosecuted under the criminal justice system. Under the regulations on RTL, people who can be subjected to this punishment include those regarded as being “counter-revolutionary”, “anti-Party” or “anti-socialist” elements, as well as a broad range of people who are deemed to disturb public order, such as prostitutes, drug addicts, people visiting brothels, and those who engage in fights, petty theft or other minor offences and misdemeanours.

The use of this form of administrative detention has increased considerably in recent years. According to official statistics, in 1996 there were 200,000 people in RTL camps in China. By early 2001, the number had increased to 310,000. Although recent official figures are not available, the number is believed to have further increased since then – notably due to the continuing campaign against the Falun Gong and the Strike Hard campaign against crime launched in April 2001 (Amnesty International 2002, People’s Republic of China: Establishing the rule of law and respect for human rights: The need for institutional and legal reforms. Memorandum to the State Council and National People’s Congress of the People’s Republic of China, 22 September, ASA 17/052/2002, Section 2.2, p.6 – Attachment 5).
A detailed analysis of the Re-education through Labour (RETL) system in China from its inception is provided in chapter six of Sarah Biddulph’s 2007 work, *Legal reform and Administrative Detention Powers in China*. The chapter mainly describes the array of laws, regulations and procedures in place governing RETL, and those groups (including Falun Gong) and offences which labour reform has targeted (see especially pp.193, 195-196, 205-206). Problems on the procedures approving someone for RETL, and 2002 and 2004 regulations introduced by the Chinese government intended to address some of these problems, are also described (see pp. 214-216). The author comments briefly on matters to do with release at the end of the chapter:

Currently the term for RETL [Re-education through labour] is between one and three years. The RETL Examination and Approval Committee determines the initial period of detention. For the first time in 2002, the MPS specified the principles for determining the length of RETL, providing that it should take account of the nature and circumstances of the offence, the motivation of the person and the degree of social harm caused. Nine discrete time periods are now prescribed, starting with one year and increasing in three-month increments up to the maximum of three years. A minor should not be given a term exceeding one-and-a-half years.

Depending on the behaviour of the RETL camp detainee, the camp management may adjust the amount of time actually spent in the camp. If the person at the end of their term has not reformed well, the period of detention may be extended for periods that cumulatively do not exceed one year. The MoJ [Ministry of Justice] and the RETL organs are responsible for management, education and reform of inmates and are entrusted by the RETL Management Committee to carry out the examination and approval of giving early release, extending or shortening the time for RETL by up to three months (Biddulph, S. 2007, *Legal reform and Administrative Detention Powers in China*, Cambridge University Press, Cambridge, pp. 217-218 – Attachment 6).

A 2005 Human Rights in China (HRIC) Brief, ‘Reform of the Reeducation through Labor System’, states that: “Sentences run from one to three years’ confinement in a camp set in a farm or factory, but can be extended to a fourth year if, in the prison authorities’ judgment, the individual has not been sufficiently re educated, fails to admit guilt or violates camp discipline” (Human Rights in China (HRIC) 2005, ‘Reform of the Reeducation through Labor System’, *China Rights Forum*, No. 2, p.31 – Attachment 7).

Jennifer Zeng, author of *Witnessing History: One woman’s fight for freedom and Falun Gong* (2005), an FG practitioner, and former refugee, described in detail the procedures leading up to her release from a labour camp in 2000, during a Seminar presented to Refugee Review Tribunal Members in Sydney on 22 June 2006:

The police in the labour camp very clearly told us that the only purpose for us to be sent to the labour camp is to get us reformed, so from day one of our arrival in the labour camp, every day for us was a struggle between life and death, every day you are under a new pressure of giving up your belief and to write a statement to give-up – to denounce your own belief. If you couldn’t, another day was another torture, and you knew, as long as you didn’t write the statement, the labour camp sentence, even if you finished, you’ve served all your labour camp sentence, you were still not to be released. That was made very clear to us

So every day, and because there were newcomers every other day, or every other week, so every day I witnessed that kind of thing happened around me. And halfway through my – and I had been trying very hard to withstand all these atrocities happening around me for halfway
through my labour camp sentence. Then I suddenly developed a very strong desire to write a book about this and to expose this all to the whole world. I couldn’t believe that that kind of things still existed in the so-called ‘modern civilisation age’ or ‘modern China’ or ‘new China’. But to be released and to be able to write this book, I knew I must denounce my own belief. So the struggle of 1) to get out of the labour camp and 2) to give up my belief, nearly killed me for one thousand times, but anyway, finally, I decided, “I’m going to write that statement.” So I did it in October 2000. And I thought, ‘That was it. I’ve done what they wanted me to do and they will leave me alone and give me peace.”

But I, I was wrong. It’s not as simple as, as long as you write a statement to denounce your belief they will give you peace – no, it’s not like that. The second step is that you must write long, long essays to criticise and to slander your belief. You must explain very clearly why you choose to denounce and what process has gone through your mind for you to reach your decision. And every day we were asked to write ‘thought reports’ to the police. Then after you wrote the long essay, you were required to read it out loudly in front of all the people in the labour camp – hundreds of them – and they’ve got a camera to record down everything you did. Because I got a Masters Degree of Science, I couldn’t just write one piece of paper and that [would be] okay, I was forced to write an eighteen-page thing, until the police were satisfied. And then that was still not the end of it.

The next step is you had to help the police to torture those newcomers. To help them to watch them and forbid them to sleep. And to convince these newcomers, ask them to learn from you to give up their beliefs. Otherwise you were still not regarded as having been properly reformed, because there was a policy. That is, if you renounce your statement written in the labour camp after you were release, if you declare the statements you wrote in the labour camp were null and void, the police who released you would get fined their half-year’s salary, so the police must make sure you have really, really, from the bottom of your heart, and from your real thoughts, that you’ve given up your belief. So, even if I’ve done all those things, they still suspected me, they still got people around me twenty-four hours, watching me and trying to figure out what I’m really thinking, or do I still care about Falun Gong or not? So those remaining half-year in the labour camp after I actually signed a statement was most terrible time for me. There were many occasions that I was on the very verge of totally collapsing, because I couldn’t balance myself between those two kinds of things. I felt that my integrity was coming apart. I felt nauseous, and deep within I knew I was terrified that one day my spirit would shatter completely because of this irredeemable shattering of my integrity. It was just too cruelly to any human being.

On the day when I was released, the local police from my local police station went to the labour camp and took me directly to the local police station and said very clearly to me that I had to go to the brainwash classes set up in my local area, to help the police to brainwash the practitioners there. Because there were too many Falun Gong practitioners, they couldn’t send them all to the labour camps, so there were brainwash classes set up all around the country. And I couldn’t refuse; otherwise I would, I could be sent back to the labour camp right away (RRT Members Seminar 2006, “Falun Gong: A Practitioner Perspective”, 22 June, held at Sydney RRT/MRT, pp.3-6 – Attachment 8).

List of Sources Consulted

Internet Sources:

Government Information & Reports
Amnesty International http://www.amnesty.org/

Non-Government Organisations

**Topic Specific Links**

- China Yellow Pages website http://www.yellowpageschina.com
- Crown Limited website http://www.crownlimited.com/

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- FACTIVA (news database)
- BACIS (DIAC Country Information database)
- REFINInfo (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**


7. RRT Members Seminar 2006, “Falun Gong: A Practitioner Perspective”, 22 June, held at Sydney RRT/MRT.