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# PEOPLE'S REPUBLIC OF CHINA

## Religious repression in China

*"Freedom of religious belief is not 'freedom for religion'"*  
*The Xinjiang Daily, 18 May 1996*

### 1. INTRODUCTION

There has been a substantial religious revival in China over the past 15 years. In March 1996, a Chinese delegate to the United Nations Commission on Human Rights in Geneva, stated that "hundreds of millions" of people are followers of the five officially recognized religions in China - Buddhism, Daoism, Islam, Catholicism and Protestantism<sup>1</sup>. The government however stated in December 1995 that there was no exact estimate of the number of Buddhists and Daoists in China and that there were 17 million Muslims, 4 million Catholics and 6.5 million Protestants in the country<sup>2</sup>. According to unofficial sources these figures are far below the real numbers.

Many religious believers belong to groups which are not recognized by the authorities, whose members are periodically harassed or detained, and some of their leaders imprisoned. This report describes some such cases and incidents of harassment. The cases cited represent just a few of those known to Amnesty International. Further information about individuals detained or harassed for their peaceful religious activities can be found in "China: Repression in the 1990s - a directory of victims" (AI Index: ASA 17/48/96, May 1996). The Directory lists 180 people believed to be currently imprisoned or to have been periodically detained by the authorities because of their religious beliefs.

### 2. OFFICIAL POLICY:

#### RENEWED FOCUS ON "NATIONAL UNITY AND PATRIOTISM"

The Chinese authorities have recently reiterated the need to emphasise "patriotism" in all religious activities, in particular for the practice of religion by Buddhists in Tibet and Muslims in north-west China. In these regions, religion is seen by the authorities as a potential threat to national security because of its close association with the cultural and national identity of ethnic groups. This concern was recently made clear by Duan Qiming, a Chinese delegate to the United Nations Commission on Human Rights in Geneva, who said in March 1996 that "No one, no association and no religion can be allowed to violate national law, infringe upon the interests of people, foment splits among its nationalities and sabotage national unity"<sup>3</sup>.

Similar concerns have been voiced periodically by Chinese officials and were reiterated recently at a major conference on religion in China, held in Beijing on 14 January 1996. Officials at the conference claimed that some people "were using religion to subvert the state"<sup>4</sup>. State Councillor Ismail Amat was reported as saying at the meeting that "those who make use of religion to interfere with administrative,

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<sup>1</sup> Xinhua news agency, 29 March 1996.

<sup>2</sup> "The Progress of Human Rights in China", a white paper published by the Information Office of the State Council on 27 December 1995.

<sup>3</sup> Xinhua, 29 March 1996, BBC Summary of World Broadcasts 1 April 1996.

<sup>4</sup> Xinhua, 14 January 1996, BBC Summary of World Broadcasts, 15 January 1996.  
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judicial, marital, educational and other social affairs, especially those who take advantage of religious reasons to split the country, must be severely cracked down upon according to law. ... Rule of law over all social affairs is one of the major characteristics for a modern society, and religious affairs are no exception.”

The meeting identified “three immediate tasks required to clean up problems in religion this year” which are, "to order all places of worship to register; to deal with difficult religious problems of public concern and to cultivate contingents of young, patriotic religious preachers".

Ismail Amat urged closer cooperation between the Chinese Communist Party (CCP) and religion. He described the general religious situation as “stable”, but said that the authorities faced new challenges due to China’s rapid economic reform. Religious work, he said, should "serve" the economic and social development goals and be built into provincial work plans set for the next five and 15 years. According to him, during that period China “will build up a relatively complete set of legal framework and supervision mechanism over religious work<sup>5</sup>".

On 13 February 1996, Li Ruihuan, Chairman of the Chinese People’s Political Consultative Conference, also stated that national unity was a "basic requirement of the Chinese Communist Party and Chinese government, the consensus of both religious leaders and their followers, and the code of conduct that all religious groups and believers must observe.<sup>6</sup>" Observing this requirement was "conducive to completely implementing the country's policies on freedom of religious beliefs, safeguarding the legitimate rights, interests, and status of religious groups and normally conducting religious activities”.

The need to emphasise "patriotism" within religious groups was also the major theme of an article in the official newspaper, the *People’s Daily*, on 14 March 1996. The article cited President Jiang Zemin’s “‘three sentences’ in carrying out religion-related work well” as being to “implement the party’s religious policy fully and correctly”, "strengthen management of religious affairs according to law" and "actively guide religion so that it can be adapted to socialist society ...”. As shown by the three sentences, religious policy in China is determined by the political authorities and religious affairs are closely controlled by them. The article stated "it is necessary to win over, unite with and educate religious personalities, bring up a new generation of patriotic clergy in a planned way and give full play to the role of patriotic religious groups.” Religious groups must “uphold the sanctity of the law, the people’s interests, nationality solidarity and national unity as the most fundamental code of behaviour”.

These official statements make clear the authorities' intention to reinforce control over religious affairs in China and to repress any religious activity deemed to be a potential threat to the stability and "unity" of the country.

The trend toward increased control over religious activities started in 1994 when two national regulations on religion were introduced. On 18 May 1996, a commentary published in *The Xinjiang Daily* explained that Article 36 of the Constitution protects the rights of believers and nonbelievers, but that “freedom of religious belief” which is protected, is not the same a “freedom for religion”. It stated: “Freedom of religious belief does not mean that anything can be done in the name of religion or that religious figures

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<sup>5</sup> ibid

<sup>6</sup> *Agence France Presse*, 14 February 1996.

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can disregard the law. They must proceed with their religious activities within the bounds of the Constitution and the law. We must take powerful and decisive measures to stop religion from interfering in political and social affairs ... Nobody may preach religion in public areas other than in places for religious activities or incite religious fanaticism. Religious activities may not impede the order of production, work, traffic or people's livelihoods. ... we must strictly distinguish legitimate and illegitimate religious activities ..."<sup>7</sup>.

### 3.LEGISLATION

In January 1994, two national regulations on religious activities came into force<sup>8</sup>. They included some new guarantees to protect human rights, but also consolidated restrictions on religious activities which "undermine national unity and social stability", a formulation that leaves room for wide interpretation.

The stated aim of the first regulation, entitled "Provisions on Managing Foreign Nationals' Religious Activities Within the Boundaries of the People's Republic of China" is "to protect the religious freedom of foreigners" within China. While guaranteeing the right of foreigners to take part in religious activities, the regulation stipulates that such activities must be carried out within officially recognized places.

The second regulation, entitled "Regulations on the Management of Places of Religious Activities" aims to protect "normal religious activities" which excludes activities deemed to be "disrupting public order, impairing the health of citizens and interfering with the state educational system", and "foreign domination" over religious bodies or affairs in China.

Article 2 of "Regulations on the Management of Places of Religious Activities" states that all "places of religious activities" - that is temples, monasteries, mosques, churches, or other "fixed locations where religious activities are conducted" - must be "registered" with the authorities according to rules formulated by the government's Religious Affairs Bureau (RAB). This was already a requirement under local regulations in some provinces and has been government policy for many years. It means in effect that religious activities conducted in unregistered places are considered illegal and those involved may be detained and punished.

Since the promulgation in 1994 of the national legislation on religion, many provinces have passed corresponding regulations governing the administration of religious affairs at provincial level and taking into account the situation in their province. For example, on 22 March 1994, the Guangxi Zhuang Autonomous Region promulgated "Interim Regulations of the Guangxi Zhuang Autonomous Region on the Administration of Religious Affairs", article 1 of which states "These regulations are formulated in accordance with the relevant laws, rules and regulations and in light of the actual conditions of our region to safeguard citizens' freedom of religious belief, protect normal religious activities, strengthen administration of religious affairs and maintain social order." The local religious affairs department is responsible for interpreting and implementing these regulations.

Similar Regulations were issued in July 1994 in the Ningxia Hui Autonomous Region. According to a

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<sup>7</sup> BBC Summary of World Broadcasts, 6 June 1996.

<sup>8</sup> See AI document, *Protestants and Catholics detained since 1993*, ASA 17/06/94, March 1994.  
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report by the official news agency *Xinhua*, the region has a Muslim population of 1.6 million out of its 4.9 million total population<sup>9</sup>, and since the late 1980s, more than 2000 mosques, churches and temples had opened in the region. *Xinhua* added that Ningxia has one of the “largest religious populations in Chinese regions. Buddhist and Catholic populations are also expanding there.”

On 15 January 1996, *Xinhua* emphasised the need to give wider publicity to China’s religious policies and decrees in order to meet “the demands of the times for reform and opening up and to bring religion vigorously in line with socialist society”<sup>10</sup>. In 1995 the State Council Bureau for Religious Affairs founded the Religious Culture Publishing House in 1995 to publish information on religious policy. It also began publishing *Zhongguo Zongjiao* (Chinese Religions), described as “the first comprehensive journal introducing our country's religious situation, policies and decrees” with the aim of promoting “unity, patriotism, stability and service”.

## 4. REGISTRATION AND REPRESSION

The legal provisions requiring registration of all religious groups have been used against various groups, including members of Protestant house churches who organize religious meetings in private homes without having registered with the authorities. Many members of such groups have been repeatedly detained, fined or harassed by police. Some house churches have voluntarily suspended their meetings because many of their members were being harassed, others have regularly changed premises and meeting times for their worship and some congregations have even stopped singing in order to evade detection.

Pressure to register is reported to have increased in the past year, and reports from various areas show that official control over religious activities has been stepped up. Unregistered Protestant churches in Shanghai have been under increased government pressure since December 1994 when authorities announced that “it was illegal to hold any religious activities in unregistered places of worship”. The authorities reportedly threatened to fine any person found attending or leading an unregistered house church meeting. Religious books, tapes and collection boxes have reportedly been confiscated.

In some areas, specific rules have been imposed for registration. In one county in Anhui province, registration reportedly requires having “three certificates”, the preacher’s certificate, baptism certificate and registration certificate, which must be paid for. The “registration certificate” is described as being an operational license for a particular religious meeting place. In addition, according to some sources, there is a “three-fix” policy which consists of “fixing the place of the meeting, fixing the district within which church work is allowed, and fixing the preacher”. Other rules reportedly include the “three not-alloweds” which prohibits certain categories of people from being religious believers, namely family members of cadres, people under the age of 18 and family members of Party members.

In Henan province, Christians in the Zhoukou area are reported to have been issued with forms asking for the age, gender, level of education, nationality, religion and number of believers in their household. Many have reportedly refused to complete the forms. Helian Zhaoxuan, head of the Henan province Three-Self

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<sup>9</sup> *Xinhua*, 17 July 1994.

<sup>10</sup> BBC Summary of World Broadcasts, 20 January 1996.

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Patriotic Movement of Protestant Churches (TSPM) - the government-sponsored Protestant association - was reported to have said in 1995 that the province's church registration drive had been "going smoothly" but had been extended because of the large number of unregistered churches in the province.

Local house church leaders in Zhoukou have said that they do not believe it is possible to register without coming under the control of the TSPM or the government's Religious Affairs Bureau. Some have pointed out that although the house churches are not opposed to registration, they are opposed to Christian groups being used for political purposes. In 1995 several house church leaders from Zhoukou were summoned to attend "study sessions" organized by the TSPM and others have been fined or detained and some assigned to long terms of imprisonment. The Hong Kong newspaper, the *Eastern Express* on 30 August 1995 cited Helian Zhaoxuan as saying that administrative sentences would encourage those sentenced to "respect the religious laws of the country".

The disparity in provincial-level implementation of registration procedures was noted in a report by the World Council of Churches after a thirteen-member delegation visited China from 6-17 May 1996. The delegation commented that "the implementation of the registration of religious groups has given rise in some places to abuses of state power that trouble both church and state authorities"<sup>11</sup>.

The delegation, who commented on the "breathtaking speed" at which China's Christian community is growing, visited Zhejiang, Henan and Liaoning provinces as well as Beijing. In Zhejiang and Liaoning provinces, they reported that church registration appeared to be nearly complete and groups who did not meet leadership, structural or financial requirements were being given assistance to do so. In these provinces, according to the delegation, groups which had not sought to register appeared to be allowed to continue their religious activities "with tolerance and lack of interference".

However, in Henan province the delegation "was able to piece together a pattern of state abuse with respect to the implementation of the decrees on religion". They heard reports of official corruption, lack of clarity in local regulations and the arbitrary implementation of national laws. Many unregistered groups had been warned to cease functioning, although some were still tolerated. The delegation commented that the Religious Affairs Bureau in Henan "serves as a state security organ" and that it "interferes, at times blatantly, in the internal practices of the churches, restricts their freedoms beyond the limits of the law, monitors them for political loyalty, and in general holds them on a very tight leash".

In Beijing the delegation were told that registration had not yet begun so that the municipality could benefit from the experiences of others before starting. However, the delegation felt that this caution could be attributed to Beijing's "particular exposure to international press scrutiny, and wanted to avoid at all costs still more international criticism of its religious policies and their applications".

The Director of the Religious Affairs Bureau of the State Council Ye Xiaowen, identified completion of registration as one of three main goals during a speech to provincial Religious Affairs Bureaux in January 1996<sup>12</sup>. According to Ye Xiaowen, registration was almost concluded in thirteen provinces and was continuing in nine provinces, three provinces had just started, and five were preparing to start. He

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<sup>11</sup>World Council of Churches Press Briefing "WCC Delegation to China Encounters Rapidly Growing, Vulnerable Christian Communities", 22 May 1996.

<sup>12</sup>Amity News Service, February 1996, reporting on an article from 1 February 1996 edition of the newspaper of the Chinese People's Political Consultative Conference.

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reportedly added that registration was not an aim in itself, but “an instrument” for the better management of religious affairs.

Work-teams, consisting of provincial Religious Affairs Bureau and Public Security Bureau officials, are reported to have been sent to several Catholic dioceses in Hebei province in January 1996<sup>13</sup> in order to record and register religious premises used by Catholic communities in the area. Many local Catholics are reported to have resisted filling in the forms as requested by the work teams and some have been subsequently put under surveillance by the police.

In an interview with the official church magazine *Tian Feng*<sup>14</sup>, Sha Guangyi, from the Jiangsu provincial Religious Affairs Bureau, said that the process of registering places of religious worship in Jiangsu province had been satisfactory to believers, churches and government officials alike. According to the same report, five out of seventeen unapproved meeting places belonging to the illegal “Spirit Sect” in Shuyang county were given approval after “careful consideration” and their leadership receiving education and a warning to cease preaching the beliefs of the Sect.

In December 1995 Christians wishing to attend Christmas services in Beijing and Shanghai, reportedly had to buy tickets in advance from the patriotic church. When buying the tickets they were asked to confirm that they were Christians and had to give their names, addresses and other personal details. At the Beitang church in Beijing, Christmas church-goers were permitted to enter by presenting their tickets and walking, single-file, between barriers, while being watched by plainclothes security officers. Only foreigners were permitted to enter without tickets.

Two religious groups, the International Christian Association and the Shanghai International Fellowship, formed by foreigners in Shanghai are reported to have closed after the promulgation of the Shanghai Municipal Regulations on Religious Affairs. The regulations, which came into force in March 1996, reportedly state that foreigners may attend registered churches, but may not establish their own organizations.

## 5. REPRESSION AGAINST CHRISTIAN GROUPS

In the Christian community, much of the expansion in the past fifteen years has been in religious groups who conduct their activities outside the officially-recognized Protestant and Catholic churches. Each of the five officially-recognized religions is administered by a government-organized “patriotic association” which is responsible for monitoring religious activity and implementing government policy. These organisations were established in the 1950s with the aim of ensuring that religious practice in China is “free of any foreign domination”. The Catholic Patriotic Association (CPA), for example, was created in 1957 to replace the authority of the Pope over the Chinese Catholic Church. Over the years, Catholics who remained loyal to the Vatican and refused to join the CPA have been persecuted. Similar persecution was meted out to Christian groups who organised religious activities independently of the Three-Self Patriotic Movement of Protestant Churches of China (TSPM), which was founded in the 1950s on the principle that the Protestant churches in China should be self-administered, self-supporting and self-

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<sup>13</sup> UCA News, February 29-March 1, 1996.

<sup>14</sup>Amity News Service, April 1996.

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propagating.

The crackdown on members of religious groups which are not registered with the authorities has intensified since 1994. For ordinary members of such groups, the harassment has often taken the form of repeated detentions and heavy fines. Fines as large as 1000 *yuan* - the equivalent of several months' income in rural areas - have been imposed on people found to be participating in what the authorities regard as "illegal" religious activities and, in some cases, such fines have been imposed on individuals more than once a year.

Harsher punishments, including long terms of imprisonment, have been imposed on those identified by the authorities as leaders of "illegal" religious groups. Some groups have had their property confiscated, and their places of worship and houses demolished by the authorities. In some instances such actions have been carried out in deliberately intimidating fashion by "work teams" consisting of large numbers of police and cadres escorted by trucks, tractors and bulldozers. There have also been many reports of police inflicting severe beatings on religious believers during police raids on peaceful religious gatherings.

Harassment of Christians has often increased prior to, and during, important events or Christian festivals such as Christmas and Easter. During the United Nations World Conference on Women, held in Beijing in September 1995, several prominent Christian activists were warned by the authorities not to try to contact delegates to the Conference, and some were reportedly warned not to permit foreigners to attend services at their churches. Several Christians were temporarily detained by the police during the Conference, many were harassed, questioned, put under surveillance or told not to leave their homes.

According to reports, an internal Chinese Communist Party document published in February 1996 stated that there are about 70 million religious believers in China. Around 25 million of these were reported to be Catholics and Protestants - one million in Beijing and Tianjin cities and a further eight million in Guangdong, Guangxi Zhuang and Fujian provinces. These figures contrast with the official figures published by the government (see page 1).

The internal document is said to contain reports of investigations carried out by the public security bureau and Ministry of Civil Affairs into the nature and influence of religious organizations in cities and villages. According to these reports, in cities many Catholics and Protestant believers are intellectuals, management executives and educated middle-aged people. In villages many are newly enriched peasants or village officials. The reports apparently also showed that, in recent years retired officials and intellectuals had joined the Catholic or Protestant church, and religious groups now existed within government authorities and academic organizations and among those working in science and technology and industry.

Below are a few examples of members of Christian groups who have been detained by police during the past year because of their religious beliefs or activities.

## **5.1 Roman Catholics**

Many Roman Catholics from Yujiang diocese, Jiangxi province, have been harassed, detained and fined



for their religious activities. In April 1995, during Easter celebrations, between 30 and 40 Roman Catholics were detained by police officers from Linchuan city, Jiangxi province, after a mass prayer meeting was held on Yujiashan mountain. Most of those detained were released after payment of a fine equivalent to about three months' income but four people were charged, sentenced and are currently serving prison terms. Three men, **Pan Kunming**, **Yu Qixiang** and **Yu Shuisheng**, and one woman, 18 year-old **Rao Yanping**, received sentences of between two and five years' imprisonment<sup>15</sup>. Their appeals against their sentences were rejected. Four of their relatives have subsequently filed a further appeal with the Supreme People's Court. The full text of the appeal is attached to this document as an appendix. The appeal questions the legality of the sentences and the objectivity of the court and judges. It also makes arguments on points of law and refers to the rights to freedom of assembly and religion as guaranteed in the Chinese Constitution.

**Guo Bole**, a 58 year-old Jesuit priest, went missing from his home in Shanghai in November 1995 after he celebrated Mass for 250 fishermen on a boat. His detention was subsequently confirmed. On 4 January 1996, Guo Bole was assigned to two years' reeducation-through-labour, an administrative punishment imposed without charge or trial, by the Reeducation-through-Labour Committee of Suzhou, Jiangsu province. He was accused of "conducting illegal religious activities" and "disturbing social order" including having carried out "illegal evangelical work, offered Masses, administered Sacrament to the sick ... supported the Roman Pontiff" and "boycotted the Patriotic Association". He has been detained previously for his "illegal" religious activities.

**Zeng Jingmu**, 76 year-old Roman Catholic Bishop of Yujiang diocese, Jiangxi province, was detained in late November 1995<sup>16</sup>. At the time of his detention he was reported to be suffering from a serious case of pneumonia which he contracted while previously in detention in October 1995. Reports say that he had not received medical treatment for his pneumonia while in detention in October. Since his re-arrest in November, his health appears to have steadily declined and there is serious concern that he may not be receiving adequate medical care in detention. He reportedly remains in detention. Zeng Jingmu has been detained for short periods several other times over the past two years.

21 December 1995 marked the first anniversary of the death of **Chen Jianzhang**, Roman Catholic Bishop of Baoding, Hebei province, who had been detained for his peaceful religious activities on several occasions. On that day, according to reports, a large number of mourners had intended to gather to pray at Bishop Chen's grave but were prevented from doing so by officials who sealed off the area around the grave. A number of Catholics in the area had their homes searched and several people were reportedly detained. Among those known to have been detained were **Liu Fumin**, **Hu Fun**, **Huang Quanlu**, two nuns and seven other Catholic believers.

Chen Jianzhang's successor as Roman Catholic Bishop of Baoding, **Su Zhemin**, has been detained on several occasions over the years for his peaceful religious activities and has recently been under close surveillance. On 22 March 1996 Su Zhemin was detained by police. He was still reported to be detained in June 1996 and to be held somewhere near Baoding. **An Shuxin**, auxiliary Bishop of Baoding, had also spent time in detention and has been under close surveillance. He has not been seen since the end of

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<sup>15</sup> See AI document "*Christians arrested during Easter and others serving sentences*", ASA 17/26/95, May 1995.

<sup>16</sup> See AI urgent action, ASA 17/102/95, 28 November 1995 and follow-up urgent action, ASA 17/15/96, 2 February 1996.

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February 1996. **Cui Xingang**, Pastor of the Church of our Lady of China in Dong lu, Hebei province, is reported to have been detained by the police at the end of March 1996. He also remained detained in June 1996, according to reports, and is thought to be held in the same place as Su Zhemin.

In May 1996, 5,000 troops, supported by armoured cars and helicopters are reported to have prevented Roman Catholics from attending an annual pilgrimage to Dong lu. At least tens of thousands of Roman Catholics are believed to have gone on the pilgrimage. The crackdown on the pilgrimage is reported to have resulted in the detention of a number of Roman Catholic priests and laypeople, several of whom have spent previous periods in detention. Those detained include **Hu Duo** and **Wei Jingkun**, both Roman Catholic priests, and **Zhang Dapeng**, a lay leader, who is said to be in poor health. Others have been placed under house arrest or subjected to severe restrictions.

In April 1996, a group of Roman Catholics from Xiao county, Anhui province, were detained and many of them beaten after petitioning local authorities for the return of church property. On 5 April 1996 the group visited local authorities to put their case as they had had no reply to letters they had written. The county head then reportedly called in a group of police officers who beat and "insulted" the Catholics - some people were knocked unconscious and many others suffered injuries.

Fourteen Roman Catholics were subsequently detained, six men and eight women. Most of them were released shortly afterwards, but three people, **Dong Yimin** (m), **Zhang Zhongxiao** (m) and **Zhou Guang'e**, a woman in her 60s, reportedly remain in detention. Many of those detained are reported to have been beaten for refusing to acknowledge that they were involved in a local "illegal" religion. Reports say that Zhou Guang'e was severely beaten and her face swelled and hair was pulled out, Zhang Zhongxiao was beaten on his face and chest and, Liu Fengxia, who was later released, was held her hair and beaten against a table. Some of those detained were forced to put their fingerprints on confessions written by the police, despite the detainees being illiterate. They were not told the content of the confessions.

## 5.2 Protestants

Many members and leaders of unapproved Protestant groups are subject to repeated short detentions. **Lin Xiangao**, also known as **Samuel Lam**, age 71, is the leader of a Protestant house-church in Guangzhou, Guangdong province, which is reported to have about 1,600 members. He has spent more than 20 years in prison and has also suffered regular police harassment and the closure of his church on more than one occasion.

He was most recently detained for a short period in November 1995. He subsequently reported "the last time they came ... in the evening 8.30 to 10.30 they called me to the government home, then they came back and took away forty boxes of bibles and spiritual books". The police then closed the church and took away an address book, which they used to visit many church members, telling them not to go to the church again and threatening them with losing their jobs, salaries and pensions if they did.

On 19 September 1995, six Christians from Lufen city, Shanxi province, were detained by the police in Fangcheng, Shanxi province, after travelling there to stay with another Christian. The six detainees were

held for several weeks in a detention centre in Fangcheng without being charged and then released. Other Christians in Fangcheng report having had their homes watched and police are said to have confiscated property from them, including kitchen utensils and bedding. Some were accused of "disturbing public order" and "hosting meetings with foreigners".

In November 1995 at least six house churches in Shanghai were raided simultaneously and hundreds of Bibles and other Christian literature confiscated by police. On 5 November 1995 police are reported to have entered two private homes, in each of which about 30 people were holding a religious meeting. The police reportedly videoed the participants and took their names and addresses. Those who had spoken at the meetings were taken to the district police station for questioning. Some were released after about 22 hours but others were detained for up to five days. Each person who had been present at the meetings was questioned about the production of Christian literature.

A number of political and labour activists who were active Christians have also been detained during the last two years, in what appears to have been a move by the authorities to stop links between religious groups and dissidents.

**Xiao Biguang**, 34, an academic and labour activist, and his wife, Gou Qinghui, are both active Christians and members of the Gangwashi church, an officially registered church in Beijing. On 12 April 1994 Xiao Biguang was detained by police in Beijing, and reportedly accused him of having co-founded an independent labour organization in March 1994. Over a year later, in April 1995, he was brought to trial having been accused of "swindling" and creating a "negative atmosphere" among his students at a theological seminary. As of mid-1996 no verdict is known to have been announced.

His wife, **Gou Qinghui**, has been questioned by the police on several occasions and is reported to be under close surveillance. She has reportedly been forbidden to participate in religious activities at home.

A number of incidents occurred at the Gangwashi church in 1994. The church's former head, **Yang Yudong**, is said to have been "conspicuously missing" from the church after what has been described as his "forcible removal" from the church pulpit by police on 4 December 1994. Yang Yudong, aged in his mid-70s, has suffered police harassment and has been accused by the authorities of "turning the church into a hotbed of dissent"<sup>17</sup>. He is reported to have refused the supervision of the Three-Self Patriotic Movement and had set up his own committee to manage the affairs of the church. Unconfirmed reports say that he is under house arrest.

### **5.3 Banned Religious Groups and Sects**

Some Christian-based groups, which operate outside the official church, are considered unorthodox by more mainstream Christian groups. The authorities have termed these groups "aberrant religious organizations" and have said that "they have become the most serious underlying danger in some rural societies, an evil force that may corrode and undermine our basic level political power as well as become our opponents in winning the hearts of the people"<sup>18</sup>. Some mainstream Christians are reported to have

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<sup>17</sup> *South China Morning Post*, 26 December 1995.  
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asked religious authorities to distinguish between mainstream Christian meetings and "illegal meetings" such as those held by the "Shouters" sect and the "New Testament Church". Many members of these groups have suffered routine harassment by the authorities and have served lengthy prison terms on more than one occasion.

In early October 1995, police in Anhui province launched a campaign to "hit and eradicate" five religious groups. According to a report in the *Public Security Bureau News*<sup>19</sup>, on 7 October 1995 the authorities despatched police units to villages throughout central Anhui province to detain members of the Disciple group, the Liangling Jiao group, the Holistic group, the Shouters and the Bei Li group. The crackdown was aimed at "illegal and reactionary" religious groups whose activities are considered by the authorities to "endanger political and social stability". The aim of the crackdown was to ban these groups and "hunt down" and "severely punish" those identified as "ringleaders".

The *Anhui Daily* of 27 November 1995 reported that on 16 November 1995 a provincial party committee and government meeting was held in Hefei city to assess the achievements of a "special drive across Anhui province ... against illegal and criminal activities staged by heretic reactionary and illegal organizations under the banner of Christianity"<sup>20</sup>. The meeting concluded that the authorities have "attained remarkable results", having "uncovered a number of principal elements, banned a number of shelters that carried out illegal activities ... and safeguarded local social order and the masses' order of production and livelihoods". Periods of reeducation-through-labour were recommended for "principal members whose misdeeds do not warrant criminal punishment but who repeatedly fail to repent" and warnings issued to "other major members for social order violations" who were to "sign repentance letters which will be recorded and filed for future reference".

The meeting stressed the need for education for "the most misguided of the masses so that they will leave the organizations and settle down to productive work" and recommended that "healthy and civilized habits" be introduced to rural communities by the presentation of "drama shows, books and movies".

In Wuhu, Anhui province, at least eight organizations have reportedly been banned for "carrying out illegal activities under the banner of Christianity". Unofficial reports say that group members have been detained and telecommunication and printing equipment has been confiscated.

In Hunan province, the "Disciple Church" was banned in a circular issued by the provincial authorities on 5 May 1995. The circular, entitled "Concerning supporting the government's ban on the 'Disciple Church' and doing well to clean up the Church" claims that the group's activities, which had become widespread in the province, "disrupt production by predicting the end of the world". The "illegal organization" is accused in the circular of being "in violation first of all of the will of God, and of the constitution, law and policies" and of being involved in "sabotaging birth control and interfering in marriage and education".

According to the *South China Morning Post*, the police in Zhoukou, Henan province, have warned

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<sup>18</sup>Circular concerning the Report by the Ministry of Public Security on the banning of the "Shouters" and other aberrant religious organizations, Central Committee of the Chinese Communist Party, Notice No.50 of 1995, November 13, 1995.

<sup>19</sup>*News Network International*, 3 November 1995.

<sup>20</sup>*Foreign Broadcast Information Service*, 19 December 1995.

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Christians against putting up posters advertising house church meetings in the area. On 11 June 1995 a public notice was issued by the People's Government of Xihua's County of Zhoukou labelling as illegal the activities of the Shouters Sect, the Holistic Sect and the Disciple Sect. It alleged that people had been "tricked" into joining these groups "under the banner of Christianity" and that the groups "engaged in illegal and unlawful activities, rumour-mongering, cheating people and disrupting normal production. In the name of their exorcism and healing, they swindled people out of their money, sullied our women, put people's lives and property in danger, disrupted family planning and interfered with the country's education work".

Similar notices have reportedly been issued by other county governments under the administration of Zhoukou. One notice issued in June 1995 by Tiankou county stated all "sect members" must turn themselves in within three days and attend "reeducation" classes or be fined 500 *yuan* each. One Christian was reported as saying "We are too frightened to stay at home because they could come and pick us up anytime. We sleep and worship in the fields"<sup>21</sup>.

**Zhang Ruiyu**, a 58 year-old member of the New Testament Church<sup>22</sup> from Fujian province, was detained for the fourth time on 13 February 1996. At 7.10am, eight public security bureau officers arrived at her home in Xianyu county while Zhang Ruiyu and four elderly women were praying.

According to a report received by Amnesty International, the police took video footage of the women praying and searched the house after showing them a search warrant. They confiscated many items including bibles, hymnals and spiritual books. At 9am they ordered Zhang Ruiyu to go with them. She asked if she was being arrested, saying that she would bring a blanket with her if she was. The police told her she was not being arrested and that if she needed a blanket she could ask her daughter to bring it later. However, she was effectively detained. Zhang Ruiyu was first held at the Gulou Public Security Bureau Detention centre in Fuzhou city, Fujian province and is now believed to be administratively detained at the Puxia Shelter and Investigation Centre in Fuzhou city. She is reported to be in incommunicado detention and her daughter has not been permitted to visit her.

Zhang Ruiyu has already served three prison terms totalling over 10 years for her peaceful religious activities. During a police raid on her home in May 1990, the police reportedly burned Zhang Ruiyu's face with an electric baton and beat it so severely that several of her teeth were broken. She was released on parole for "good behaviour" in May 1994 having being detained for nearly four years for holding "illegal" religious meetings and having "corresponded with foreigners".

Another member of the New Testament Church, 34 year-old **Cai Lifan**, a mother of three from Putian, Fujian province, was detained by the police on 10 March 1996. Other New Testament Church members are reported to have been harassed and beaten with electric batons by the police.

## 6. REPRESSION AGAINST BUDDHISTS

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<sup>21</sup> *South China Morning Post*, 3 July 1995.

<sup>22</sup> The New Testament Church is a Protestant congregation which has been banned by local authorities in Fujian province and other provinces.

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In China's majority Han population Buddhism may be practised in the home or may be loosely organized around a local temple. The government's main concern in this case focuses on the unregulated construction of temples. In March 1996, for example, the authorities in Zhejiang province called on local governments and party committees in the province to make special efforts to check the "illegal" building of temples and churches and the "indiscriminate construction of tombs", which had spread in rural areas in recent years<sup>23</sup>. In June 1996 the Hong Kong newspaper *Wenhui Bao* reported that 257,000 tombs and 17,900 temples and churches which had been "illegally and lavishly built" had been destroyed in the past three months in Zhejiang province, in an attempt by the authorities to crack down on "a revival in feudalism and superstitious belief in rural areas"<sup>24</sup>.

The Buddhism practised by ethnic groups such as Tibetans and Mongols is often an important part of their cultural and ethnic identity. Religious freedom has been severely restricted by the authorities to prevent the promotion of cultural identity and national independence - which they term "splittism" or "separatism". In Tibet, in particular, religious persecution is closely linked to the suppression of political dissent.

Recently the authorities have repeatedly emphasised the need for patriotism and "national unity" in religious and political affairs. The *Tibet Daily* published an article on 11 March 1996 promoting patriotism as a way of opposing "separatist activities" and of safeguarding the "unification of the motherland, the unity of all nationalities and social stability". The article acknowledges that "all people in the region are basically religious, and Tibetan Buddhism has an extensive, solid mass base ... On one hand, the party's religious policy protects the right to freedom of religious belief; on the other hand, however, this right is restricted by the law, and the enjoyment of this freedom must be within the limits permitted by the law."

Signs of a renewed clamp-down on religious activities emerged in early 1996 as the authorities put into practice existing regulations governing the numbers of monks and nuns permitted in monasteries and nunneries. On 15 February 1996, an article on the front page of the *Tibet Daily* quotes from a statement by Tibet's Nationalities and Religious Affairs Committee, saying "We must close the doors of lamasteries which have serious problems or where political problems often occur for overhauling and consolidation and set a time limit for correction".

On 10 March 1996, the *Tibet Daily* had emphasised the need to "limit the number of lamas in monasteries and forbid unauthorised construction of monasteries". This was reinforced in a further *Tibet Daily* article on 13 May 1996 which said that local officials, who "cannot have religious beliefs", often do not realize that "religion is a social and historical phenomenon" nor do they "realize the deceitfulness, backwardness and poisoning of religion". The article concluded that, as a result of the failure of local officials to "pay attention to politics" the "size and influence of monasteries and monks have grown out of control". The article specifically stated that "efforts should be made to ... weaken the influence of religion".

An earlier article in the *Tibet Daily*, on 15 April 1996, also called for tighter controls on Tibetan temples, saying "religious people must resolutely strike back at the rebellious propaganda of the splittists and

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<sup>23</sup> *Zhejiang Daily*, 3 April 1996, see BBC Summary of World Broadcasts, 20 April 1996.

<sup>24</sup> *Agence France Presse*, 13 June 1996.

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launch a blow-for blow battle against them.<sup>25</sup>" The article continued saying "the broad mass of religious monks and laity should be persuaded and educated to be clear that the Dalai Lama is no longer a religious leader who can bring the masses happiness, but is an offender against the motherland and the people". This was part of a series of official statements seeking to undermine the spiritual authority of the Dalai Lama in order to promote "national unity" and counteract "splittism"<sup>26</sup>.

On 22 March 1996, for example, a television broadcast in Tibet reported that a "separatist clique" headed by the Dalai Lama "continued to launch new sabotage activities in an attempt to split the motherland and obstruct this region's economic development and social progress." The Dalai Lama was described as "the root cause of all turmoil in Tibet" and "the greatest obstacle to normal order in the Tibetan Buddhist religion."<sup>27</sup>

According to unofficial sources, some "surplus" monks and nuns have been forced to leave their monasteries and nunneries. On 29 November 1995, nuns were ordered to leave the Shongchen nunnery in Ngamring county and were given five days to demolish the buildings they had constructed as living quarters. They were told they should return to their homes and not join any other nunnery. **Khedrup Gyatso**, the nunnery's lama has reportedly disappeared since the closure of the nunnery. A nearby monastery in Doglho, which housed 10 monks, has also been closed and the monks ordered to return to their homes.

On 5 April 1996 the authorities announced a ban on photographs of the Dalai Lama in monasteries and nunneries. An article in the *Tibet Daily* that day cited a document entitled "Circular on Seizing and Confiscating Reactionary Propaganda Materials and Stepping Up Anti-Infiltrative Work in Religious Activities Centres". The article again challenged the spiritual authority of the Dalai Lama. Since the announcement of the ban, unofficial sources say that it has been extended to hotels, restaurants, shops, schools and even to private homes. The ban has met with protest in a number of monasteries and has reportedly lead to violent clashes with the authorities and a large number of detentions.

Ganden monastery was closed for an "indefinite period" on 7 May 1996 for the "reeducation" of resident monks. On 6 May 1996 an official "work team" sent to impose the ban on photographs of the Dalai Lama, met with violent resistance from monks at the monastery. During the disturbance, one member of the "work team" is reported to have been badly beaten by monks. Unofficial sources say that at least 60 monks were subsequently detained in the monastery and that many were transferred to Gutsa detention centre during the following days. The detainees reportedly included three novices, who have been unofficially named as 15 year-old **Phuntsog Rabjor**, 14 year-old **Gyatso Rinchen** and 13 year-old **Gelek Jinpa**. Gelek Jinpa was reportedly interrogated and beaten by police in the monastery before being transferred to Gutsa on 16 May<sup>28</sup>.

According to the Tibet Information Network<sup>29</sup>, **Kelsang Nyendrak**, a 40-year-old monk, died several

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<sup>25</sup> *Reuter*, 15 April 1996.

<sup>26</sup> A senior Tibetan official was quoted by *Xinhua* as saying, on 6 March 1995, that the Dalai Lama "seems like a political swindler, not the incarnation of Buddha at all".

<sup>27</sup> BBC Summary of World Broadcasts, 20 April 1996, text of a commentary entitled "People's wishes are irresistible"

<sup>28</sup> Tibet Information Network news update, 12 June 1996.

<sup>29</sup> *ibid*

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days after the 6 May protest, from a bullet wound sustained when troops fired into the monastery from surrounding mountains. Many other monks are reported to be in hiding after fleeing the monastery - five of them are reported to be suffering from bullet wounds and a sixth from being severely beaten around the head.

An official from the Lhasa Ethnic and Religious Affairs Bureau, in a telephone interview with *Reuter* on 13 June 1996, said that 63 monks were detained in the monastery. He added that no police were involved and all 63 monks had been released. The official said that “no troops entered Ganden, there was no gunfire, no monk was wounded or died”. He denied that any monks had run away from the monastery or were in hiding and said that he was unaware of a novice being beaten. A government spokesman had earlier confirmed, on 20 May, that a fight had taken place at Ganden monastery and that the monastery had been closed as a result.

A Japanese tourist also reported later having seen two truckloads of seriously injured people arriving at a hospital in Lhasa during the evening of 14 May 1996. The tourist said the trucks, carrying many people who he identified as nuns and monks, as well as laypeople, were accompanied by what appeared to be a police escort. He reportedly said that all of those brought to the hospital appeared to have been badly beaten.

## **6.1 The Panchen Lama Controversy**

Since 1994 local government authorities in the Tibet Autonomous Region have promulgated three sets of regulations on religious activities entitled “Regulations on the Democratic Management of Lamaseries”, “The Management of Religious Affairs in Tibet” and “The Detailed Rules on the Reincarnation of the Living Buddhas”.

“The Detailed Rules on the Reincarnation of the Living Buddhas” was first mentioned in the official Chinese press at the end of April 1995 shortly before the Dalai Lama announced, on 14 May 1995, the discovery of **Gendun Choekyi Nyima** as the reincarnated 10th Panchen Lama. The Chinese government subsequently intervened, disputing the Dalai Lama's authority to select the reincarnation, and rejecting his choice of Gendun Choekyi Nyima, choosing another boy instead.

Shortly after the Dalai Lama's announcement, Gendun Choekyi Nyima and his family were taken from their home and have not been seen in their village since. On 28 May 1996 Wu Jianmin, China's Permanent Representative to the United Nations in Geneva, acknowledged to the Committee on the Rights of the Child that Gendun Choekyi Nyima had not been seen in public for over a year and that he had “been put under the protection of the government at the request of his parents”. Wu Jianmin added that the boy was at risk of being kidnapped by Tibetan separatists and his security had been threatened but that he was in good condition and was living with his parents. No information was given concerning the whereabouts of the boy or his family and no independent observer has had access to them since they were last seen in May 1995.

More than six years before the Dalai Lama's announcement, a search committee for the 10th Panchen Lama had been appointed by the Chinese authorities. Its leader was **Chadrel Rimpoche**, abbot of



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Tashilhunpo monastery, the traditional seat of the Panchen Lama. Chadrel Rimpoche has been in detention since May 1995, reportedly on suspicion of having communicated with the Dalai Lama over the choice of the reincarnation. Official reports say that he is ill and has been hospitalized, but no other information about his status or whereabouts has been given. Over 50 other monks and laypeople are reported to have been detained as a result of the reincarnation controversy<sup>30</sup>, many of who remain in detention.

Throughout the summer of 1995, meetings were called by the Chinese authorities within Tibet's highest religious circles, encouraging them to denounce the Dalai Lama's announcement. In November 1995, religious leaders in Tibet were told by the authorities to prepare written and oral statements criticizing the Dalai Lama and Chadrel Rimpoche. In a speech made on 24 November 1995, the Chairman of the Standing Committee of the Tibet Autonomous Regional Committee of the Chinese People's Political Consultative Conference, accused the Dalai Lama of having "arbitrarily announced the so-called reincarnated child of the Panchen in violation of historical convention and the religious rituals of Tibetan Buddhism ...". Chadrel Rimpoche has been accused in newspaper articles of "manipulating religious rituals and the historical convention".

On 24 May 1996 Lhasa Radio announced that, on 22 May, Chadrel Rimpoche had been removed from his posts as member, standing committee member and vice chairman of the Sixth Tibet Autonomous Regional Chinese People's Political Consultative Conference, adding that "In doing this, we have purged the CPPCC of bad elements and have made it clean ...". He had already been replaced, in July 1995, as head of Tashilhunpo monastery's management committee.

A large number of monks have subsequently left or been expelled from Tashilhunpo monastery. Monks throughout Tibet are not permitted to voice their belief that Gendun Choekyi Nyima is the reincarnation of the 10th Panchen Lama. Nine monks from a monastery in Shigatse are reported to have been detained in January 1996 after burning pictures of seven year-old Gyaltzen Norbu, the boy approved by the Chinese authorities.

## 7.REPRESSION AGAINST MUSLIMS

According to reports there are an estimated 30-40 million Muslims across the country<sup>31</sup>. Many of China's Muslim population live in the north-west region, particularly in the Xinjiang Autonomous Region as well as Ningxia Hui Autonomous Region, Gansu and Qinghai provinces. Some are also established in the south, including Yunnan province and Hainan island. As in Tibet, religion in the Xinjiang Autonomous Region is perceived by the authorities as a potential threat to "national unity". Mosques are seen as a potential focus point for discontent and some mosques and religious schools have been closed down.

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<sup>30</sup> See AI documents: *Appeal for Ngawang Choephel*, ASA 17/49/96, 28 March 1996; *6-year-old boy missing and over 50 detained in Panchen Lama dispute*, ASA 17/07/96, 19 January 1996; *Three detained in Panchen Lama controversy*, ASA 17/40/95, 20 June 1995; *Crackdown on Tibetan dissent continues*, ASA 17/74/95, 29 September 1995.

<sup>31</sup> The *Eastern Express*, 16 February 1996, cites an official report from Xinjiang saying that at least a thousand applications had been received from Chinese Muslims to make pilgrimages to Mecca this year. The regional government sponsors a number of pilgrims each year for part of their travel and accommodation expenses. Several thousand others are expected to pay for themselves to go.

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Over the years Muslims have been detained or imprisoned in Xinjiang and other regions for activities related to religious or cultural issues. In October 1993, for example, the authorities crushed two months of anti-Chinese protests by thousands of Muslims in Xining, Qinghai province. The protests were triggered by the publication of a book which included a picture some Muslims found offensive, but soon turned into nationalist demonstrations. The authorities eventually stormed a mosque which had been occupied for several weeks by the protesters and arrested over a dozen people. They are reported to have been sentenced but no further information is available.

In the summer of 1993, sources say that up to 500 followers of the late Mullah Ablikim Muhsumhajim, were reportedly detained in Yecheng, south of Kashgar, Xinjiang. The detentions were made after mass mourning for the Mullah turned into a nationalist demonstration. Ablikim Muhsumhajim, from Yecheng, was a well-known and respected Mullah and an honorary professor at the Islamic Institute. Since 1949 he had reportedly spent many years in detention accused of being a "counter-revolutionary" and of "promoting separatism". Up to 40 of those held were known to remain in detention several months later, but no further information is available.

A number of Muslim Uygurs are known to have been detained in July and August 1990 as a result of circulating a pamphlet, in January of that year, protesting against the closure of mosques and other curbs on religious activities in Yecheng. Abdul Malik, a shop worker, reportedly detained on 10 August 1990 in Yecheng, was sentenced to five years' imprisonment in October 1992. He was charged with "counter-revolutionary" offences reportedly based on his involvement in writing and circulating the pamphlet. Others held in connection with the pamphlet include Abdu Kadir Ayup, age 45, Abdurahman Abliz, age 47, Alimjan Karihajim, age 60 and Omer Khan Mahsun, age 70. They are known to have been detained for at least two years, but it is not known whether they were ever charged or tried and their whereabouts is unknown.

Repression of unapproved religious activities has intensified in Xinjiang in recent months. According to the *Xinjiang Daily*, in November 1995, the director of Xinjiang's Religious Affairs Bureau warned, against the growing number of unauthorised mosques and Koranic schools which are "often opened with funds received from abroad". The director called for opposition to "illegal religious activities" and for a compilation of up-to-date lists of authorised clergy and places of worship.

Government authorities have launched a large-scale propaganda campaign against "national splittism and illegal religious activities"<sup>32</sup> in an attempt to control the "separatist" movement in Xinjiang. The campaign is part of a wider crackdown on crime which is also being carried out in other parts of the country. The authorities' concern about "rising religious fanaticism" have been communicated at several meetings of cadres and senior officials throughout the region.

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<sup>32</sup> *Xinjiang Daily*, 9 May 1996, reported in BBC Summary of World Broadcasts, 25 May 1996, citing a meeting held by the Party committee of the Xinjiang Production and Construction Corps. *Xinjiang Television* on 30 May 1996, reported in BBC Summary of World Broadcasts 3 June 1996, described the Xinjiang Production and Construction Corps as "a reliable and important force charged with the missions to safeguard Xinjiang's social stability and building and defending the frontier. The corps' existence and development are an insurmountable barrier for international hostile forces and ethnic separatists inside and outside Xinjiang ...". The Corps' public security bureaux have also reportedly played an important role in the "Strike Hard" anti-crime campaign launched throughout China on 28 April 1996.

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Abdulahat Abdurixit, Chairman of Xinjiang Autonomous Region, told a meeting of cadres in Aksu prefecture on 19 April 1996<sup>33</sup> that they "must unswervingly implement the party's religious policy and resolutely ban illegal religious activities". They were also told to "guard against an extremely small number of ethnic splittists spreading ethnic separation and fanning up a religious fanaticism under the cover of illegal religious activities." On 14 May 1996 "patriotic religious personalities" attending a meeting of the Xinjiang United Front Work Department of the CCP committee<sup>34</sup>, reportedly agreed that "the major danger adversely affecting the stability of Xinjiang at present is ethnic separatism and illegal religious activities" and decided they would "justly and forcefully boycott illegal religious activities".

A major article, entitled "Implement the party's policy on religion and check illegal religious activities", was published in the *Xinjiang Daily* of 7 May 1996<sup>35</sup>. The article accused "some people" of inciting religious fanaticism "under the cloak of religion" and of using religion "to interfere with ... administrative, judicial, educational, marriage and family planning affairs". The article warns of the "infiltration of foreign hostile forces" and banned private scripture classes and preaching religion in schools and factories<sup>36</sup>. A young Muslim trader told *Reuter* that he had seen "Chinese militia drive five religious students from the home of their teacher and arrest him" and that banned literature was being confiscated and its distributors arrested<sup>37</sup>.

New provincial regulations on the publication of Islamic literature were outlined in the *Xinjiang Daily* in April 1996. The regulations reportedly state that "all books dealing with Islam must be published by the Xinjiang People's Publication House, after approval from the authorities ... It is absolutely forbidden to publish books and cassettes that go against the policies and laws of the State"<sup>38</sup>.

The banning of religious activities in schools and of "unauthorised" materials was reiterated in a television broadcast on 14 May. The broadcast said that "religious activities are absolutely not allowed to infiltrate into ordinary schools, nor will anyone be allowed to instil national splittism ideology and religious creeds into students ... Teaching materials that advocate national splittism and publicize religious creeds must be resolutely eliminated"<sup>39</sup>. The report went on to stress the need to "consolidate and cleanse the book and magazine market" banning all publications or audiovisual materials that "publicize illegal religious ideology", in particular materials that have been "privately printed and circulated without the state's prior examination and approval".

Later in May, two regional Communist Party bodies indicated the crackdown on religion was being

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<sup>33</sup> *Xinjiang Daily*, 21 April 1996, reported in BBC Summary of World Broadcasts, 18 May 1996.

<sup>34</sup> *Xinjiang Television*, 15 May 1996, reported in BBC Summary of World Broadcasts, 18 May 1996.

<sup>35</sup> BBC Summary of World Broadcasts, 25 May 1996.

<sup>36</sup> The "Xinjiang Uygur Autonomous Regional Regulations for Administering Religious Affairs" came into effect on 1 October 1994. The regulations identify the "fixed locations" where religious activities can be conducted and, in article 22, states that "religious organizations may, with the approval of state or autonomous region, set up and operate religious schools ... set up and operate scripture study classes (centres) to train personnel for religious posts. No organization shall set up and operate religious schools and scripture classes (centres) without permission."

<sup>37</sup> *Reuter*, 16 June 1996.

<sup>38</sup> *Agence France Presse*, 22 April 1996.

<sup>39</sup> *Xinjiang Television*, 14 May 1996, reported in BBC Summary of World Broadcasts, 18 May 1996.

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extended to Party members and cadres. They called for efforts to “sternly deal with party members and cadres, especially leading cadres, who continue to be devout religious believers, despite repeated education, instil separatist ideas and religious doctrines into young people’s minds, publish distorted history books or magazines advocating separatism and illegal religious ideas, or make audio or video products propagating such ideas.”<sup>40</sup>

A two-stage campaign to stop illegal religious activities and the “infiltration of national separatism” on college campuses is also reported to have started in June 1996<sup>41</sup>.

During April and May 1996 a number of bombings, officially attributed to "separatists", and violent clashes between police and alleged nationalists were reported. A *Xinjiang Daily* article of 7 May 1996, said that the recent bombings and riots were an example of extremists using religion to provoke religious unrest and warned against “foreigners using religion to stir up anti-Chinese sentiment”<sup>42</sup>. A 73-year-old imam, Aronghanaji, who is vice-chairman of the Xinjiang Chinese People’s Political Consultative Conference, was reportedly wounded and hospitalized after an attack attributed to “Islamic separatists” on 10 May.

On 7 June 1996, *Xinjiang Television* announced that police had “dismantled and closed down” a number of “illegal” mosques and religious schools and confiscated “reactionary” books and “illegal religious publicity materials”<sup>43</sup>. It reported the arrest of a number of “criminals” but did not make clear whether these related to “illegal” religious activities or other offences. No details of those arrested were given. While arrests of alleged Muslim nationalists have been reported, few have been identified. One case published by official sources was **Abuduwayiti Aihamati**, a Uygur Muslim, was sentenced on 14 May 1996 to three years’ imprisonment by the Urumqi Intermediate Court, on political charges. He was reportedly found guilty of writing and distributing materials “with the goal of splitting the unity of the motherland”, of trying to “overturn the rule of the people’s democratic dictatorship” and of using reactionary tracts and other methods to “wantonly” spread counter-revolutionary propaganda”<sup>44</sup>.

## 8.CONCLUSION

The implementation of national and local regulations on religious activities in China results in some areas in severe restrictions on peaceful religious activities and in the persecution of members of religious groups. Unregistered churches have been under increased government pressure since the end of 1995 and Christians have been arbitrarily detained, beaten or fined by police.

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<sup>40</sup>*Xinjiang Daily*, 22 May 1996, reported in BBC Summary of World Broadcasts, 8 June 1996.

<sup>41</sup>*Xinjiang Television*, 1 June 1996, reported in BBC Summary of World Broadcasts, 3 June 1996.

<sup>42</sup>*Reuter*, 12 May 1996.

<sup>43</sup>See BBC Summary of World Broadcasts, 11 June 1996.

<sup>44</sup>*Xinjiang Daily*, 15 May 1996, quoted by *Reuter*, 20 May 1996.

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These regulations reinforce restrictions on religious activities which are seen by the authorities as “undermining national unity and social stability”. The recent crackdown on crime, nationalists and alleged terrorists in the Tibet and Xinjiang Autonomous Regions appears to be aimed also at restricting religious freedom. It appears to have resulted in the arbitrary detention of people for the peaceful exercise of their right to freedom of religion.

Amnesty International calls on the Chinese authorities to immediately and unconditionally release all those currently detained for their peaceful religious activities. It also calls on the authorities to repeal or amend legislation which limit the exercise of freedom of religion in China, and to bring the legislation into line with international human rights safeguards.

## APPENDIX

### **APPEAL FOR FOUR ROMAN CATHOLICS FROM FUJIAN PROVINCE**

*Appellant:* Rao Daosheng (father of the accused, Rao Yanping), male, aged 50, lower middle school education. From Shangdudu District in Linchuan City. Staff member in a general retail company, Linchuan County, currently residing in the company dormitory.

*Appellant:* Fan Hualian (wife of the accused Pan Kunming), female, aged 24, primary school education, peasant. Currently residing in Liuxi Village, Quan Township, Linchuan City.

*Appellant:* Yu Qingxiang (son of the accused Yu Shuisheng), male, aged 28, primary school education, peasant. Currently residing in Yujia Village, Bailu Township, Chongren County.

*Appellant:* Yu Fuqing (elder brother of the accused Yu Qixiang), peasant. Currently residing in Yujia Village, Bailu Township, Chongren County.

#### *The Appeal Request*

In Chongren County Court's case no.36 [95 Chong] document of judgement of 9 June 1995, the relatives of the appellants Rao Yanping, Pan Kunming, Yu Shuisheng, Yu Qixiang were found guilty of the crimes of 'disturbance of the social order' and 'withholding information' and sentenced to 4, 5, 3 and 2 years' imprisonment respectively. Following an appeal, the Fuzhou District Intermediate People's Court overruled the appeal and upheld the original verdict in the document pertaining to case no.29 [95 Fu] on 17 July 1995. However the appellants still maintain that the decisions and judgements of the first and second hearings have misrepresented the facts and applied the law wrongly, resulting in a mis-trial. For this reason, they have made a special appeal to this court, requesting that the Supreme Court of the Procuratorate and the Supreme Court, by means of the their supervisory procedures, look over the case and offer arbitration.

#### *The Grounds of the Appeal*

The two court hearings determined guilt on the grounds that the accused had attended a religious gathering at four o'clock in the afternoon, preventing the People's Militia from carrying out their military training in the normal manner with the 'serious consequence' that the training was delayed for two hours in the afternoon. This special appeal is therefore made on the following grounds:

1. In the case documents from the original Chongren County Court, the terms "gathering" (1 occurrence), "those attending the gathering" (5 occurrences) and "illegal gathering" were used.

In the documents from the Intermediate Court, the term "meeting" is not used, but the terms "those attending the gathering" (2 occurrences) and "illegal gathering" (2 occurrences) appear. Yet the judges in neither court specified in the official documents what sort of gathering this was, the aims or motivations of those attending the gathering, but still classified the gathering as illegal. If the nature of the gathering was unknown, how can it be classified as an "illegal gathering," we might ask? To jump blindly to the conclusion that the gathering is illegal is clearly contradictory, going against the legal principle regarding erroneous conclusions. This conclusion is unlawful. Further explanation is needed of the phrase on page 4 of the Chongren County Court document: "Rao Yanping and others' purpose in attending the gathering." Here, the term 'gathering' suggests that the phrase implies nothing more than the reason for which people behaved in a certain way, rather than specifying the actual nature of the activities carried out by those attending the gathering. It is common knowledge that the word 'gathering' denotes a very broad concept,

encompassing in its various connotations gatherings both lawful and unlawful by nature, two very different broad categories, each covering many different types of gatherings. In the unlawful category are counterrevolutionary or gatherings of ruffian gangs, gatherings which disturb public safety or violate the personal or democratic rights of citizens. Lawful gatherings, as defined in the "Law on Demonstrations" may include recreational or sporting activities, normal religious activities, traditional cultural activities and so on. The court document makes no mention of what category of gathering is intended, which is therefore an error in terms of the concepts of semantic logic, muddling the boundaries of legality and illegality, hinting that lawful gatherings are somehow unlawful by nature and so misleading people and leading to assumption of guilt irrespective of the law. It is impossible that the judges from two courts can have been ignorant of the legally erroneous wording in the documents and moreover unwittingly made this sort of mistake, since the mistake is too glaringly obvious. Rather, it is quite intentional that both the courts presumed the unlawfulness of the gatherings. Naturally they were subsequently able quite legally to base their determination of the crime on this decree of 'unlawfulness' and mete out fitting punishment. The use of the term 'gathering' has a direct bearing on whether or not the classification of the crime in this case is tenable on the legality of the activities of the accused and on the ultimate fate of the accused.

2. Judges understand the following common knowledge:

"The criminal law of China consists of the following five principles ... No.2: The chief condition of objectivity is the integrated principle that the classification of the crime and the degree of punishment must simultaneously take into account whether the offence was committed with subjective intent and whether this constituted harmful behaviour when considered objectively. The two must be viewed together in order for the criminal responsibility of the person's behaviour to be assessed. All crimes are the common product of an offence committed subjectively by the perpetrator and the objective criminality of the action. Only harmful behaviour governed by conscious intent can be construed as criminal responsibility; only when this intent is expressed as harmful behaviour is intent inherently criminal. Neither criterion can be overlooked at the expense of the other." (From *"Modern Criminal Studies in China"*, South-East University Publishing House / Dongnan Daxue Chubanshe, p.22)

"An offence committed autonomously has a bearing on purpose and motive. Criminal purpose signifies the origin in the consciousness, or the impulse of the criminal activity. In layman's terms this is the thought which led to the crime." (From *"Questions and Answers on 400 Legal Topics"*, revised edition, Xuelin Publishing House, p.80).

Trespassing on a militia training ground and convening an illegal gathering there is an account of the activity of the accused in objective terms but is not consistent with the nature, purpose or motive of the activities themselves. They trespassed on the training ground with the ulterior motive of holding the gathering, so that only that ultimate activity can be taken as indicative of the purpose, motive and nature of the accused's activities overall.

Consequently, both courts have made use of the connotations of the words describing the activities preceding the gathering to deduce the 'illegality' of the gathering. This demonstrates that the trespassing on the training ground were not the prime purpose, but are simply extrapolated from the facts.

"A clear perception of the purpose of the crime is of critical importance in making a clear distinction between categories of crimes." (*ibid.*, p.80).

For this reason, we are again compelled to state that there is no knowledge of what type of gathering this 'unlawful' gathering was, so how could the judges know that it was unlawful? This is the first self-contradiction. As far as establishing the true circumstances is concerned, what were they? If the law can

determine the guilt of a criminal without being able to state the true facts, how can it then accuse the masses of being “unclear of the true facts”? This is the second self-contradiction.

If the judges themselves did not know the nature of the gathering, and if they themselves had “no clear knowledge of the true circumstances” and “no clear knowledge of gathering,” how can they come to an accurate verdict on the aims and motives of the “instigators”? The integration of the subjective and the objective is one of the principles of Chinese criminal law. “A judge may not know the subjective intent, aim and motive behind the accused’s actions. If the subjective intent is unknown, but there is an objective viewpoint, to whom is it to be attributed? Moreover, the objective appraisal is only a partial manifestation of the overall truth; if it has no counterpart, one part of the two is missing. Based only on one-sided objectivity, this compromises the principles of legal conviction even more. An unprincipled conviction in law is necessarily unlawful of itself. A judgment that contravenes the law is inevitably false and unjust, and may possibly constitute serious persecution for which the judge must bear full legal responsibility.

Without knowing the nature, motive and purpose of the gathering, and presuming that erroneous conclusions have been drawn, any conclusion about the criminality of the actions of the accused must also be erroneous and unlawful. That erroneous presumptions lead to erroneous conclusions is one of the basic tenets of logic and argument.

From this it can clearly be seen that the rulings made by the two courts were made with ulterior motives using methods of argument forbidden by law with the barefaced intention of bringing false charges against the accused. The judges in neither court were clear about the true circumstances of the gathering, which yet again shows their repeated statements of the illegal nature of the gathering to be mistaken.

What, then, were the actual circumstances of which the masses were accused of being unaware? In the documents from both courts, there was a reluctance to disclose the actual circumstances. They merely attached a label to them, a label with no substance, which surely reveals deliberate ambiguity and deception. It shows a contravention of the legal principle that conviction must be based on objective facts, as well as a violation of the most fundamental principle of conviction under Chinese law: that of integrity of the subjective and the objective. This is a deliberate concealment of the true facts. The official legal documents once again cunningly use suggestion to induce the misunderstanding that the gathering was unlawful.

This is a deliberate substitution of a categorical notion for a general one, blurring the boundary between legality and illegality. The document flagrantly adopts the unlawful practice of eliciting a confession by trickery. By declaring the gathering to be of an “illegal” nature and those attending the meeting to be acting “illegally,” it can easily be seen how such a conviction contravenes the law.

3. In the written judgment of the two courts:

(a) the objective facts of the circumstances of the gathering and the identity of those attending it, including the accused, were not known.

(b) even less was known about the nature of the gathering and the motive and purpose of those attending it.

So how can it be that in the conclusion of the written decision, the accused are said to have gathered together “in an organised way, with aims and plans” people who were unaware of the true circumstances. Is this not a self-contradiction?



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First, in the documents from both courts, it was not known what kind of meeting it was. No name was given to the meeting, showing that none of the judges knew of its true nature. The claim that the accused, in an organised and planned way, assembled people who remained in ignorance of the situation and trespassed on the training ground, and the declaration that this was illegal, presuming that there was no subjective criminal intent and given that the true facts of the case are not known, is quite clearly a conjecture without foundation.

In terms of judgment, the decision to convict made by the two courts clearly contravenes the most basic principle of the law of causation. In terms of legal theory, it violates the principle under criminal law of the importance of uniting subjective and objective viewpoints. It also goes against the principle that conviction must be based on true facts.

Where a judgment is not based on the truth of objective facts, it must necessarily be a matter of subjectively apportioning blame. Conviction based on a subjective opinion contravenes the principles of criminal law and constitutes a public abuse of judgement.

4. Why do the written judgments of the two courts not dare to state explicitly the dances danced and the songs sung by the people assembled by Pan Kunming on the platform set up by Yu Shuisheng and Yu Guixiang?

In the documents from the two courts, it was stated that Pan Kunming and the others were guilty solely on the basis of the singing and dancing. Whether or not guilt may be established has therefore a very close relationship with the contents and nature of the songs and dance.

The singing of revolutionary songs or songs advocating Socialism would never have been construed as criminal; indeed the People's Militia might well have joined in and added to the fun with their applause. Thus the content of the songs and dances is an important factor in deciding the guilt of Pan and the other two. If this is the case, the two courts should clearly and publicly have stated the way in which the songs and dances broke the law. However, in the written judgments from the two courts, no word is said on this crucial matter; they dare write nothing. Why is this? Is it that they were afraid that should the contents of the songs and dances be revealed, the categorisation of the crime could not be made tenable? Is it that they were afraid that by mentioning the contents of the songs and dances they would not be able to mix generalisations with concrete concepts, to contrive the blurring of the boundary between legal and illegal forms of singing and dancing. They would not be able for the third time to use leading hints as a method of pinning crimes on the accused. Why did the judges lack the courage to make a bolder statement for people to hear and judge for themselves? Why were they afraid to speak out and be heard? Were the judges afraid that if everything were revealed, people would reprimand them? If not, then why was the content of the singing and dancing not mentioned? Why did the written decisions from the two courts not dare to mention the nature of the gathering or to call it by name? Why did they not dare to mention the motives and aims of those at the gathering? Why did they not dare to mention the nature of the gathering of which people were ignorant? Why did they not dare to mention what kind of people attended the gathering? Why does the law in its solemnity have to resort to illegal hinting in order to determine guilt? The honourable judges in both courts did not make an unwittingly illegal conviction due to ignorance of the law; nor was it a case of the 'blind leading the blind.' In their minds, they were perfectly clear about what they were doing and what the results would be: flouting the law and harming the people as a result. Because they were too timid, they wilfully resorted to the above-mentioned methods of trickery to gloss over and conceal things through deceit.

5. Why did the written judgment of the Intermediate Court falsely state that the appellant Rao Yanping in her appeal used the words "the facts in the original judgment were false, the sentence too heavy"? What

was the purpose of this?

On page 3 of the Intermediate Court's document, it mentions quite categorically that "The appellant Rao Yanping, in her appeal document states that 'the facts of the original judgment were wrong, the sentence was too heavy'." Examination of the appeal document reveals no such phrase or meaning. Here, the Intermediate Court has used a method of eliciting confession through trickery, forbidden both by the letter of the law and by the executors of the law in the departments of the Public Security, the Procuratorate and the Courts, namely the method of leading people to draw conclusions by trickery and logic. Claiming that the accused had said "the sentence was too heavy," when she had in fact not said this, is an attempt to demonstrate that the accused acknowledged her guilt. Clearly the act of saying that a sentence was too heavy is equivalent to a public admission to having committed the alleged crime. If the crime has been admitted by the accused, it remains only to determine the magnitude and severity of that crime. The fault is not the wording used or want of legal expertise in the Fuzhou District Intermediate People's Court, since this is common knowledge which all executors of the law have a command of. Rather, the two judges have for a fourth time deliberately employed illegal methods to trap people into making a confession. This constitutes an extremely serious covert offence, going further to frame the victims.

6. Why did the Intermediate Court not refute a single word of the contents of the appeal document? Why was it afraid to refute the arguments in the appeal document? By failing to contradict the contents of the appeal, saying flatly instead that "the appeal is rejected" is surely a blatant offence?

Examining the entire document from the Intermediate Court, blind ignorance is feigned of the many points which could be refuted in the appeal. Not one issue is refuted or criticised in the text, as if the appeal document had not even been read. Nor is the content of the appeal document mentioned, instead the document goes to great lengths to make false and fanciful additions, as outlined in section 5 above. Does this treatment of the case by the Intermediate Court not demonstrate that it was afraid to refute the appeal, tantamount to an admission of defeat in the argument, that it had no effective response? And is this not further proof that the Intermediate Court made an illegal conviction just like the Chongren County Court?

7. Concerning the allegation made by the Chongren County Court that Rao Yanping etc had "led", "incited" and "assembled" the unwitting masses who were ignorant of the circumstances so that they trespassed on the training ground and convened an "illegal gathering."

Page 4 of the Chongren County Court's written judgment states: "Rao Yanping and the other accused led a large group of young women, who were ignorant of the proceedings, to trespass on the training ground of the People's Militia with the intention of convening a gathering.

At the instigation of Rao Yanping, the other participants rushed up and occupied the said area where the People's Militia train." Page 5 reads: "Assembled a crowd who were ignorant of the proceedings and charged to occupy the area where the militia were carrying out exercises and held an illegal gathering there."

The appeal document pointed out that on August 15 and 16 1995, there were many people holding a meeting at Yujiashan, and that on other occasions, August 15, 1994, December 25, 1994, and June 4, 1995, there were gatherings of several thousand people Yujiashan. Moreover, advance notice was given that on August 15, 1995, there would be many people meeting at Yujiashan. Leaving the rest aside for a moment in order to establish one thing: there was a large number of "young women who were ignorant of the proceedings who were led" (NB: the public prosecutor said "a gang" [Chinese: 'huo'] while the Chongren County Court said "a large group" [Chinese: 'da pi']). The Intermediate Court rejected the terms

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'led' and 'incited', simply saying that "Rao Yanping and the other accused forced their way into the area where the exercises were taking place and held an illegal gathering." There are mutual contradictions between these three wordings; they are not equivalent. Despite this difference, the conviction is for the same crime. Led by a young woman of 17, some individuals "incited", "led", and "assembled" people to come to the training ground. We must ask whether on that date, (on the evidence of several thousand people, which could be corroborated by the groups of police and militia who put a stop to the gathering at Yujiashan, in addition to the several tens of thousands of people who came to attend gatherings at Yujiashan), they were also "incited" to come and attend a gathering at the training ground? Supposing Rao and the others and the large number of young women had not gone to Yujiashan, would over ten thousand people also have come to that location? Was a young girl of seventeen the instigator of a gathering of ten thousand people who wanted to be there? All over China, there are famous areas known as "The Scholars Homeland." Is it possible for more than ten thousand people in a place of cultural interest all of a sudden to behave like simpletons in a place of cultural interest and be "incited" by a girl? Surely no one has ever wielded power of this magnitude.

On 15 August 1994 a crowd of some 4,000 people attended a gathering at Yujiashan; on 25 December 1994, more than 10,000 people attended a gathering at Yujiashan; on 4 June 1995, over 20,000 people attended a gathering at Yujiashan; on 15 August 1995, about 30,000 people attended a meeting at Yujiashan.

On these occasions, how could all these crowds have been "incited" or "led" to go to this place for no reason? According to weather reports, on 4 June 1995 and 15 August 1995, there were strong winds and heavy rain in the Yujiashan area, the crowds attending the meetings were drenched through by pouring rain, yet not one person left. They spent the whole night there voluntarily, enduring hunger, remaining out in the mountains about six kilometres from the nearest small town of Hongqi. How could they have gathered there like that for no reason? Each time they gathered there was for the same reason as on 15 August 1995, and on each occasion they did the same things: they set up a platform, sang and danced. These meetings were exactly the same in content and form, and nature.

8. Resolving the mystery of why the two courts concealed the nature of the two meetings.

The reason that the judge in the Intermediate Court kept quiet through fear and did not dare to refute a single word of the grounds for appeal in the appeal document was because the appeal document stated solid facts: 15 August 1994 was the Feast of the Assumption of Our Lady and 25 December was Christmas Day, festivals shared by Catholics around the world. 16 April 1995 was the festival of Easter for Catholics all over the world. Church members from each county and town arrived at the holy site of Yujiashan on the 15th in order to begin the feast day vigil that evening. 4 June 1995 was Whitsun, 15 August 1995 was the Feast of the Assumption of Our Lady. Those thousands of people, among whose numbers were the accused, were all Catholics. With their hearts full of love for God the Creator, they were observing religious feast days. According to the requirements of Catholic doctrine, Catholics around the world, unless they have a valid reason not to, have a duty to attend feast day celebrations together. Attendance at meetings to celebrate feast days is a requirement of religious doctrine, it needs no one to incite them, it needs no one to lead them, it need no one to gather them together. It arises from the religious ardour that each Catholic has in their heart for God. If a judge cannot understand this, all he need do is borrow a religious book to look it up in or deign to ask some other people. The proceedings of meetings for religious festivals are crystal clear to any church member who has attended such a gathering; in the judgement document, however, is it not stated that these Catholics "were ignorant of the proceedings"?

How can they have been ignorant of the crucifixes, medals of saints and rosaries hanging on their arms

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and clothes? Among them were hundreds who had attended the holy site of Our Lady to celebrate the religious feast on the barren hillside of Yujiashan. How could they be “ignorant of the true circumstances,” not even knowing what they themselves were going there for?

Each time they went to observe a feast day in deepest night on the lonely, barren hillside, 6 kilometres from a small town, they disturbed no one, they disrupted no traffic. The two courts said that the accused (in fact referring to all those who attended the feast day ) “created a very bad influence on society, in a very serious case.” Does this not constitute an odious slander against Catholics the world over? Is not such a condemnation of people participating in a feast day in effect robbing the religious public of the Fuzhou area of their right to religious belief, making trouble where there is no issue? Catholics attending ceremonies for religious feast days always sing songs of worship on a platform (or on the grass). The songs they sing are religious songs of praise to God the Creator Almighty and Our Lady; the dances are religious ones; their talk and their prayers are religious words concerning the God they believe in; the meaning they are expressing is the religious desire to praise the Creator in heaven, it has absolutely nothing to do with the politics of the state. The nature of their meetings is religious. The aims of the meetings they attend are religious aims; their motives are religious motives. Their organisation is the religious organisation comprising the Catholic church throughout the world. Their activities at feast day gatherings are the same as the activities religious services the world over.

The two courts stated that religious adherents gathering to celebrate a religious feast day constituted illegal assembly, so let us look at Clause 35 of the Legal “Constitution” of the State: “ Citizens of the People’s Republic of China enjoy freedom of speech, freedom to publish, freedom of assembly, freedom to march and freedom to demonstrate.” The constitution clearly states that assembly is a fundamental right of all Chinese citizens, a right that no one may infringe arbitrarily. Clause 1 of the “*The Law on Assembly, Marches and Demonstrations of the People’s Republic of China*,” promulgated on 31 October 1989, states: “This law is formulated in order to safeguard the rights of citizens to hold meetings, marches and demonstrations legally, to protect social stability and public order, according to the constitution.”

This clause shows even more clearly how a citizen’s right of assembly is defended not only by the State but also by laws. Clause 2 rules: “‘Assembly’ as referred to in this law means activities where people gather in outdoor public places, to express opinions or wishes.” It is explained clearly on page 141 of the book “*A Popular Primer of Basic Legal Knowledge*”, which was jointly edited by units from the highest courts of the People’s Republic of China, the Public Security Bureau, the Chinese University of Government and Law, and the Department of Justice. In the “*Law on Assembly, Marches, and Demonstrations*,” the assemblies, marches and demonstrations referred to are activities of a mass nature to express ideas, which take place in open places or on public thoroughfares. Open air public places refer to parks, squares or other open spaces where citizens can go freely, public thoroughfares refer to roads where pedestrians and vehicles can pass freely.” Yujiashan is a small mountain 14 km from Linchuan county town and 6 km from the nearest small town of Hongqi. Except for the occasional person out collecting firewood during the day on the mountain tracks, no one goes there. How can such a remote mountain area be considered to be a park, a square or any kind of public place? Whose public security is being affected?

Supposing the necessary applications for public celebration of a religious festival had not been lodged with the government, we can turn to clause 2, paragraph 4 of, “*The Law on Assembly, Marches and Demonstrations*,” which rules: “This law does not apply to cultural and sports activities, regular religious activities and activities related to traditional folk customs.” Thus in the state law it is clearly ruled that those legal restrictions do not apply to regular religious activities. The issue of having to go through application formalities with the government does not even arise. Any clauses, rules or individual dispensations made regionally which contravene state law must be rescinded; this is an inviolable

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constitutional ruling. Which aspects of religious festival celebrations are not allowed by national law? Which aspects fall without the scope of what the state allows? Which aspects are illegal? *"A Popular Primer of Basic Legal Knowledge"* page 138 points out: "The criterion according to which a meeting, march or demonstration is declared legal or illegal must be examined from two standpoints:

a) Did the meeting, march or demonstration go through the application procedure for a permit according to the rules set out in the *"Law on Assembly, Marches and Demonstrations"* and undertake the required obligations?

b) Was the meeting, march or demonstration limited to the expression of opinions? Provided that the meeting, march or demonstration adhered to legal requirements and did not go further than the expression of opinions, then it is a lawful activity." According to the law, Catholics observing regular religious feast days do not come under the jurisdiction of the *"Law on Meetings, Marches and Demonstrations"*, and do not need to be officially approved. The opinions expressed by religious followers are addressed to God not to man, and have absolutely nothing to do with the government. Thus, observing religious feast days is one hundred percent legal. In what way is it "illegal"?

As everyone knows, Clause 36 of the *"Constitution of the People's Republic of China"* rules: "Citizens of the People's Republic of China enjoy freedom of religious belief." The meaning of what is called freedom of religious belief has been interpreted quite clearly by the government and the legislature:

1. Every citizen has the freedom of religious belief and non-belief.
2. Every citizen has the right to believe in any religion.
3. Every citizen has the freedom to believe in any denomination within any particular religion.
4. Every citizen has the freedom to believe in a religion that in the past they did not believe in and no longer to believe in a religion in which they once believed.

"Respect and protection of the freedom of religious belief has been a fundamental policy of our Party and State for a long time." (From *"A Popular Primer of Basic Legal Knowledge"*, Chinese University of Government and Law Publishing House 1991, first edition, page 56.)

Just taking Fuzhou as an example, there are forty or fifty thousand members of the official Roman Catholic Church (the entire membership of the Patriotic Church does not number more than a couple of hundred). The formidable Catholic Church, one of the world's three great religions, and with a history of 2,000 glorious years, has now suddenly become an illegal "underground" religion; its churches, "underground" churches. The Patriotic Church which is only some 40 years old is, however, the "legal", "above board" church. What are the criteria for deciding the legality or illegality of a religion? Where in the country's legal statutes are these sort of criteria enshrined? In which of the country's laws is it in writing that the Roman Catholic Church, one of the world's three great religions, is an illegal church and that the Patriotic Church is a legal one? When did the state compile a list of all religions within China's borders and declare some to be legal, some illegal?

If such a legal statute may be found, then it must be explained why not one single citizen knows about it. Laws must be public, known by all, something which everyone has a duty to uphold. If there exists a law in the country that no one knows about, then naturally citizens have no duty to uphold it, and there clearly exists no such law. If the state has no such law, then there can be no talk of "legal" and "illegal", and if there is no talk of "legal" and "illegal", then there can be no distinction drawn between "underground" and "above board" religions: all are legal, and if all are legal, then why is a particular one labelled illegal and "underground"? Is this not a contradiction? Moreover it stands to reason that if it is legal, then there is nothing to fear: the activities can be carried out in the open and above board. The Catholic Church, one of the world's three great religions, is of great renown throughout the world, so why in China should it be made into something inferior, something furtive, its affairs conducted out of sight, in the darkness, in an "underground" fashion? Are its followers suspicious?

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Originally the Catholic Gospel was pinned to the door of every believer, the gospel was read communally in every household, religious festivals were celebrated together. Openly and proudly they offered each other enthusiastic help, loved their country and the people, and their good reputation spread everywhere. People beat a path to the door of the Catholic Church. What in all of this needs to be hidden "underground"? The government has now decided entirely spuriously that one religion is illegal and underground, while distinguishing another as legal and above board. Is this not intentional denigration and slander of Catholics, with the ulterior motive of misleading the public, confusing society and people's opinions in contravention of the state policy on religion and deliberately causing trouble? It is obvious that declaration of 'legality' or 'illegality' must be made on legal grounds. Can people really believe that those in power are ignorant of this simple truth?

In fact, if those in power establish the criterion that those who attend the Patriotic Church are patriotic and those who do not attend are not patriotic as the yardstick for gauging what is legal and what is not legal, we are bound to wonder why all the Party cadres do not take the lead in attending the Patriotic Church.

It follows that if non attendance means one is not patriotic, and to be unpatriotic is to be "illegal," then those in power are acting illegally and yet hold power, which means quite clearly that they are an "illegal" regime! Let us ask those in power whether they accept such a deduction? If they cannot accept it, they cannot complain, for this is the line of logical reasoning that they themselves have followed. They are not being treated unjustly!

To sum up, the Roman Catholic Church is entirely legal and enjoys the protection of the constitution. There is nothing 'illegal' about this great religion.

9. Irrefutable evidence of the stirring up of trouble for religion and the suppression and persecution of Catholics.

The reason that the groups of believers did not celebrate their religious feast days in churches inside cities and towns, enjoying the "right of religious belief which all citizens of the People's Republic of China" as enshrined in the Constitution is because the Party and Government organs in the Fuzhou area persistently enforce a policy of depriving Catholic citizens of their right to freedom of religious belief. Here follows one recent instance from which the bigger picture can be deduced. Cheng Chanyu, a member of the Fuzhou Local Government Committee and Secretary of the Municipal Party Committee, consistently and wrongfully discriminated against religious denominations and distorted Party policy on religion. He labelled those who did not attend the Patriotic Church as "illegal" and "underground." He also attacked this as a criminal offence, venting his feelings with venom in public at a working meeting of municipal government and law authorities on 24 July. He said: "the broad masses of worker and peasant Party members, staff and cadres, must all mobilise resolutely to eradicate illegal religious influences and to attack their key members." (See the front page article of the "Linzhou Times", 29 July 1995.) In the ten or so counties and towns in the Fuzhou area, the several tens of thousands of church members do not have even one church, nor have Catholics been allowed to build their own church. All the Roman Catholic churches in the area have been taken over by the hundred or so members of the independently established Patriotic Church which broke away from the Roman Catholic Church, regardless of the fact that this left several tens of thousands of church members with no venue for religious activities. These church members have been hounded to their holy place in the mountain wilderness of Yujiashan, where, exposed to the elements, they struggle to observe their religious feast days. The refusal of the regional authorities to grant permission has created a series of cases of religious persecution which have shaken the whole nation.

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Between 12 and 15 August 1994, the Fuzhou local government departments mobilised a force of several thousand from the Armed Police division, various levels of the joint defence forces, and the People's Militia, to obstruct and besiege the ten thousand or so church members who had gone to Yujiashan to celebrate the Assumption of Our Lady, arresting ten or so people including Bishop Zeng Jingmu, Father Liao Haiqing, a church member Wu Jiehong. More than ten people were taken into custody including Lin Chunsheng. More than one hundred churchgoers were beaten, leaving over ten of them seriously injured, including Xie Muxiang and Feng Changxiu. This was the cause of the case of persecution of Catholics which rocked the nation in 1994.

On Christmas Day, 25 December 1994, and Whit Sunday, 4 June 1995, the police and People's Militia blocked ferry crossings, stations and bridges to prevent Catholics going to Yujiashan to observe the feast days.

On the feast of the Assumption of Our lady, on August 15 1995, departments of local government devised a clever scheme to prevent Catholics celebrating the feast day. In the period leading up to August 15, in the area where the church members congregate, they first dug pits half a metre square in area and spread dung all over the ground, (local people can testify that the price of manure was 5 *yuan* for each 50kg load), saying it was for "planting trees." The height of summer in the sixth month of the Chinese calendar is not the planting season, so it was an odd time to dig ditches and plant trees. On the feast day, the church members had to endure the stench of manure, and some trod in it - ugh! This was then the work of the 'scholars' in the "Scholar's Homeland" around Linzhou and Chongren, known all over China. The crowds thought it wicked behaviour. Water from a spring considered by the churchgoers to be holy was used to irrigate the manure, also supposedly for "planting trees." This wanton desecration of sacred ground aroused the deep indignation of the believers.

16 April 1995 was Easter Sunday. Around Easter time, the Chongren County Public Security Bureau unanimously cited questioning as the reason for detaining for up to two months more than ten churchgoers, including peasants, doctors, workers, retired people, housewives and a blind person Zhang Wenlin. In Linzhou city, Gao Shuyun and other church members were detained. On the 15th, when more than 10,000 church members from each of the counties and cities were making their way to the holy mountain, a large group of police, militia and cadres blocked all the roads, bridges, stations and ferry crossings leading to Yujiashan to prevent church members from going to the mountain.

In order to occupy Yujiashan, they also mobilised the Chongren County armed force and 160 local militia dispatched from Sunfang and Baolu counties to occupy the holy site on Yujiashan where the feast day ceremonies were to take place. (See page 4 of the judgment document.) They claimed they were undertaking "important military exercises for the militia." When thousands of church members arrived to observe the feast day on the holy mountain, they were enraged and ashamed, and made false countercharges saying that Rao and other church members had trespassed on their training ground.

No military exercises have been carried out on Yujiashan since Liberation in 1949, but on this special Catholic festival they chose to do essential military training in this place of special religious significance. Clearly the military departments' actions to disrupt and block the Catholic feast day observances were part and parcel of the disruptive tactics, like the disruptive tactics of the Chongren police, the arrests in the Linzhou municipality and the obstruction of roads, bridges and other routes. It is stated in the appeal document that the armed force of Chongren County may undertake military training on all religious feast days when religious ceremonies are held in the future, to achieve their motive of disruption and be able once again to level the false accusation that the church members had trespassed on the training ground, and then arrest and detain them.

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On the 15th, at Shangdudu Bridge in Linzhou City, the police and militia knocked some church members to the ground, threw two of their umbrellas into the water, snatched a watch (worth more than 200 *yuan*) from a church member and injured two female church members who were in their seventies. There was another instance of beating at Hongqi Bridge. The Chongren Procuratorate and Court accused Rao Yanping at four o'clock in the afternoon of cursing the People's Militia as hooligans. In reality, the Procuratorate and the Court stood the facts on their heads, exchanging the event with what happened at eleven o'clock on the evening of the 15th at Yujiashan, when the People's Militia used the cover of darkness to conceal the ruffian-like treatment of Rao Yanping and Sun Duihong, when those two people cursed them. They cited this as having happened at four o'clock in the afternoon. Even though a non-believer Sun Duihong made a statement, the court brushed aside the instances too numerous to mention of beating and humiliation.

Supposing on 15 April at Yujiashan the People's Militia were to carry out emergency training, then we are bound to ask what sort of military training the actions against the churchgoers on the roads, mountain paths, fields, bridges, ferry points, stations and forests comprised. Were they practising beatings? Were they practising traffic obstruction? Were they practising deprivation of citizens' rights? In broad daylight, they were committing the crimes of obstructing Catholics in the observance of religious festivals and of occupying their holy sites. The Chongren County Court and the Fuzhou District Intermediate Court not only failed to discipline them, but were acting on the orders of the government and actively participating in the suppression of Catholic activities in order to win merit, in wrongly accusing Rao Yanping and others of trespassing on the Military Department's training ground.

They used Section 1 of Clause 4 of the Criminal Law to judge those attending the religious gathering as "accomplices," Clause 158 to accuse them of disturbing social order. Even more serious is the fact that the police pulled Yu Qixiang from his bed. Not believing that he was indeed called Yu Qixiang, they threw him out of the door, boxed his ears twice and bundled him into a truck. Only when they were interrogating him did they discover that they really had arrested Yu Qixiang instead of [his brother] Yu Guixiang: the two of them were sleeping in the same bed. The public security guards were unduly carried away with their work, but could not change tack, so subsequently said wrongly that Yu Qi- (Gui-)xiang had called himself Yu Guixiang, and was guilty of concealing information. Yu Shuisheng at no point admitted to setting up a platform, but was similarly implicated by any evidence, so in the court's view any churchgoer can be arrested and detained on a trumped up charge. This behaviour is absolutely a case of 'one thief accusing another.' These are dirty tricks, far outstripping the open beating of churchgoers on the bridge. They have portrayed a sanctimonious facade of protecting the law and justice, while carrying out activities harmful to the welfare of the people. Does this bear any at all of the hallmarks of 'justice'?

The facts above constitute irrefutable evidence from witnesses in the Fuzhou local militia, the Public Security, Procuratorate and justice administration authorities, various government administrative departments; hundreds of thousands of ordinary people and more than ten thousand churchgoers, and especially witnesses who are victims; they have given full proof of the criminal actions of the Fuzhou government administrative departments, the military departments and the authorities of the Public Security, Procuratorate and justice administration together in wantonly riding roughshod over the constitution, breaking criminal law, violating the law and code of conduct and persecuting religious believers. According to the "*Criminal Procedure Law*," these persons in authority who persecute Catholics should be taken to court and be judged by law, so as not to bring shame to the nation's laws and defame the nation's image.

10. These troubles should be concluded immediately, the accused persons rehabilitated and exonerated and the charges dropped to stabilise society and to settle the two years of difficulties instigated by those in power in the Fuzhou area. Every instance of religious persecution is a slur on the image of the Party



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and the government, a wide-reaching slander on the Party and the government, a loss of public confidence, rattling social stability and unity and pitching the Party and the government against the people and trampling crudely on the constitution. Their crimes are evident. Those in the local government and the authorities of the Public Security, Procuratorate and justice administration who persecuted Catholics and those who were physically carried out the persecution have already seriously violated Clause 134 of the criminal code, which is the clause concerning the intentional injury of another person, Clause 137 which concerns the abuse of private property, Clause 138 concerning the crime of framing people by state employees, Clause 143 on the illegal detention, Clause 145 on slander and defamation, Clause 147 on the unlawful infringement by government employees of the normal rights of citizens to freedom of religious belief, Clause 148 on fabricating incriminating evidence, Clause 159 on obstructing and disrupting traffic by assembling, Clause 160 on the defamation of women and Clause 188 the intentional mixing of right and wrong by employees of the justice administration to make judgments in flagrant contravention of the law.

China has a saying for people who wantonly violate the rights of citizens with religious beliefs, do physical harm to them, and cause social contradictions and chaos: "no crime can exceed that of a senior official," and appropriate punishment cannot be applied. However, if the persecution is not stopped immediately and not enough is done to appease the anger and mood of the tens of thousands of Catholics in the area, the people will lose confidence in government policy. The repeated persecution of thousands of religious believers has already upset religious believers considerably and caused a rift between them and local government, forcing the religious believers to unite and use the right to defend themselves with recourse to the constitution to start a resolute fight against the repression. They will adhere with extreme zeal to the belief that "to die for one's belief is a lifelong aspiration" in their defence of their right to freedom of religious conviction. In the words of Laozi: "If people are unafraid to die, how can they be threatened with death?" The tens of thousands of Catholics feel unprecedentedly indignant and aroused by the local government's use of the law to convict and detain our relatives wrongly. If the state does not put a stop to these local officials who break the law and rehabilitate those unjustly persecuted in this unjust case, the situation will be irrecoverable.

We therefore appeal to the Supreme People's Court for leniency. In addition to reporting the true circumstances of the local government's unlawful persecution of Catholics, we sincerely hope that the state will support us ordinary people and put right this unjust case of religious persecution, appease the feelings of the people and settle the matter, enabling us religious believers to enjoy the fundamental rights bestowed on us by the constitution.

Respecting and protecting the freedom of religious belief has long since been Party and State policy. It is now 1995; after several decades of the current government, those with religious beliefs should now be given a place in which to conduct their religious activities. Religious adherents are all patriotic, law-abiding citizens. They hope that local government will not take the distorted view of taking attendance of the Patriotic Church as an indication of patriotism and lawfulness and non-attendance as non-patriotism and unlawfulness when dealing with questions of religion. It must be understood that in all religions State policy and law allow citizens the freedom to choose any denomination. This is the earnest wish of all our church members!

Submitted by the families of those persecuted.

Appellants: Rao Daosheng, Pan Hualian, Fu Ruqin, Sun Duihong, Yu Qingxiang, Yu Fuqing

6th August 1995

