

This update focuses on legal conflicts between journalists and local authorities that have spilled over into the justice system. It also covers a report on police brutality responsible for 5 deaths in Henan province in a single month, a lawyer on trial for bribing judges, and a lenient sentence for a woman who killed her husband's lover.

Conflicts Between Journalists and Local Authorities

Two recent incidents of criminal charges filed against Beijing reporters by local authorities have stirred debate on the role of the media and the justice system. These incidents follow a series of cases reported earlier this year in which journalists that published exposés of local authorities were later charged with corruption. Zhan Jiang, a professor at the China Youth University for Political Sciences, says that the incidents reveal a hole in the current legal system. "China does not have a separate law on the press," observed Zhan. "But the press is such a special industry, it has a supervisory power (*jianduquan*), and it lacks protection (*baohu*)."

In a story first reported in January, Zhang Zhiguo, described in the press as "the most daring (*zuiniu*) county party secretary" of Xifeng county in Liaoning province, dispatched to Beijing local policemen in plain clothes to arrest Zhu Wenna, a reporter for *Faren Magazine* (published by the *Legal Daily*). Zhu had published a story about official misconduct in Xifeng. Libel charges filed by Xifeng county authorities against the reporter were later dismissed, and Zhang was subsequently forced to resign from his post.

In April, Fu Ye, a senior reporter for *The First Financial Daily*, was charged with corruption. Fu had reported in 2005 on the poor quality of the construction of Longjiabao Airport in Liaoning province. According to an interview with Fu by *The Nanfang Weekend News* in June 2007, airport police coerced him to confess accepting RMB 30,000 (\$4000) from an airport official who provided information to him about the report. The official was later sentenced on corruption charges.

On December 4, Jing Jianfeng, a lead reporter for the *Democracy and Law Times*, was charged with unlawfully accepting a laptop worth RMB7800 from a news provider. Jing had written an Internal Report (*neican*) for top party and government leaders about a murder case implicating a local mafia during its fight for control of coalmines in Shangxi province.

CCTV reporter arrested by local procuratorate on bribery charges

The *Beijing Youth Daily* reported on December 8 that Li Min, a China Central Television (CCTV) reporter was arrested at her home in Beijing by procuratorate officers from Shanxi province on the evening of December 4. The four plainclothes officers sent by the Xinhualing district procuratorate of Taiyuan city, Shanxi province gained entry to her flat by claiming to check for a floor leak. The local procuratorate had charged the reporter of accepting bribes.

The report said Li Min reported an abuse of power by the procuratorate in filing criminal charges against Mr. Wu, a Guangdong businessman who has commercial disputes with Taiyuan businessman. The procuratorate arrested Wu four times on bribery charges. He was later released due to lack of evidence. In the process, the Ministry of Public Secu-

rity released a notice saying it was a civil case rather than criminal one. Another reporter from a newspaper who was present with Li Min during an interview with the procuratorate played the recording of a phone call from the chief procuratorate warning: "You must stop your interviews and leave Taiyuan immediately. Otherwise you will regret if you are punished in future and have your journalist licenses revoked."

The *China Daily* reported on December 10 that, Zhou Ze a lawyer for Li Min, said that the alleged corruption of the reporter was actually the receipt of a car worth 200,000 yuan (\$28,500) from her boyfriend. "As Wu's brother is courting Li, it is normal for her to accept the present," Zhou said.

The report said that the Supreme People's Procuratorate (SPP) had approved the detention of Li Min. Zhou argued it was inappropriate for the SPP to approve the detention since the district procuratorate had a conflict of interest (*liyi chongtu*) with the journalist. "The Xinghualing district procuratorate interfered in the work of a reporter, and we will sue it for threatening Li, and also for illegal enforcement of the law," Zhou said.

Zhan Jiang, a professor at the China Youth University for Political Sciences, said that the arresting officers violated rules by not wearing their uniforms. Commenting on the absence of a special law regulating journalists, Zhan said: "Journalists need protection, especially when they disclose the seamier side of society, but they should not enjoy special rights. "If Li has made a profit by using her power, then she should be punished."

<http://news.sina.com.cn/c/2008-12-08/104516804604.shtml>

"Missing" Journalist Under Police Probe Over Bribery Allegations

The *Xinhua News Agency* reported on December 15 that Guan Jian, a Beijing-based journalist who was reported missing for half a month while on assignment to the northern Shanxi Province, had been arrested by the police and charged with accepting bribes. Guan, a reporter from Network

News (*Wangluo Bao*), was taken into custody by police from Zhangjiakou, a city in the neighboring Hebei Province, when he was in Taiyuan, capital of Shanxi. According to the report, Guan Jian was on a trip to investigate misconduct of local officials on land use. His organization and family had no knowledge of his whereabouts for days and reported his absence to the police. Li Xiaosen, the secretary general of the Beijing Criminal Bar Association, observed that the law required police to notify Guan's family with 24 hours of the arrest.

http://news.xinhuanet.com/english/2008-12/15/content_10509483.htm

Police Brutality Responsible for Five Deaths in October in Henan Province

The *Oriental Outlook* (*Liaowang Dongfang*) weekly magazine of Xinhua News Agency reported on December 16 that 5 incidents of unnatural death occurred in police offices in the month of October in Henan province.

In one of the cases, a 22-year-old young man was beaten to death when he went to a local police branch (*paichusuo*) to help a friend taken into custody because he had no money to pay a restaurant bill. The suspects arrested and charged in the killing were one policeman and three public security assistants (*zhianyuan*). The chief of the police branch was also arrested on charges of "dereliction." The chief of the county police bureau was removed from the post.

According to the report, a meeting was held on October 29 by the provincial police bureau to curb police crimes. The meeting focused on the conduct of 492 police officers involved in crimes or illegal activities in the first nine months of 2008, an increase of 15.3% over the last year. Qin Yuhai, Vice Governor and Director of Police Bureau of Henan province, said that there were four serious problems with police misconduct: serious cases of non performance of duty and misconducts; the use of personal connections and money in handling cases; the persistence of brutal interrogation practices (*xinxun bigong*); and the illegal use of public secu-

rity assistants (*zhianyuan*). The report added that “analysts believe that the reason for the crimes of the local police was that they had too much power and inadequate checks and balances.”

<http://news.sina.com.cn/c/2008-12-15/122416850550.shtml>

High-Profile Lawyer to Stand Trial for Bribing Judges

The *China Daily* reported on December 12 that Zhang Tiefeng, a high-profile lawyer from Anhui province will stand trial on charges of bribing judges and government officials. Tao Haiguang, a former judge from Wuhu, will also be tried for taking bribes from Zhang and rendering judgments that violated the law.

According to a report in the *Beijing News*, between 1996 and February this year, Zhang provided legal counsel to the Wuhu finance bureau and a State-owned construction investment company and also represented them in litigation. Over the 12 year period, Zhang allegedly paid 300,000 yuan (\$44,000) in bribes to seven individuals, including Zha Bin, a divisional head of the bureau, a general manager of the construction firm, and six judges.

Zhang was arrested in May following an investigation of Zha Bin and the construction firm. Under interrogation, Zhang told authorities of the involvement of Tao and the five other judges. Upon completion of the investigation, the Wuhu municipal prosecutor's office handed the case to the Tongguanshan district prosecutor's office for further proceedings. It is now common practice, reported the *Beijing News*, to try major cases in a different district to the one in which an offence occurred in order to prevent interference by officials with vested interests in the outcomes of such cases.

http://www.chinadaily.com.cn/china/2008-12/12/content_7297463.htm

Woman Gets Lenient Punishment for Killing Husband's Lover

The *Huanxi City News* reported on Dec 18 that Mao Qian from Luzhou City, Sichuan province was sentenced to 11 years imprisonment after being convicted of killing her husband's lover (*Ernen*).

According to the report, Mao Qian and her husband Yang Yong met with Zhao Li, Yang's lover, on June 25 and offered her RMB 15,000 (\$2,200) to stop the affair. Zhao unexpectedly disagreed with the plan and insisted on marrying Yang Yong. The two women started quarreling and Mao killed Zhao with a knife. Mao immediately surrendered herself to the police.

After the killing, more than 120 people signed a petition imploring the court to give lenient punishment for Mao, claiming that Mao was forced to kill the victim because of her misconduct and Yang's behavior.

Mao's husband Yang actively sought forgiveness from the victim's parents and offered RMB 250,000 (\$36,000) in compensation. On July 23, the victim's parents submitted a “letter of forgiveness” (*liangjieshu*) indicating that they forgive Mao's crime since the victim was partly to blame, and asking the court to assign Mao a lenient sentence.

An online survey posted on the major Chinese website Sohu.com indicates that 80 percent of the 47,000 people participating in the survey supported lenient punishment in the case.

<http://news.wenxuecity.com/messages/200812/news-gb2312-757992.html>

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