



Australian Government
Refugee Review Tribunal

Country Advice

China

China – CHN36806 – Guangdong –
Shenzhen Markets – Corruption – Criminal
gangs – Black gaols – Alert watch list –
Exit procedures

7 June 2010

1. Please locate the Shenzhen Buji Agricultural Products Central Wholes Market and Caopu Police Station on a map.

The Shenzhen Agricultural Products website, (<http://www.szap.com/Service.aspx>) states that the Shenzhen Agricultural Products Co., Ltd. and Buji Agricultural Wholesale Centre are located on Buji Road, Luohu District, Shenzhen, in the south eastern state of Guangdong, China, according to Google Translate, the 'Contact Us' page.¹ Caopu Police Station is also located on Buji Road, according to Google maps². Please see the map in Figure 1 with the top arrow marking the location of the police station and the bottom arrow marking the location of the market.

Figure 1: Location of Caopu Police Station (top arrow) and Shenzhen Buji Wholesale Market (bottom arrow)

¹ 'Shenzhen Buji Agricultural Products Central Wholesale Market' 2010, Google translate website – <http://www.szap.com/Service.aspx> – Accessed 4 June 2010 – Attachment 1.

² 'Caopu Police Station' 2010 Google Maps http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=buji,+Shenzhen,+Guangdong,+China&sl=37.0625,-95.677068&sspn=29.496064,56.337891&ie=UTF8&hq=&hnear=China+Guangdong+Shenzhen+Bu+Ji+Lu&ll=22.583493,114.117308&spn=0.002095,0.005472&z=18 – Accessed 4 June 2010 – Attachment 2.

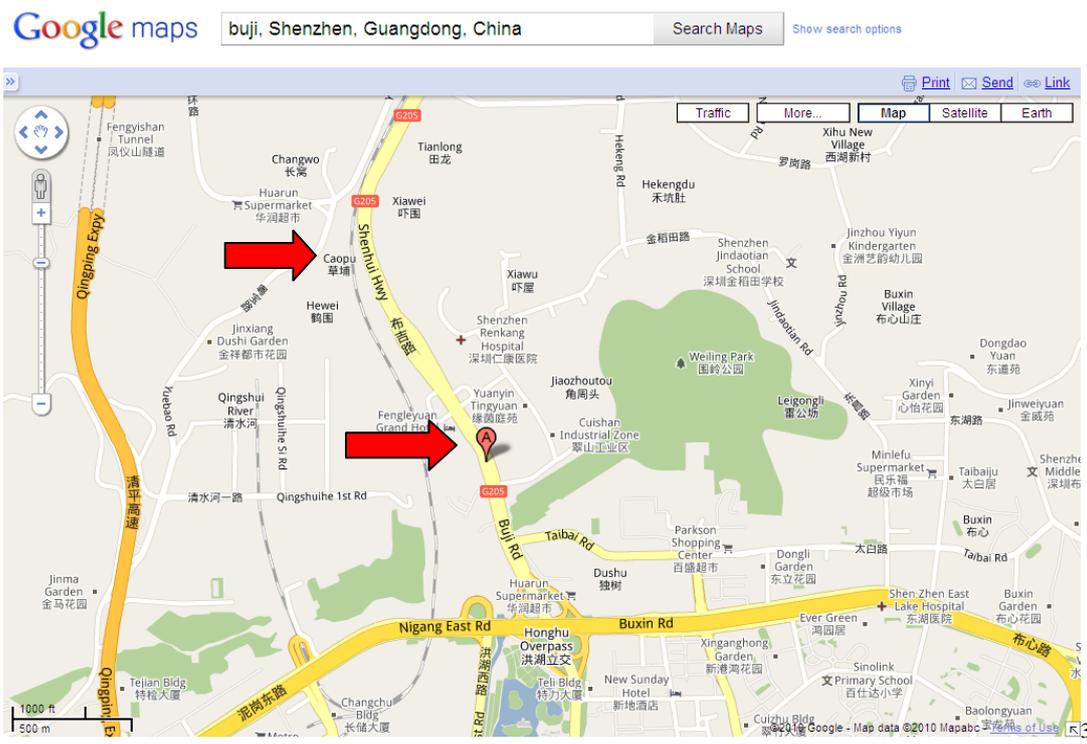
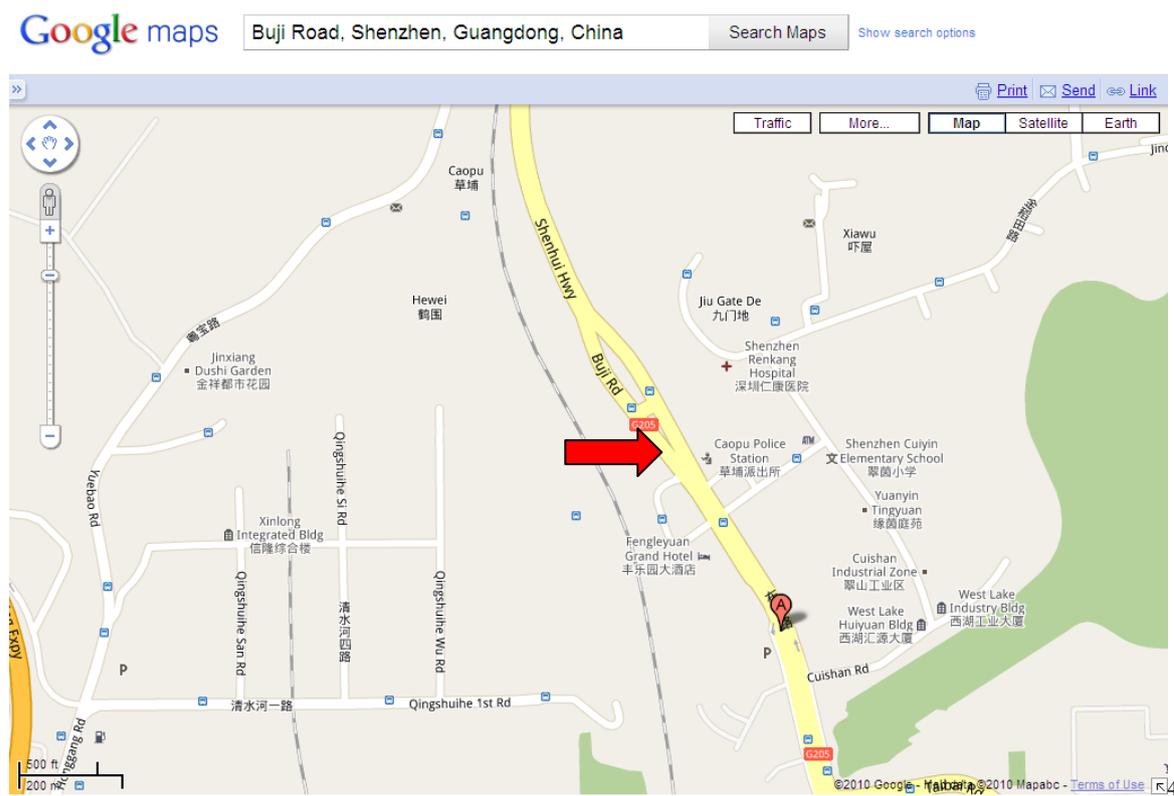


Figure 2: Location of Caopu Police Station.



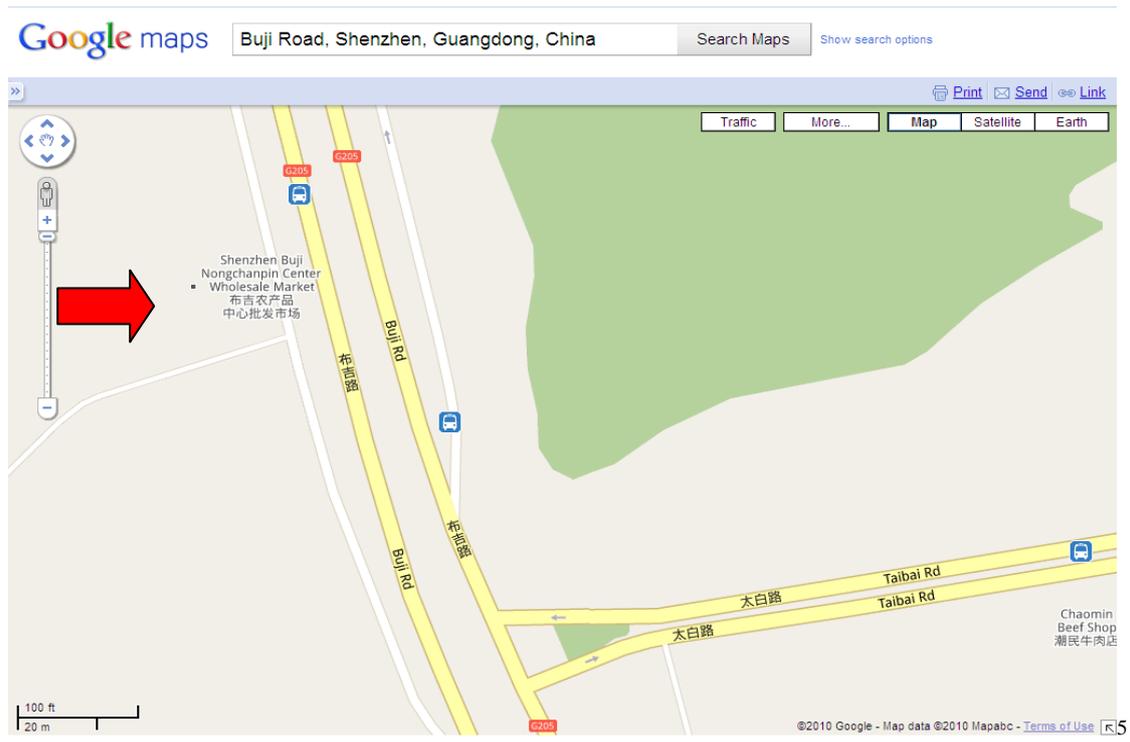
³ 'Buji, Shenzhen, Guangdong, China' 2010, Google Maps website

http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=buji,+Shenzhen,+Guangdong,+China&sl=37.0625,-95.677068&sspn=37.598824,67.587891&ie=UTF8&hq=&hnear=China+Guangdong+Shenzhen+Bu+Ji+Lu&z=15 – Accessed 7 June 2010 – Attachment 3.

⁴ 'Caopu Police station' 2010 Google Maps –

http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=Buji+Road,+Shenzhen,+Guangdong,+Ch

Figure 3: Location of Shenzhen Buji Wholesale Market



2. Please provide any information that might be available on how security is handled at the Markets, including whether it is likely that any security force at the markets would be working for corrupt Communist Party officials there or in the local government agencies, such as the PSB or the Industrial & Commercial Administration Bureau or Health Bureau etc.

No information could be located regarding specific security arrangements in place or crime problems at the Shenzhen Buji Agricultural Products Central Wholesale Market (Buji Market: www.szap.com/english/web/buji.asp). However, the payment of protection money to a criminal gang by a local market vendor is a plausible scenario anywhere in China. In recent years hundreds of farmers markets “owned” by underground criminal organisations have been “shut down” by police in China,⁶ and cases of criminal gangs collecting rent and using extortion, blackmail, and violence to control farm produce markets and vendors have been reported in the Chinese media.⁷

It is plausible that protection rackets and criminal activity takes place in large-scale markets such as the Buji Market where criminals operate quasi-legitimate businesses and shops and may advance their personal interests using intimidation and criminal tactics. A recent *Stratfor*

[ina&sl=22.55719,114.043493&sspn=0.033846,0.087891&ie=UTF8&hq=&hnear=China+Guangdong+Shenzhen+Bu+Ji+Lu&ll=22.585227,114.119647&spn=0.012165,0.021973&z=16](http://www.szap.com/english/web/buji.asp) – Accessed 4 June 2010 – Attachment 4.

⁵ ‘Shenzhen Buji Wholesale Market’ 2010 Google Maps http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=Buji+Road,+Shenzhen,+Guangdong,+China&ll=22.55719,114.043493&sspn=0.033846,0.087891&ie=UTF8&hq=&hnear=China+Guangdong+Shenzhen+Bu+Ji+Lu&ll=22.577906,114.120411&spn=0.001043,0.002736&z=19 – Accessed 4 June 2010 – Attachment 5.

⁶ Chao, Leon 2008, ‘The Resurgence of Organized Crime in China’, Chinascope website, 14 March <http://chinascope.org/main/content/view/326/123> – Accessed 5 May 2009 – Attachment 6.

⁷ Huazhong, W. 2009, ‘Chongqing dragnet claims new mob boss’, *China Daily*, 6 November http://www.chinadaily.com.cn/cndy/2009-11/06/content_8921384.htm – Accessed 19 January 2010 – Attachment 7.

publication on organised crime and corruption reports that ‘Like more traditional organised criminal groups, they will use gangs to intimidate rival businesses or garner political favors from local officials who offer an umbrella of protection for the criminal groups.’⁸ The same publication reports that organised crime and corruption is most prevalent in the southeastern provinces, including Guangdong. Guangdong in particular has a reputation of ‘doing things its own way’ with less central government oversight, and therefore, less government control over corrupt practices, such as criminal activities taking place at the Buji Market. Another report from *China Scope*⁹ stated that corruption among businesses in Guangdong was very high, including seemingly legitimate businesses. November 2005 statistics indicated that underground criminal organisations owned and operated over 95 percent of the over 123,000 nightclubs, karaoke, saunas and bars. It is likely that a lucrative market place, such as Buji Market, is also targeted by criminal elements and corrupt officials for personal enrichment.

A number of other general characteristics of organised crime in China suggest that local market vendors may be forced by criminal groups to pay protection money. Organised crime in China tends to be made up of a small group of individuals no greater than 200 people, who operate in an extremely localised area – such as townships – and who rely on local corrupt politicians, authorities and police. Growth beyond a localised area is restricted as it receives greater attention from the central government authorities.¹⁰ A recent *Stratfor* publication points out that conditions at a township level encourage this type of organised crime:

Organized crime in China largely takes place with the cooperation of local politicians. The conditions in township governing councils encourage corruption, given that officials are poorly paid, they are expected to meet quotas for economic growth and employment and they largely control the information that gets passed from the local level to the central government. This means local officials must get creative to fund local services such as police and fire departments, and must ensure that economic growth continues along at breakneck speed. All too often, politicians rely on shadow governments — the local power brokers not necessarily tied to the CPC and most likely plugged into an organized criminal network — to make ends meet.¹¹

The Ministry of Public Security (MPS) has recently enlarged its national division devoted to investigating gang-related crimes and aims to create special units devoted to this at the provincial and city-level. Officials are currently targeting gangs based at markets. In January 2010, a senior MPS official said gangs “based at markets and bus/train traffic stations, as well as new types of gang-related crimes such as illegal debt collection and “underground policing” will be a major target in crackdowns”.¹²

State protection from criminal gang activity is seriously limited in China by the strong association that can exist between criminals and officials, increasing the likelihood that police may not act against gangsters.¹³ Numerous sources point to links between criminal gangs and

⁸ ‘Organised Crime in China’ 2008, *Stratfor Today*, 19 August – Attachment 8; Chen, A. 2005, ‘Secret Societies and Organized Crime in Contemporary China’, *Modern Asia Studies*, vol. 39, no. 1, p.81 – Attachment 9.

⁹ Chao, L. 2006, ‘The Resurgence of Organised Crime in China’, *China Scope*, June <http://chinascope.org/main/content/view/326/123> – Accessed 4 June 2010 – Attachment 10.

¹⁰ ‘Organised Crime in China’ 2008, *Stratfor Today*, 19 August – Attachment 8; Chen, A. 2005, ‘Secret Societies and Organized Crime in Contemporary China’, *Modern Asia Studies*, vol. 39, no. 1, p.81 – Attachment 9.

¹¹ ‘Organised Crime in China’ 2008, *Stratfor Today*, 19 August – Attachment 8.

¹² ‘7 executed for gang crimes in N. China’ 2010, China.org website, source: *Xinhua*, 8 January http://www.china.org.cn/china/2010-01/08/content_19200157.htm – Accessed 29 January 2010 – Attachment 11; ‘Gang-busting unit set to expand’, 2010, China.org website, source: *China Daily*, 11 January http://www.china.org.cn/china/2010-01/11/content_19213164.htm – Accessed 29 January 2010 – Attachment 12.

¹³ Chin, K.L., & Godson, R. 2006, ‘Organized Crime and the Political-Criminal Nexus in China’, *Trends in Organized Crime*, vol. 9, no. 3, p.6, 30 – Attachment 13; ‘Organised Crime in China’ 2008, *Stratfor Today*, 19 August – Attachment 8.

government officials and police as limiting the government's ability to control criminal activities. For example, in 2008 *Stratfor* concluded that the organised crime that occurs in China does so largely with the cooperation of local politicians.¹⁴ In 2005 *The Economist* reported on the "gangsterisation" of Chinese villages on account of the increasing incidents of rural communities falling under the control of "thugs", often with the support of local officials. The report concluded that "authorities in Beijing rail from time to time against village-level thuggery, but their ability to control it is clearly limited" because of the close connection at the local level between officials and criminals.¹⁵ The extent of police involvement is evidenced by the fact that in the nine years to 2006, just over 10,000 policemen were suspended on account of affiliation with organised crime.

3. Please provide any information on black gaols, and in particular any mention of black gaols in association with any markets, or black gaols in Shenzhen.

A November 2009 Human Rights Watch report entitled "*An Alleyway in Hell*": *China's Abusive "Black Gaols"*¹⁶ provides a comprehensive overview of the operation of black gaols in China. This 57 page publication is summarised below.

Black Gaols in China are secret, unlawful detention facilities created by local and provincial officials to detain, imprison, and punish individuals without charges, trial, due process, or access to legal counsel. They have been mainly used to detain petitioners and intimidate or prevent them from seeking redress at higher offices in provincial capitals and in Beijing. Local and central government officials are aware of these gaols and methods and have not forcefully tried to close them. In fact, some higher officials have assisted in the continued operation of these gaols. Their existence is officially denied by Chinese authorities. Reports of human rights abuses occurring when individuals are sent to black gaols are numerous and include claims of:

- Physical and psychological abuse
- Prisoners deprived of food, sleep, and medical care
- Extortion by guards
- Denial of notification of family members

Black gaols are unmarked and are found in many secret locations, near or attached to otherwise ordinary establishments, such as state-owned hostels, hotels, residential buildings, nursing homes, mental hospitals, among other locations. Black gaol operators are financially rewarded for detaining citizens and charge authorities fixed amounts for each prisoner. These operators are also known to extort bribes from the prisoners themselves to win release. The number of detainees in black gaols is unknown but may reach into the thousands. The 2010 US Department of State *Country Reports on Human Rights Practices – China* adds that in 2009, 'Prolonged illegal detentions at unofficial holding facilities, known as black gaols, were widespread.'¹⁷ Due to the extralegal nature of black gaols, there is no official record of detention that can be used to verify an individuals' detention.

Many inmates of black gaols are petitioners who have accused local officials of corruption and are seeking to appeal their plight and case to higher authorities. Officials who want to

¹⁴ 'Organised Crime in China' 2008, *Stratfor Today*, 19 August – Attachment 8.

¹⁵ 'Democracy Chinese-style – Protest in China' 2005, *The Economist*, 15 October – Attachment 14.

¹⁶ Human Rights Watch, 2009 "An alleyway in hell": China's Abusive "Black Gaols" Human Rights Watch website <http://www.hrw.org/en/reports/2009/11/12/alleyway-hell-0> – Accessed 4 June 2010 – Attachment 15.

¹⁷ US Department of State 2010 *Country Reports on Human Rights Practices– China*, 11 March – Attachment 16.

ignore these complaints can intimidate petitioners by sending them to black gaols. Officials who are corrupt and fear prosecution based on petitioner claims may also imprison petitioners to silence them. There are several reputable reports indicating that numerous local officials nationwide have employed corrupt policemen and Public Security Bureau (PSB) security personnel, or thugs and criminal elements, to abduct petitioners and place them in black gaols. Human Rights Watch reports: 'Plain clothes thugs often actively assist black gaol operators and numerous analysts believe that they do so at the behest of, or at least with the blessing of, municipal police.'¹⁸

No information was located indicating that a black gaol operates in the vicinity of markets in Shenzhen, but this does not rule out the possibility that they exist, or that they have existed in the past. Due to the secretive nature of the operation of black gaols it is very difficult to locate or verify the existence of specific gaols. Some are operated for a temporary period of time and then relocated or closed. The Human Rights Watch report does indicate that black gaols are operated in the province of Guangdong (where Shenzhen is located), since they have interviewed black gaol detainees, including at least one from Guangdong in April and May 2009.¹⁹ No specific location was divulged to protect the Guangdong interviewee from further repercussions.

4. What is the latest information on persons who would be put on alert lists checked at airports on departure from China?

The most recent information located regarding data checking procedures at international airports in China is research published by the Immigration and Refugee Board of Canada (IRB) in 2009²⁰, which confirms that the Golden Shield database links all police departments at county-level and above and most police stations and other units under the county level. As Chinese police are responsible for the administration of exit and entry, all ports of entry including international airports have police units in charge of examination which can connect to the system. However, the IRB research indicates the database is not used to track individuals who are not criminal suspects. The IRB advice states:

In 17 June 2009 correspondence with the Research Directorate, a counselor at the Embassy of the People's Republic of China in Ottawa provided the following information on Public Security Bureau (PSB) information sharing:

1. The national computer network of policing is called the Golden Shield Project.
2. The aim of the project is to improve policing. Non-policing information and information from other departments, such as family planning information, is not stored in the project. There are strict regulations on how to use the data in the project.
3. The Project has eight databases:
 - (1) Population information, mainly the information on the citizen ID;

¹⁸ Human Rights Watch, 2009 'An alleyway in hell China's Abusive Black Gaols' Human Rights Watch website, p. 3 <http://www.hrw.org/en/reports/2009/11/12/alleyway-hell-0> – Accessed 4 June 2010 – Attachment 15.

¹⁹ Human Rights Watch, 2009 "An alleyway in hell": China's Abusive "Black Gaols" Human Rights Watch website <http://www.hrw.org/en/reports/2009/11/12/alleyway-hell-0> – Accessed 4 June 2010 – Attachment 15.

²⁰ Immigration and Refugee Board of Canada 2009, CHN103133.E 'Whether the Public Security Bureau (PSB) has set up a national computer network for information sharing; nature and extent of communication between PSB officers across the country; whether a link to a police computer network is available at international airports in China, 2 July – Attachment 17.

- (2) Criminal record information;
- (3) Criminal fugitive information;
- (4). Information on stolen and robbed cars;
- (5) Information on passports and exit and entry;
- (6) Information on registered cars and drivers;
- (7) Information on police officers;
- (8) Information on key fire-prevention units.

4. Now all police departments at county level and above (namely police departments at provincial, city and county levels) and most police stations and other grass-roots units (namely police under the county level) can connect to the system. Some small police stations and grass-roots units in remote areas can not connect to the system.

5. The system used by PSB in Beijing is the same national system. It is part of the national system.

6. Chinese police are in charge of exit and entry administration. Just like CBSA [Canada Border Services Agency], in all ports of entry including international airports there are police units in charge of examination and they can connect to the system.

... The Embassy Counselor stated that the Golden Shield is not used to track an individual who is not a criminal suspect according to Chinese criminal law.²¹

In 2008 the Department of Foreign Affairs and Trade (DFAT) provided the Refugee Review Tribunal (RRT) with an English version of the *Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens*.²² Articles 14 and 15 illustrate the requirement that citizens departing the country submit to inspection by officials and outline the categories of persons to whom departure who will be refused:

Article 14

Chinese citizens shall enter or leave the country from designated ports or ports open to aliens, present to the border inspection office their passports issued by the People's Republic of China or other entry-exit certificates, fill in the entry-exit registration card, and accept inspection.

Article 15

The border inspection office shall have the right to forbid any of the following categories of persons to enter or leave the country:

- (1) those who hold no passports issued by the People's Republic of China or other entry-exit certificates;
- (2) holders of invalid passports or other invalid entry-exit certificates;
- (3) holders of forged, altered and other than their own passports and certificates;
- (4) those who refuse to produce their certificates for examination.

Persons who fall under the circumstances as stipulated in the preceding Items (2) and (3) shall be dealt with in accordance with the provisions in Article 23 of these Implementation Rules.

²¹ Immigration and Refugee Board of Canada 2009, CHN103133.E *Whether the Public Security Bureau (PSB) has set up a national computer network for information sharing; nature and extent of communication between PSB officers across the country; whether a link to a police computer network is available at international airports in China*, 2 July – Attachment 17.

²² *Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens* (Approved 4 December 1986 & Promulgated 26 December 1986), Provided to the Refugee Review Tribunal by the Department of Foreign Affairs and Trade on 16 September 2008 – Attachment 18.

Advice received from DFAT in 2006 confirmed that Chinese authorities check all outgoing passengers against an 'alert' list; however, DFAT was not aware of how comprehensive the list is.²³ DFAT stated that Chinese citizens subject to arrest warrants would be on the alert lists, and that it was likely that people under investigation (but for whom an arrest warrant is yet to be issued) would also be on the lists. DFAT advised that alert lists are connected to Chinese identity cards as well as passports.²⁴

The Immigration and Refugee Board of Canada (IRB) published information in October 2005 stating that Chinese airports have separate inspection barriers for Chinese citizens, foreign travellers, diplomatic staff, and airline personnel. The Frontier Defense Inspection Bureau (FDIB) controls inspection barriers. Chinese travellers must present their passports and immigration departure cards to FDIB officers; however, they do not need to present their resident identity card during the inspection. The officers conduct identity verification using a computerised system.²⁵ The 'computerised system' mentioned in the IRB report likely refers to China's 'Golden Shield' project.

Attachments

1. 'Shenzhen Buji Agricultural Products Central Wholesale Market' 2010, website, <http://www.szap.com/Service.aspx> (Google translation of characters) - Accessed 4 June 2010.
2. 'Caopu Police Station' 2010, Google Maps http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=buji,+Shenzhen,+Guangdong,+China&sll=37.0625,-95.677068&sspn=29.496064,56.337891&ie=UTF8&hq=&hnear=China+Guangdong+Shenzhen+Bu+Ji+Lu&ll=22.583493,114.117308&spn=0.002095,0.005472&z=18 - Accessed 4 June 2010.
3. 'Buji, Shenzhen, Guangdong, China' 2010, Google Maps website http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=buji,+Shenzhen,+Guangdong,+China&sll=37.0625,-95.677068&sspn=37.598824,67.587891&ie=UTF8&hq=&hnear=China+Guangdong+Shenzhen+Bu+Ji+Lu&z=15 - Accessed 7 June 2010.
4. 'Caopu Police station' 2010 Google Maps - http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=Buji+Road,+Shenzhen,+Guangdong,+China&sll=22.55719,114.043493&sspn=0.033846,0.087891&ie=UTF8&hq=&hnear=China+Guangdong+Shenzhen+Bu+Ji+Lu&ll=22.585227,114.119647&spn=0.012165,0.021973&z=16 - Accessed 4 June 2010.
5. 'Shenzhen Buji Wholesale Market' 2010 Google Maps http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=Buji+Road,+Shenzhen,+Guangdong,+China&sll=22.55719,114.043493&sspn=0.033846,0.087891&ie=UTF8&hq=&hnear=China+Guangdong+Shenzhen+Bu+Ji+Lu&ll=22.577906,114.120411&spn=0.001043,0.002736&z=19 - Accessed 4 June 2010.

²³ DIAC Country Information Service 2006, *Country Information Report No.06/42 – China: Failed asylum seeker return decision*, (sourced from DFAT advice of 7 August 2006), 25 August – Attachment 19.

²⁴ DIAC Country Information Service 2006, *Country Information Report No 06/65 – China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2008), 8 November – Attachment 20.

²⁵ Immigration and Refugee Board of Canada 2005, *CHN100513.E 'China: Exit controls for citizens traveling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport'*, 25 October – Attachment 21.

6. Chao, Leon 2008, 'The Resurgence of Organized Crime in China', Chinascope website, 14 March <http://chinascope.org/main/content/view/326/123> – Accessed 5 May 2009.
7. Huazhong, W. 2009, 'Chongqing dragnet claims new mob boss', *China Daily*, 6 November http://www.chinadaily.com.cn/cndy/2009-11/06/content_8921384.htm - Accessed 19 January 2010.
8. 'Organised Crime in China' 2008, *Stratfor Today*, 19 August.
9. Chen, A. 2005, 'Secret Societies and Organized Crime in Contemporary China', *Modern Asia Studies*, vol. 39, no. 1, p.81.
10. Chao, L. 2006, 'The Resurgence of Organised Crime in China', *China Scope*, June <http://chinascope.org/main/content/view/326/123> - Accessed 4 June 2010.
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13. Chin, K.L., & Godson, R. 2006, 'Organized Crime and the Political-Criminal Nexus in China', *Trends in Organized Crime*, vol. 9, no. 3, p.6, 30.
14. 'Democracy Chinese-style - Protest in China' 2005, *The Economist*, 15 October. (FACTIVA)
15. Human Rights Watch, 2009 "*An Alleyway in Hell*": *China's Abusive "Black Jails"* Human Rights Watch website <http://www.hrw.org/en/reports/2009/11/12/alleyway-hell-0> - Accessed 4 June 2010.
16. US Department of State 2010 *Country Reports on Human Rights Practices– China*, 11 March.
17. Immigration and Refugee Board of Canada 2009, CHN103133.E '*Whether the Public Security Bureau (PSB) has set up a national computer network for information sharing; nature and extent of communication between PSB officers across the country; whether a link to a police computer network is available at international airports in China*, 2 July.
18. Government of China 1986, *Rules for the Implementation of the Law of the People's Republic of China on the Control of the Exit and Entry of Citizens* (Approved 4 December 1986 & Promulgated 26 December 1986), Provided to the Refugee Review Tribunal by the Department of Foreign Affairs and Trade on 16 September 2008.
19. DIAC Country Information Service 2006, *Country Information Report No.06/42 – China: Failed asylum seeker return decision*, (sourced from DFAT advice of 7 August 2006), 25 August.
20. DIAC County Information Service 2006, *Country Information Report No 06/65 – China: Passport and exit arrangements*, (sourced from DFAT advice of 8 November 2008), 8 November.

21. Immigration and Refugee Board of Canada 2005, *CHN100513.E 'China: Exit controls for citizens traveling overseas, including documents and police checks, and whether a person wanted by authorities could leave China using a passport in his or her name; exit procedures at Beijing airport'*, 25 October.