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China: Organized crime or black society activity, particularly in Guangdong and Fujian, including links with government officials, repercussions associated with failing to meet demands of criminal gangs, and government efforts at tackling organized crime (2005 - 2006)

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Organized Crime or Black Society Activity

Organized crime groups, also referred to in China as "black societies" (*Asia Times* 16 Feb. 2006; Zhang Dec. 2001, 54) and "underworld groups" (Chin and Godson 24 Jan. 2006, 61), have become a "growing concern" in China (Zhang Dec. 2001, 53). In 2004, an organized crime expert at the University of Nanjing [in Jiangsu province (University of Texas 2001)] estimated that there were approximately one million black society members in China (Reuters 24 Aug. 2004). The prevalence of organized crime groups and criminal activity in the country has been attributed to corrupt Chinese authorities (*ibid.*; Chin and Godson 24 Jan. 2006, 3; *South China Morning Post* 13 Mar. 2006) and "widespread poverty" (Reuters 24 Aug. 2004).

A 2001 report on black societies in China noted that the number of criminal groups has been increasing and that the "violence, ruthlessness, and scale" of their activities have intensified (Zhang 2001, 54). According to a book by He Bingsong, cited in a March 2006 publication on Asian transnational organized crime, the "most serious" organized crime problems for Chinese authorities are "drug distribution, gambling, prostitution, and violence" (Finckenauer and Chin Mar. 2006, 8). Other foremost organized crime problems of concern to Chinese officials are drug manufacturing, political-criminal connections (i.e., bribery, corruption), and the penetration of organized crime groups into legitimate businesses (*ibid.*, 54).

A 2001 journal article, which provides statistics on organized crime in China and its geographical distribution, noted that rates of organized crime, or black society activity, vary geographically as a result of such factors as economic development, effectiveness of local authorities, and differences in local culture and customs (Zhang Dec. 2001, 67). The article further noted that

- a) major or serious crimes are more prevalent in the north and west of China than in the south and east;
- b) the types of crime committed in each region tend to remain fairly stable: homicides most prevalent in the north, drug trafficking in the south, robbery in the west and theft in the east; and
- c) serious organized crime is most prevalent in small and medium-sized cities where the economy is underdeveloped. Road robbery is often seen in remote areas whereas criminal enterprises are often established in wealthy areas (*ibid.*, 68).

The coastal province of Guangdong is reportedly among the Chinese provinces with the most criminal organizations (*ibid.*). Organized crime from Taiwan, Hong Kong, Macao, and from overseas is mostly found in mainland China's larger cities, including Guangzhou [in the province of Guangdong (University of Texas 2001)] (Zhang Dec. 2001, 68). Hong Kong triads have reportedly increased their criminal activities in Guangdong in the last decade (Chu 2005, 8).

Press reports from 2004 to 2006 outline various types of organized crime activities in Guangdong province, including underground casinos (*China Daily* 21 Oct. 2005; BBC 12 July 2005; *South China Morning Post* 6 Aug. 2005; AFP 10 Aug. 2004; Xinhua News Agency 8 Dec. 2005), possession of weapons (*ibid.*; *South China Morning Post* 6 Aug. 2005; *ibid.* 20 June 2005; AFP 10 Aug. 2004), prostitution (*ibid.*; *China Daily* 21 Oct. 2005; BBC 12 July 2005), drug trafficking (*ibid.*; Xinhua News Agency 8 Dec. 2005; *South China Morning Post* 6 Aug. 2005), murder (*ibid.*; *China Daily* 21 Oct. 2005; AFP 10 Aug. 2004), kidnapping (*ibid.*; *South China Morning Post* 6 Aug. 2005), and assault (*ibid.*; AFP 21 May 2005).

"There are several powerful [organized crime] groups active in each and every town or county" in the Fuzhou area [in the coastal province of Fujian (University of Texas 2001)] (Chin and Godson 24 Jan. 2006, 15). There have been reports of organized crime members in Fujian province being involved in such activities as prostitution, gambling (AFP 24 Jan. 2005), robbery, extortion, assault, murder (Chin and Godson 24 Jan. 2006, 13), and trafficking in persons (BBC 18 Aug. 2005). The province's city of Fuzhou is considered "the center of human trafficking" and is used as a departure point for the operations of "snakeheads or human smugglers" (Chin and Godson 24 Jan. 2006, 12).

Black society groups in both Guangdong and Fujian are involved in migrant smuggling, drug trafficking, drug smuggling and arms trafficking (Zhang Dec. 2001, 69), as well as counterfeiting activities (*ibid.*; FDCH 20 Apr. 2004). The city of Lufeng in Guangdong has been described as the "headquarters of counterfeit activities in China" (Zhang Dec. 2001, 69-70).

Black society crime in China is mainly local (Chin and Godson 24 Jan. 2006, 43) or regional in nature (Fickenauer and Chin Mar. 2006, 9), rather than national or transnational (*ibid.*). Organized crime groups in China, according to a report on organized crime in China cited in a 24 August 2004 Reuters news article,

are still at a low level of development because they have not received much support from society, except from corrupt officials, and now they have become the tools of those officials for riding roughshod over people.

Links with Government Officials

A number of sources consulted by the Research Directorate report the existence of links between organized crime groups and certain Chinese authorities (Chin and Godson 24 Jan. 2006, 1; Zhang Dec. 2001, 54; Finckenauer and Chin Mar. 2006, 9; Reuters 24 Aug. 2004; *Asia Times* 16 Feb. 2006; *The Globe and Mail* 28 May 2005). According to a 2001 journal article on black societies in China, their "collaboration with government and justice system officials is becoming closer" (Zhang Dec. 2001, 54). The article further states that a greater number of organized crime groups are receiving "political protection" and manage to "escape detection or prosecution" (*ibid.*).

Most organized crime groups are reportedly protected by authorities, referred to as "*baohusan*, or protecting umbrella" (Finckenauer and Chin Mar. 2006, 9; Chin and Godson 24 Jan. 2006, 1). *Baohusan* is "a government official who takes bribes from criminals and in turn provides protection to the criminals and their illegal activities" (*ibid.*).

Guangdong has been identified as one of the most corrupt provinces in China (BBC 17 Jan. 2006). A "prominent" Beijing-based political activist, cited in a 17 January 2006 BBC news report, stated that

[p]rovincial governments [in China] are getting stronger and more corrupt, as they get together with the local 'black societies', or mafia. And Guangdong is [the] strongest and most corrupt of all.

Among the sources consulted by the Research Directorate, there are also reports of collusion between organized crime groups and the Chinese authorities in Fujian province (AFP 24 Jan. 2005; Chin and Godson 24 Jan. 2006, 12-20). In January 2005, the leader of an organized crime group was sentenced to death for operating a prostitution and gambling ring in Fuzhou, Fujian province, in what was described as "the biggest-ever case of collusion between gangsters and officials in Fuzhou" (AFP 24 Jan. 2005). Authorities in the case charged that the leader of the ring bribed fifty different officials and paid approximately one million dollars to protect his illegal business (*ibid.*; Chin and Godson 24 Jan. 2006, 18).

There have been several reports of local administrations in rural China hiring local "gangsters" (*The Economist* 13 Oct. 2005; *Times Union* 29 Aug. 2004) or "black societies" to maintain order (*Newsweek International* 24 Oct. 2005; *Asia Times* 16 Feb. 2006). Members of organized crime groups have also been used to "exact" taxes from local villagers (*The Economist* 13 Oct. 2005; see also *Times Union* 29 Aug. 2004; *The Globe and Mail* 28 May 2005). According to *The Economist*, in some instances "gangsters" have been

"appointed as village leaders by higher-level officials" (13 Oct. 2005). According to the same source, "[s]ome Chinese scholars call [this phenomenon] the 'gangsterisation' of Chinese villages" (*The Economist* 13 Oct. 2005).

Repercussions For Failing to Meet Demands of Criminal Gangs

Citing a book on Chinese organized crime by Xiao Chong, a March 2006 report indicated that organized crime groups in China are becoming "better armed and more violent" and that the country's officials are "concerned with violent acts committed by mobsters against rival gang members, ordinary citizens, business owners, and government authorities" (Finckenauer and Chin March 2006, 8-9).

In rural China, black societies have reportedly been "terrorizing the countryside," beating up villagers and "intimidating" those who do not meet their demands (*Times Union* 29 Aug. 2004; see also *Asia Times* 16 Feb. 2006; *The Economist* 13 Oct. 2005). In May 2005 in Zhongshan city, Guangdong province, alleged members of the Sun Yee On triad attacked a reporter, "chopping off" two of his fingers for writing about the triad (AFP 21 May 2005). In October 2005, a local activist (*The Economist* 13 Oct. 2005) was beaten by alleged black society members after arriving in Guangdong's Taishi village (*Newsweek International* 24 Oct. 2005; *The Economist* 13 Oct. 2005), where residents had attempted to remove the elected village chief from office (*ibid.*).

A 28 May 2005 article in *The Globe and Mail* suggested that motorists refusing to pay a toll at a black society operated "unofficial toll station" on a dirt road near the town of Pingyao may face certain repercussions:

If a motorist takes the dirt road but refuses to pay the fee, a girl in the small toll shack calls ahead to the gangsters, who are armed with guns and knives, and usually succeed in getting their two Yuan.

According to *Country Reports on Human Rights Practices for 2005*, trafficked persons "entangled" with human smugglers or snakeheads "paid high prices for their passage to other countries ... [and] ... reportedly were forced to repay traffickers for the smuggling charges and their living expenses by working in specified jobs for a set period of time" (8 Mar. 2006). Trafficked persons who protested allegedly received "threats": either they would be reported to the authorities or their families would be "retaliated" against (*Country Reports 2005* 8 Mar. 2006).

No further information on repercussions faced by those failing to meet the demands of organized crime groups could be found among the sources consulted by the Research Directorate.

Government Efforts

According to a 2005 article in the *The Economist*, the ability of Chinese authorities to control "village-level thuggery" is "clearly limited" (13 Oct. 2005). However, several sources consulted by the Research Directorate report various efforts being made by the Chinese government to tackle organized crime.

The 1997 Criminal Law of the People's Republic of China, for example, addresses "specified organizations with underworld characteristics" and more specifically Article 294 of the law defines such organizations as those

commit[ting] organized illegal or criminal acts through violence, threat or other means, such as lording it over the people in an area, perpetrating outrages, riding roughshod over the rights of or cruelly injuring or killing people, thereby seriously disrupting economic order and people's daily activities (Chin and Godson 24 Jan. 2006, 52-53).

In 2002, the country's Standing Committee of the National People's Congress offered a detailed explanation of the law, identifying the following as characteristics of an "underworld" organization:

1. The formation of a relatively stable organization, with a large number of gang members and also unequivocal organizers, leaders, and a reliable core group;
2. The pursuit of economic gains through organized crime or other illegal means, with sufficient economic strength to support its activities;
3. The repeated commission of organized crimes through violence, threat or other means such as riding roughshod over the rights of or cruelly injuring or killing people;
4. By committing illegal or criminal activities, or being harboured [protected] by government officials, it lords over people in a given area, or has illegal control or imposes a major

influence in a certain region or trade, which seriously disrupts both the economic order and people's daily activities (Chin and Godson 24 Jan. 2006, 54).

According to the Website of the United Nations Office on Drugs and Crime, China ratified the United Nations Convention Against Transnational Organized Crime in September 2003 (UN n.d.).

For the period spanning 2004 to 2006, news organizations reported numerous crackdowns on organized crime groups (*South China Morning Post* 20 June 2005; Xinhua News Agency 8 Dec. 2005; AFP 24 Jan. 2005; BBC 30 Aug. 2005; AFP 10 Aug. 2004) and Chinese officials involved with these groups (*Asia Times* 16 Feb. 2006; *The Globe and Mail* 28 May 2005). According to a 2006 study on the political-criminal connections of organized crime in China, there was an increase in the number of government officials who were penalized or dismissed for corruption during the 1998 to 2002 period, compared to that of 1993 to 1997 (Chin and Godson 24 Jan. 2006, 59). The number of city-level officials, in particular, who were penalized or dismissed increased significantly over these same time periods, rising by 44.8 per cent (ibid.).

There were also reports of death sentences being handed down to persons involved in organized crime (AFP 24 Jan. 2005; ibid. 10 Aug. 2004; *China Daily* 21 Oct. 2005; BBC 18 Aug. 2005), including government officials (*The Globe and Mail* 28 May 2005). According to one source, the Chinese government "executes more officials for corruption offences than the rest of the world combined" (ibid.).

The Chinese government is also trying to stem corruption among officials by making it a requirement for members of the Chinese Communist Party (CCP) to attend "educational meetings" on corruption, referred to as "*baoxian*" (Chin and Godson 24 Jan. 2006, 59).

Among the sources consulted by the Research Directorate, there were several reports of cooperative efforts being made among provincial authorities, particularly among law enforcement agencies in Hong Kong, Macao, and mainland China, to combat organized crime (*South China Morning Post* 20 June 2005; ibid. 18 Nov. 2005; BBC 18 Aug. 2005; Chu 2005, 12).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Oral sources, including: a professor of sociology at Hong Kong University and a professor from the School of Criminal Justice at Rutgers University provided documents to the Research Directorate.

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