

Immigration and Refugee Board of Canada

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Responses to Information Requests

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China: State efforts to address government corruption; anti-corruption legislation and regulations; agencies responsible for investigating corruption; prosecutions and punishment for corruption; recourse available to victims of corruption

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Situation

1.1 Prevalence

Various sources describe the problem of official corruption in China as "widespread" (US 24 May 2012, 2; Global Advice Network n.d.a) and "endemic" (Freedom House 2012; RFA 9 Nov. 2011). In correspondence with the Research Directorate, a professor of political science who specializes in China at the City University of New York (CUNY) expressed his opinion that China's control over corruption has declined since 2004 (31 Aug. 2012). Similarly, an academic specializing in anti-corruption at Tsinghua University in Beijing explains in an interview with the Hong Kong newspaper *South China Morning Post* that, according to a report by the head of the Central Commission for Discipline Inspection (CCDI), which investigates corruption within the Communist Party of China (CPC) (US 24 May 2012, 45), corruption has worsened despite the "non-stop anti-graft campaigns of [the] past several years" (2 June 2012).

According to the state media source Xinhua News Agency, 600,000 members of the CPC, including 60 officials at the ministerial and provincial levels, were punished between 2007 and July 2012 for violating party and government discipline (26 July 2012). Another Xinhua article indicates that the authorities punished 146,517 government officials for corruption in 2010, including 5,098 leaders at or above the county level (10 Jan. 2011). The BBC reports that, according to CPC data, 106,000 officials were found guilty of corruption in 2009 (8 Jan. 2010).

In June 2011, the People's Bank of China reported that between 16,000 and 18,000 public officials had embezzled and smuggled abroad almost 800 billion Chinese yuan [C\$ 125 billion (XE 24 Aug. 2012)] between the mid-1990s and 2008 (BBC 17 June 2011; *The Times* 17 June 2011). Sources report that according the Procurator-General's annual report to the National People's Congress in 2011, the state seized illicitly obtained money and goods worth 7.4 billion yuan [C\$ 1.2 billion (XE 28 Aug. 2012)] (RFA 15 June 2011; Xinhua News Agency 11 Mar. 2011) in 2010 (ibid.).

1.2 Nature of Corruption

Sources indicate that corruption in China has become increasingly "complicated" and "covert" (Xinhua 19 July 2011; China Dec. 2010, Preface). According to the head of the Central Commission for Discipline Inspection (CCDI), some of the major corruption problems in the country involve land acquisition, arbitrary education tuition fees, medical services, drug and food safety issues, and collusion with gangs, among other issues (SCMP 2 June 2012; Bloomberg 31 May 2012).

Sources indicate that corruption is a problem in sectors that are heavily regulated by the government (Global Advice Network n.d.a; US 24 May 2012, 45), which, the US Department of State's *Country Reports on Human Rights Practices for 2011* explains, are "susceptible to fraud, bribery, and kickbacks" (ibid.). The Business Anti-Corruption Portal, run by the private consultancy firm Global Advice Network and financed by seven European governments (n.d.c), explains that such corruption may entail

reorganization and appraisal of state assets ... decisions on and allocation of public investment funds, assignment and pricing of land resources, regulations of levies and taxes, selection and financing of infrastructure projects, business regulation, labour, trade and commercial disputes, and provision of social welfare (n.d.a)

Various other sources also report on corruption in infrastructure development projects (US 24 May 2012, 45; RFA 9 Nov. 2011; Xinhua 18 Oct. 2011). According to Radio Free Asia (RFA), because of the increased government spending on infrastructure projects following the global economic crisis, corruption has "mushroomed" among officials (9 Nov. 2011).

Media sources also report on small-scale corruption occurring at local levels (RFA 15 June 2011; *The Times* 17 June 2011; SCMP 2 June 2012). According to the head of the CCDI, 88 percent of the corruption cases investigated between November 2007 and February 2012 involved "grass-roots officials," such as village and street committee leaders (ibid.). For example, an RFA article, citing Xinhua News Agency, states that a number of traffic police in Shenzhen, Guangdong province, were arrested in 2010 for selling accident reports to be used for fraudulent car insurance claims (15 June 2011). Another RFA article indicates that, according to a Jiangsu-based environmentalist, excessive pollution in China's drinking water occurs because businesses "routinely" bribe local officials to circumvent environmental standards (3 May 2011). The CUNY professor indicated that the "buying and selling of government positions" and promotions with cash and gifts is "widespread" (31 Aug. 2012). London-based newspaper *The Times* reports that citizens complain of giving "gifts" to doctors to ensure that they perform operations "correctly" (17 June 2011).

2. State Response

In a December 2010 white paper entitled *China's Efforts to Combat Corruption and Build a Clean Government*, the government acknowledged that corruption remains a "very serious" problem because "the relevant [anti-corruption] mechanisms and systems are still incomplete" (China Dec. 2010, Preface). The white paper indicates that anti-corruption efforts in the 1980s and 1990s focused on serious economic crimes and breaches of law and discipline through embezzlement, misappropriation of public funds, negligence and dereliction of duty, and bribery (ibid., Sec. 6). It notes that in the 21st century, the scope has been expanded to include

cases in which leading cadres take advantage of their control over personnel affairs, judicial powers, right to administrative examination and approval, and right to administrative law enforcement to act in collusion with lawbreaking businessmen, trade power for money, and solicit and take bribes, cases in which leading cadres provide protective shield for underworld and evil forces, and cases of serious infringement on the interests of the people, and cases of corruption that cause mass disturbances and major accidents due to negligence. (ibid.)

In a keynote speech marking the 90th anniversary of the CPC in July 2011, President Hu Jintao stated that corruption was threatening the legitimacy of the Party and that the CPC would intensify its anti-corruption efforts (Xinhua 1 July 2011).

2.1 Legislation and Regulations

2.1.1 Criminal Law

Various forms of official corruption are prohibited by the 1997 Criminal Law of China, including bribery, embezzlement of public funds, money laundering, and dereliction of duty (China 1997, Art. 385, 382, 388, 163, 191, 397). The law specifies the following punishments for officials who accept bribes or illegally acquire state properties:

1. Individuals who have engaged in graft with an amount of more than 100,000 yuan [C\$ 15,542 (XE 4 Sept. 2012a)] are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment and may, in addition, have their properties confiscated. In especially serious cases, those offenders are to be sentenced to death and, in addition, have their properties confiscated.
2. Individuals who have engaged in graft with an amount of more than 50,000 yuan but less than 100,000 yuan are to be sentenced to more than 5 years of fixed-term imprisonment and may, in addition, have their properties confiscated. In especially serious cases, those offenders are to be sentenced to life imprisonment and, in addition, have their properties confiscated.
3. Individuals who have engaged in graft with an amount of more than 5,000 yuan but less than 50,000 yuan are to be sentenced to more than one year but less than seven years of fixed-term imprisonment. In serious cases, those offenders are to be sentenced to more than seven years but less than 10 years of fixed-term imprisonment. Individuals who have engaged in graft with a amount of more than 1,000 yuan but less than 10,000 yuan may receive a reduced punishment or be exempted from punishment if they express repentance after having committed crimes and actively returning the illegally obtained money. However, they will receive administrative action to be decided by the unit to which they belong or the higher administrative organ.
4. Individuals who have engaged in graft with an amount of less than 5,000 yuan, with the situation being serious, are to be sentenced to less than two years of fixed-term imprisonment or criminal detention. In lighter cases, they will be given administrative action to be decided by the unit to which

they belong or the higher administrative organ.

Toward those who have committed repeated crimes of graft, all amounts of graft of unhandled cases are to be added in meting out punishment. (ibid., Art. 383)

The law also dictates that extorting bribes carries a "heavier punishment" (ibid., Art. 386). State officials "who abuse their authority by retaliating against or framing accusers, petitioners, criticizers, or informants ... are to be sentenced to two years or less in prison or put under criminal detention. If the case is serious, they are to be sentenced to two to seven years in prison" (ibid., Art. 254).

In February 2011, the criminal law was amended to prohibit the bribery of foreign government officials and officials of international public organizations, with a maximum punishment of 10 years in prison and a fine (US 24 May 2012, 46; China 2011, para. 29). Immediate family members of government officials can also be punished if they abuse the official's position of power for personal gain (Global Advice Network n.d.b; China 2009, XIII).

2.1.2 Other Legislation and Regulations Prohibiting and Preventing Corruption

According to the government's 2010 white paper on anti-corruption, the CPC has issued numerous codes of conduct and ethical rules for party members in positions of power, including:

- the Guidelines of the CPC for Party-member Leading Cadres to Perform Official Duties with Integrity (1997, amended for implementation in 2010), which prohibit cadres from "engaging in profit-making activities and seeking illegitimate gains by taking advantage of their positions and power in violation of the established rules";
- the Regulations of the Central Commission for Discipline Inspection of the CPC on the Strict Prohibition of Seeking Illegitimate Gains by Misuse of Office (2007);
- the Regulations on the Executives of State-owned Enterprises for Performing Management Duties with Integrity (Trial) (2009);
- the Regulations on Implementing the System of Registration for Gifts Received in Domestic Social Activities by Functionaries of Party and State Organs, which prohibits officials from accepting gifts and grants that may influence their work;
- the Regulations on Leading Cadres' Report of Relevant Personal Matters, which regulates the reporting of family assets; and
- the Interim Regulations on Strengthening Management of State Functionaries Whose Spouses and Children Have Emigrated Abroad (China Dec. 2010, Sec. 3).

The government's white paper also indicates that the Regulations on Disciplinary Sanctions of the CPC regulates punishment for disciplinary violations by party members, including embezzlement and bribery (ibid.). Five punishments can be applied to enforce Party discipline: "explicit warning, stern warning, removal from post within the Party, probation within the Party and expulsion from the Party" (ibid.). The Regulations on the Punishment of Civil Servants in Administrative Organs state that sanctions for civil servants include "explicit warning, recording of demerit, recording of major demerit, demotion, dismissal from post, and discharge from office" (ibid.).

The 2010 anti-corruption white paper also indicates that China has enacted several laws and regulations to improve the supervision of leading cadres in positions of power, such as the 2007 Law of the People's Republic of China on the Supervision of Standing Committees of People's Congresses at All Levels, and a number of regulations formalizing and strengthening the supervision of party members, including the Regulations of the CPC on Intra-Party Supervision (Trial) and the Interim Regulations on Report by Party-member Leading Cadres on Their Work and Integrity (China Dec. 2010, Sec. 3). According to the white paper, corruption prevention measures are also included in numerous other laws and regulations, including the Civil Servant Law, the Administrative Licence Law, the Government Procurement Law, the Anti-monopoly Law, and the Bidding Law (ibid.). Additionally, there are laws regulating the qualifications, administration, and supervision of judges, procurators, and law enforcement officials (ibid.).

Sources report that in July 2011, the authorities issued new regulations targeting corruption by village officials (Xinhua 13 July 2011; US 2011, 166). The regulations forbid officials from seizing collective assets such as land and other natural resources; interfering in local elections; supporting criminal gangs; and abusing their power for financial gain or favours for family members (Xinhua 13 July 2011). The regulations also stipulate that township governments carry out annual evaluations of their officials' compliance of the rules (ibid.).

In 2010, the government issued regulations requiring officials to disclose their assets as well as those of their family members (*China Daily* 12 July 2010; US 24 May 2012, 45; Global Advice Network n.d.b). For example, officials are obliged to report their sources of income, including their family members' financial investments (*China Daily* 12 July 2010; US 24 May 2012, 45), properties held in their name or that of their spouses or children (ibid.), and income from their spouses' employment and other sources (*China Daily* 12 July 2010). According to *Country Reports 2011*, the regulations apply to officials in government agencies or state-owned enterprises at the county level or above (US 24 May 2012, 45). *China Daily*, a state media source, also reports that officials at the deputy county level and above are required to disclose this information to higher authorities, but not to the public (*China Daily* 12 July 2010).

Similarly, RFA reports that the asset disclosure system is not supervised by an external agency (9 Nov. 2011).

2.2 Other State Initiatives

The CPC's 2008-2012 anti-corruption plan reportedly emphasized corruption prevention, including education and supervision, as well as punishment (Global Advice Network n.d.a). *Country Reports 2011* indicates that, as part of this plan, the Supreme People's Procuratorate established in 2011 a database of bribery cases in local government project, and notes that citizens can request to consult the database through procuratorate offices (US 24 May 2012, 47). In August 2012, the head of the CCDI announced that China would implement a new five-year plan following the 2012 CPC national congress (Xinhua 21 Aug. 2012).

According to Xinhua News Agency, the CCDI established the China Academy of Supervision and Discipline Inspection in October 2010 as the "top training school" for the party's anti-corruption cadres (6 Sept. 2011). In November 2011, RFA reported that civil servants were required to attend "moral training sessions" to improve honesty and personal integrity in the performance of official duties (9 Nov. 2011).

According to *Country Reports 2011*, in July 2010 the government announced that state-owned businesses would be subject to a new collective decision-making procedure, in which a collective leadership would take joint decisions on important matters, including the allocation of capital and decisions on personnel (US 24 May 2012, 45-46). The same source reports that in 2010, the Supreme People's Court appointed anti-corruption monitors to improve internal supervision and to inspect local courts (ibid.).

2.3 Local Initiatives

According to the 2010 anti-corruption white paper, some local and departmental administrations have also enacted their own anti-corruption regulations, in accordance with the Constitution and state law (China Dec. 2010, Sec. 3). Sources report that in 2009, local authorities ran a major anti-crime campaign in the municipality of Chongqing (*The Guardian* 3 Nov. 2009), which reportedly led to the investigation of 9,000 suspects (*The New York Times* 4 Nov. 2009) and the prosecution of 90 officials, including 42 for sheltering criminal gangs (Xinhua 7 July 2010). Sources indicate that the director of the Chongqing municipal judicial bureau and former deputy police chief was executed for taking bribes, among other crimes (ibid.; *The Guardian* 18 Jan. 2011), and at least 170 other officials were removed from their posts for "similar collusion" (ibid.).

In 2011, the Higher People's Court of Chongqing enacted a new regulation forbidding family members of judges to accept money from lawyers (Xinhua 18 July 2011; US 24 May 2012, 46). Also in 2011, the Higher People's Court of Fujian Province introduced regulations forbidding judges from meeting in private with parties in a case (ibid.; Xinhua 18 July 2011).

According to Squire Sanders, an international law firm that has offices in Beijing, Shanghai, and Hong Kong, among other locations in Asia, Europe, North America, and Latin America (n.d.), between 2011 and March 2012, courts in Guangdong province reportedly intensified anti-bribery activities, investigating over 720 commercial bribery cases and convicting 474 state officials (4 May 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Anti-Corruption Bodies

3.1 Central Commission for Discipline Inspection (CCDI)

The CCDI is the agency responsible for investigating and combating corruption within the CPC (US 24 May 2012, 45; China Dec. 2010, Sec. 2), and reports to the CPC Central Committee (ibid.). There are also local commissions for discipline inspection at lower administrative levels that are overseen by Party committees and discipline inspection commissions at higher levels (ibid.). According to Freedom House, internal discipline inspection commissions have "a range of extralegal powers" to detain and investigate their members (2011). Party members suspected of corruption are reportedly detained incommunicado in an extralegal system known as *shuanggui* (Freedom House 2012; US 2011, 86; Economist Intelligence Unit 1 Sept. 2012). The Economist Intelligence Unit indicates that those subject to *shuanggui* system can be interrogated for months (ibid.). The same source reports that, according to a Tsinghua University academic, most of the estimated 140,000 to 150,000 CPC officials investigated each year by the party are subject to *shuanggui* (ibid.). Sources indicate that investigations for disciplinary violation are an internal party process and that party officials can choose at their discretion to hand over its members to the judiciary for investigation and possible prosecution by the state authorities in accordance with criminal law (Freedom House 2011; US 10 May 2012, 15). Citing the estimates of an academic at the Chinese University of Hong Kong, the Economist Intelligence Unit indicates that less than 10 percent of officials investigated and detained by the party are transferred over to the police (1 Sept. 2012).

Xinhua News Agency reports that as of 2011, the CCDI had investigated 21,000 corruption cases in 425,000 government-funded construction projects, leading to the punishment of over 10,000 officials (26 July 2012). The same source indicates that between 2007 and 2012, over 700 officials were punished for violations of workplace safety standards leading to workplace accidents (Xinhua 26 July 2012). It also reports that according to the director of

the CCDI's research division, the CCDI has run special campaigns against specific problems, including bribery in construction contracting, excessive overseas travel by government officials, and the failure by officials to report securities and assets (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The CUNY professor expressed the opinion that none of the anti-corruption bodies in China "has maintained solid credibility in fighting corruption" (31 Aug. 2012). Nevertheless, he stated that the CCDI is the most effective of the anti-corruption agencies in investigating and punishing corrupt officials (Professor 31 Aug. 2012). He noted that the CCDI focuses on "higher-level serious cases," and often delegates lower-level or less serious cases to discipline inspection commissions at lower administrative levels (ibid.). He added, however, that the CCDI provides oversight and assistance to local commissions (ibid.).

Sources note that the CCDI system of self-supervision within the Party creates conflicts of interest (US 10 May 2012, 15; Freedom House 2011; Global Advice Network n.d.b). The US Congressional Research Service writes that, according to critics, investigations by the CCDI are often politically motivated (10 May 2012, 15). Additionally, *Country Reports 2011* states that the CPC's internal disciplinary procedures were "opaque" and it is unclear whether corruption was consistently punished (US 24 May 2012, Executive Summary). The Global Advice Network's Business Anti-Corruption Portal notes that the CCDI's internal investigators are responsible for investigating high-ranking party officials who manage appointments to the CCDI and may use their higher rank to block investigations, creating a "major paradox" in the system (n.d.b). According to Freedom House, the "[e]xcessive concentration of political power and the absence of bottom-up checks have led to the spread of corruption within Chinese anticorruption institutions themselves" (2011).

3.2 Ministry of Supervision, National Anti-Corruption Bureau, and National Bureau of Corruption Prevention (NBCP)

According to the CUNY professor, the Chinese government has two anti-corruption agencies (31 Aug. 2012). He explained that the National Anti-Corruption Bureau, which is responsible only for state employees who are not members of the CPC, is an older agency that has had its credibility and effectiveness compromised, notably due to the removal of several of its directors for corruption (Professor 31 Aug. 2012). Additional information on the National Anti-Corruption Bureau could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The National Bureau of Corruption Prevention (NBCP) was established in 2007 to improve and develop new anti-corruption policies, among other tasks (Xinhua 26 July 2012; Global Advice Network n.d.b). The NBCP reports to the Ministry of Supervision (ibid.; Professor 31 Aug. 2012). China's 2010 anti-corruption white paper indicates that the NBCP has "overall responsibility" for the government's corruption prevention work, which involves coordinating national anti-corruption activities; developing policies and plans; directing the work on corruption prevention of enterprises, public institutions, intermediate agencies, and other social organizations; and managing international cooperation and technical assistance activities related to corruption prevention (China Dec. 2010, Sec. 2). According to the Global Advice Network's Business Anti-Corruption Portal, the NBCP does not have the authority to investigate individual cases of corruption, and focuses its efforts primarily on international cooperation and public awareness-raising (n.d.b).

In 2011, an annual report on China's rule of law, published by the Chinese Academy of Social Sciences, ranked the NBCP at the bottom of the list of 59 government administrations for administrative transparency, specifically with respect to budget information transparency (*China Daily* 25 Feb. 2011).

3.3 Judiciary

According to China's 2010 anti-corruption white paper,

[a]s judicial organs of the state, the people's courts try in accordance with the law all criminal cases, including cases of embezzlement, bribery and dereliction of duty considered to involve corruption ... and punish crimes of corruption As state organs for legal supervision, the people's procuratorates pursue liabilities of criminal acts, investigate state functionaries suspected of embezzlement and bribery, dereliction of duty, encroachment of right and other duty-related crimes, prevent duty-related crimes, and submit public prosecutions to people's courts on behalf of the state in accordance with the law. The Supreme People's Court and the Supreme People's Procuratorate also direct the trial and procuratorial work of corruption cases by means of judicial interpretations. (Dec. 2010, Sec. 2)

Country Reports 2011 indicates that according to the Supreme People's Procuratorate annual report for 2010, procuratorates across the country investigated 32,909 cases of corruption, dereliction of duty, and human rights violations in 2010, involving 44,085 individuals and including 2,723 officials at the county and director level and above (24 May 2012, 45).

4. Effectiveness of Anti-Corruption Measures

According to *Country Reports 2011*, anti-corruption laws were, in general, ineffectively implemented as officials "frequently engaged in corrupt practices with impunity" (24 May 2012, 45). Similarly, the CUNY professor expressed the opinion that Chinese anti-corruption institutions have "overall failed," partly because government officials "have systematically weakened them and trampled the [anti-corruption] laws and regulations" (31 Aug. 2012). The professor also stated that the state's anti-corruption efforts are "random" and involve "sacrificing a few officials who tend to be not in the power core in order to calm the public and increase legitimacy" (Professor 31 Aug. 2012). He added that the authorities have "unwritten rules" regarding the prosecution of corruption cases that protect state-level officials, namely Standing Committee members and the vice-leaders of the National People's Congress and above, from investigation, and generally exempts high-ranking officials at the governor and ministerial level and above from the death penalty (*ibid.*). Additionally, he explained that punishments rendered to corrupt officials "can be very arbitrary," with many officials who embezzled a million dollars or more sentenced to long prison terms or executed, and some who embezzled smaller sums sentenced to 8 to 10 years in prison, and some high-ranking officials who embezzled "tens of millions" receiving shorter jail sentences (*ibid.*).

The US Congressional Research Service notes that the CPC has sole discretion to determine whether party members should be transferred to the state judiciary (US 10 May 2012, 15). The same source explains, further, that the Chinese bureaucratic rank system, which determines the relative importance of people, official agencies, public institutions, state-owned corporations, and geographic units, "frequently undermines lines of authority" and "impede[s] effective regulatory oversight" because regulating agencies cannot issue binding orders to entities of the same rank that they are responsible for regulating (*ibid.*, 11). Freedom House states that prosecution for corruption is "selective" and influenced by "informal personal networks and internal [CPC] power struggles" (2012). It also suggests that among central party leaders, corruption charges are "effective tools for disposing of political rivals" (Freedom House 2011). Similarly, the CUNY professor explained that corruption charges have become "a weapon for political struggle..., politicized and arbitrary" and that an official who has lost a power struggle is often accused of corruption (Professor 31 Aug. 2012). He also stated that personal connections can protect corrupt officials from prosecution (*ibid.*). He added that the investigation of a case does not necessarily depend on the scale of the corruption, since large-scale corruption often involves a "thick and wide network of spoils and patronage [which] tends to make it ... difficult to target anyone in the network" (*ibid.*). Rather, the majority of corruption cases are exposed when a personal or political conflict is made public and becomes a "scandal" (*ibid.*). The CUNY professor indicated, however, that the government occasionally establishes specific priorities, such as cracking down on officials who collude with organized crime groups or who have transferred large sums of money overseas (*ibid.*).

Xinhua News Agency indicates that the CCDI stated that of the 600,000 individuals punished for corruption between 2007 and July 2012, over 200,000 were referred to the judicial system for prosecution (Xinhua 26 July 2012). According to the CCDI, there were 6,800 officials prosecuted for corruption in the infrastructure industry between January and August 2011 (Xinhua 18 Oct. 2011).

4.1 Notable Cases of Prosecution

Various sources have reported on the prosecution and punishment of high-ranking officials for corruption, including but not limited to:

- the former secretary of the provincial discipline inspection commissions in Guangdong and Zhejiang, who, in 2010, was sentenced to death with a two-year reprieve for taking bribes (Xinhua 9 Sept. 2010);
- the former general manager of the state-owned China National Nuclear Company, and a member of the CCDI and the Central Committee, who was sentenced to life in prison for taking 6.6 million yuan [C\$ 1.03 million (XE 4 Sept. 2012b)] in bribes (Xinhua 19 Nov. 2010);
- Song Yong, the former vice chair of the Liaoning Province People's Congress, who was convicted of accepting 10.2 million yuan [C\$ 1.59 million (XE 4 Sept. 2012c)] in bribes and sentenced to death with two years' reprieve in 2011 (US 24 May 2012, 46; Xinhua 30 Jan. 2011);
- Xu Maiyong, the former vice mayor of Hangzhou, who was convicted of bribery and embezzlement (*The Times* 17 June 2011; Xinhua 19 July 2011) and Jiang Renjie, the former vice mayor of Suzhou, also convicted of bribery and embezzlement, who were both executed in July 2011 after their appeals were rejected by the Supreme People's Court (*ibid.*);
- Liu Zhuozhi, former vice chair of the Inner Mongolia regional government, who was convicted of accepting bribes and sentenced to life in prison in July 2012 (*ibid.* 26 July 2012);

4.2 Judiciary

Sources indicate that corruption in the judiciary may influence court decisions, including in cases of corruption (Global Advice Network n.d.a; Xinhua 18 July 2011). According to Freedom House, the CPC controls the judiciary, including its verdicts and sentences, particularly in cases deemed politically sensitive (2012). The US Congressional Research Service explains that judicial authorities cannot conduct investigations without the permission of the CPC and that the work of the police, prosecutor's office, and courts is overseen by the party's Commission of Politics and Law [also known as the Committee of Political and Legal Affairs] (10 May 2012, 14). The CUNY professor similarly

noted that the "arbitrary" punishments rendered to corrupt officials reflects the decisions of the Commission of Politics and Law, rather than those of the courts (31 Aug. 2012). *Country Reports 2011* adds that it was often not possible to enforce court judgements against "powerful special entities including government departments, state-owned enterprises, military personnel, and some members of the [CPC]" (24 May 2012, 45).

5. Recourse for Victims of Official Corruption

Sources indicate that there are some official channels for victims of official corruption to report their experiences (Xinhua 18 July 2011; *Global Times* 2 July 2012). For example, according to the *Global Times*, a CPC-owned newspaper (Freedom House 10 May 2012), all local governments, discipline and supervision bureaus, and procuratorates can receive letters, calls, visits, and internet messages from citizens reporting corruption (2 July 2012). The same source indicates that the Supreme People's Procuratorate established the anti-corruption website 12309.gov.cn in 2009, and has received over 100,000 tips on alleged incidents of corruption as of July 2012 (ibid.). Xinhua News Agency reports that the Fujian Higher People's Court has a website and a 24-hour hotline that allows citizens to report breaches of regulation by the judiciary (18 July 2011).

Sources also indicate that there are unofficial websites dedicated to reporting and exposing official corruption (*Global Times* 2 July 2012; RFA 11 Jan. 2011; Freedom House 2012). However, a number of unofficial sites were reportedly shut down in 2011 due to pressure from the authorities (Freedom House 2012; AP 22 June 2011). *Global Times* reports that the state officials shut down 89 unofficial sites between March and June 2012 for alleged fraud or blackmail that "'damaged the Internet's credibility'," according to the deputy editor of an official CCDI corruption website (2 July 2012). According to RFA, the independent website China Justice and Anti-Corruption Net was reportedly filtered out of search engine results after the website's founder refused the authorities' request to remove a story on forced evictions in Shandong (11 Jan. 2011). According to the *Global Times*, there were approximately 700 governmental and non-governmental anti-graft websites active in July 2012 (2 July 2012).

A 2011 Freedom House publication states that media coverage offers "a limited check on local corruption," explaining that the central government allows some reporting on corrupt state functionaries, partly as a means of monitoring the activities of lower-ranking officials, but that coverage of corruption that "starts to touch on broader political questions or generates widespread discontent with core central government policies" is repressed.

Sources suggest that citizens who report corruption are often subject to retaliation (US 2011, 167; *Caixin* 3 Nov. 2010). RFA articles report that journalists and other citizens who have reported or exposed official corruption or wrongdoing have been subject to prosecution and punishment (RFA 9 Jan. 2012), including detentions, beatings, and confinement in labour camps or psychiatric hospitals (ibid. 11 Jan. 2011). For example, an investigative journalist who exposed official corruption was convicted and imprisoned in 2008 for "extortion and blackmail," re-tried at the end of his prison term in 2011 and sentenced to another eight years in prison (RFA 9 Jan. 2012).

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 sources consulted in researching this Information Request.

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Oral sources: A professor at Renmin University of China was unable to provide information within the time constraints of this Response. Attempts to contact professors at Claremont McKenna College, Clemson University, and Tsinghua University were unsuccessful.

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Studies; China – 12309.gov.cn, National Bureau of Corruption Prevention, Supreme People's Procuratorate; China Media Project; Chinese Law Prof Blog; ecoi.net; *The Economist*; Fujian Provincial Government; Global Anti-Corruption Portal; Global Integrity; *The Globe and Mail*; Guangdong Provincial Public Security Department; Human Rights Watch; Independent Commission Against Corruption; lianzheng.com.cn; Reporters Without Borders; Transparency International; United Nations – Office on Drugs and Crime, Refworld; *The Wall Street Journal*; World Bank.

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