

# CHINA MEDIA BULLETIN

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## PHOTO OF THE MONTH

### Free the Lawyers

Postcard featuring photos of detained human rights lawyers. Similar images have appeared on protester signs and news reports in Hong Kong, Taiwan, and elsewhere as supporters call for the attorneys' release. *Credit: Chinese Human Rights Lawyers' Concern Group*



FEATURE

# How Beijing's Crackdown on Lawyers Affects Media Freedom

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For the past month, the Chinese authorities have engaged in a sweeping crackdown on human rights lawyers and the broader “rights defense movement” they represent. At last count, over 250 attorneys, law firm staff, family members, and activists across China had been detained or summoned for questioning since July 9. At least 20 remain in custody or are missing. Several of those being held face serious, politically motivated charges that could result in long prison terms.

Much commentary inside and outside China has, understandably, focused on the campaign’s negative impact on the rule of law. But the assault on this community of attorneys and the manner in which it has unfolded also have important implications for media and internet freedom. Some media-related features of the crackdown have been relatively predictable, following the Communist Party’s usual playbook for persecuting civil society activists. First, in a tactic that has been termed “cyberdisappearance,” the names of several detained lawyers were quickly rendered “sensitive,” meaning online searches for them now result in error messages or sanitized lists of links. Second, on July 14, censorship officials directed all websites to use only “authoritative” official sources in their reports about the lawyers’ detention, and to avoid reposting news from “non-standard” sources. Third, in a Mao-era practice that has been revived under President Xi Jinping, the national broadcaster China Central Television aired the forced confessions of at least two attorneys.

But three other aspects of the crackdown represent a worrisome escalation of the Communist Party’s suppression and manipulation of information.

**1. More aggressive smear campaign on state media:** As in other authoritarian settings, the detention of civil society activists in China is often accompanied by efforts to discredit them and their cause via state media. But the vigor with which Communist Party–controlled outlets are now attempting to vilify the rights defense movement goes beyond such run-of-the-mill defamation. The articles are more numerous and frequent, including not only news items, but also anonymous editorials and contrived “expert opinion” pieces. And the lawyers are smeared with more extreme language, including terms like “major criminal syndicate,” “seamy,” “sinister,” and “shrewish.” The coverage has been supplemented with manipulative use of video footage and the creation of sophisticated infographics and cartoons. In fact, the demonizing nature and scale of the media blitz are reminiscent of Mao-era political campaigns, or more recent full-scale crackdowns on popular movements such as the 1999 ban on the Falun Gong spiritual group. This may not be coincidental, as many of the detained lawyers had represented Falun Gong clients.

**2. First WeChat arrests:** China’s human rights lawyers have been avid users of Tencent’s WeChat and similar instant-messaging platforms—including QQ groups, another Tencent service, and Telegram, developed by Russian entrepreneurs. These tools allow for the speedy sharing of information within a closed circle of contacts and are less heavily censored than

more public platforms like the Sina Weibo microblogging service. They have allowed rights defense lawyers to connect with victims of abuse who need legal counsel, share advice on sensitive cases, and promote petitions on behalf of ordinary citizens and fellow lawyers who face official harassment. Although the evidence against the detained attorneys remains unclear, high-profile reports from party mouthpieces like *People's Daily* have adopted an incriminating tone when describing the lawyers' use of WeChat and similar platforms for coordination. If such activity forms the basis for future convictions, these would be the first known cases of individuals being imprisoned for sharing political or social content on WeChat. Separately, Telegram—whose “secret chat” feature enables encrypted exchanges of information—suffered a major denial-of-service attack that hampered its Asia-Pacific services during the first days of the crackdown, and was subsequently blocked in China.

**3. Assault on internet activism itself:** While the criminalization of online speech in China is not new, the wholesale demonization of using the internet for social activism is exceptional. A central focus of the accusations made against the human rights lawyers has been their use of social media and other online tools to challenge official versions of events, share images of small-scale protests that then garner wider attention, raise funds from the public, or build popular support for their clients in an effort to gain judicial sympathy.

Given the Communist Party's political influence over the judiciary, lawyers' use of such tactics has often proven crucial in securing an additional measure of protection—and occasionally freedom—for their clients. Indeed, several of the lawyers and activists who remain in detention played key roles in many online campaigns that made national and international headlines in recent years, sparking public debate about rights issues ranging from sexual harassment and religious freedom to police brutality, and occasionally winning government concessions. The escalation surrounding the rights defense crackdown fits a broader pattern in which the Communist Party under Xi Jinping has been closing previously available space for civil society, while imposing the party line more forcefully as the dominant media narrative, both online and off.

Such actions have ramifications far beyond the legal community. The potential persecution of activists for WeChat communications could have a chilling effect on the application's hundreds of millions of users in China. Meanwhile, the wide swath of citizens previously defended by the detained lawyers will find it terribly difficult to uphold their right to free expression. Even if competent attorneys are courageous enough to take the places of their jailed colleagues—a likely scenario given the movement's past resilience—they will face new limits on how to defend clients and mobilize support for their release or protection from abuse in a dramatically lopsided legal system.

The crackdown on human rights lawyers is truly a step backward for media freedom and the ability of all Chinese citizens to impart and receive information that is critical to their well-being and life decisions, the quality of their country's governance, and the long-term vigor of their society.

## DETAILS

- **China Human Rights Lawyers Concern Group 7/25/2015:** At least 255 lawyers/law firm staff/human rights activists have been detained/arrested/incommunicado/summoned/restricted freedom temporarily
- **Fei Chang Dao 7/11/2015:** Sina Weibo begins censoring names of lawyers Wang Yu and Li Heping
- **China Digital Times 7/14/2015:** Minitrue: Detention of ‘trouble-making’ lawyers
- **The National 7/19/2015:** Detained China human rights lawyer ‘confesses’
- **Xinhua 7/12/2015:** Uncovering shady “Rights Defense” case [Chinese]
- **TechCrunch 7/13/2015:** Telegram suffers DDOS following criticism for enabling human rights lawyers in China
- **Fei Chang Dao 7/28/2015:** Baidu censorship promotes government articles smearing ‘rights defense’ lawyer Wang Yu
- **Legal Daily 7/13/2015:** Explaining the “Rights Defense” ring in one graphic [Chinese]
- **Xinhua 7/12/2015:** China apprehends paid protest organizers, including lawyers, internet celebrities [cartoon]
- **China Change 7/27/2015:** The vilification of lawyer Wang Yu and violence by other means

## PRINT/BROADCAST

**State media drive market bubble, netizens react to crash with humor**

Retrospective analysis of the Chinese stock market bubble that burst on June 12, wiping out an estimated \$3.5 trillion in value, has pointed to the role of state media—and the public’s use of the outlets to gauge the leadership’s priorities—in contributing to the distortion. Editorials and articles in leading Communist Party mouthpieces over the past year had predicted a bull market, fueling the belief that the government would ensure such an outcome.

In addition to employing government financial interventions as a form of damage control, in early July, *People’s Daily*, the *Beijing News*, and other state media published articles that urged “rationality and calm” and declared confidence in the Chinese economy. Then, on July 23, regulators instructed media outlets to “substantially cut down on coverage of the stock market,” discontinue expert interviews and in-depth discussions, avoid terms like “spike” or “slump,” and adhere strictly to information from the official China Securities Regulatory Commission (CSRC). Though the crash directly affects only a small share of the population and economy, it could nevertheless have serious political implications. Observers note the damage done to the party’s legitimacy and to that of President Xi Jinping himself. Many analysts suggest that this political motivation, rather than sound economic reasons, drove officials to intervene aggressively to stop the stock slide. Some, such as blogger Wen Yunchao, argue that regime insecurity linked to the market plunge helped catalyze the July crackdown on human rights lawyers (see above).

Separately, two notable categories of netizen reaction have remained largely uncensored on the Sina Weibo microblogging platform: angry comments against CSRC chairman Xiao Gang, a possible scapegoat for the crash, and morbid stock-related jokes. One joke that was shared widely during the third week of stock declines read as follows: “Last month, my dog ate what I ate. Last week, I ate what my dog ate. This week, I ate my dog.”

## DETAILS

- **Economist 7/11/2015:** China embraces the markets
- **CNN 7/8/2015:** How China's media and risky trading fueled stock market crash
- **Beijing News 7/9/2015:** How does China respond to the global market whirlwind [Chinese]
- **People's Daily 7/9/2015:** Six basic points about the current stock market [Chinese]
- **China Digital Times 7/9/2015:** Minitrue: Rules on stock market reporting
- **Foreign Policy 7/9/2015:** Meet the man Chinese stock investors love to hate
- **Los Angeles Times 7/14/2015:** China's response to a stock market plunge? Censor, spin, restrict selling

## PRINT/BROADCAST

**Coverage of secretive leadership conclave hints at party infighting**

Conflicting state media reports have fueled confusion about whether an annual conclave of current and past Communist Party leaders, traditionally held at the Baidaihe resort town outside Beijing, is actually taking place. Coverage appeared to progress as usual on the morning of August 5, when the *China Daily* reported that economic development would be high on the agenda for the “upcoming” meeting. Later in the day, Xinhua reported that Vice President Li Yuanchao was visiting Baidaihe, while another piece stated that Politburo Standing Committee member Liu Yunshan had been dispatched to the town as well. But that evening, the Xinhua-owned magazine *Economy and Nation Weekly* dropped a bombshell with an article titled “No need to wait, the Baidaihe meeting is off.” The piece was circulated on WeChat, noted in the nationalistic state-owned newspaper *Global Times*, and then posted on the English-language Twitter feed of the Communist Party mouthpiece *People's Daily*. Subsequent reporting indicated an absence of high-level officials in Beijing and a heavy security presence in Baidaihe, meaning the summit was likely taking place in some form and may even have opened earlier than usual this year. According to local and foreign news reports, the agenda included the economy, next steps for Xi's anticorruption campaign, and high-level personnel decisions. The contradictory state media reports on a gathering of this importance may reflect infighting within the top echelons of the party, especially between Xi and elders like Jiang Zemin. This perception was strengthened by an August 10 *People's Daily* commentary arguing that retired party cadres should stay out of politics. Intraparty clashes have spilled into the state media in the past. In April 2012, for example, the purge of powerful Politburo member Bo Xilai led to conflicting commentaries and subsequent efforts to reinforce party discipline (see CMB Issue No. 53).

## DETAILS

- **China Daily 8/5/2015:** Summer meeting will set five-year plan goals
- **Xinhua 8/4/2015:** Vice President Li Yuanchao and other officials attended event on [August] 3rd in Beidaihe [Chinese]
- **Xinhua 8/5/2015:** Liu Yunshan visited Beidaihe summer vacation experts, Zhao Leji attended
- **Economic and Nation Weekly (via WeChat) 8/5/2015:** No need to wait, the Baidaihe meeting is off [Chinese]
- **Global Times 8/6/2015:** Beidaihe meeting reportedly canceled
- **Economist 8/8/2015:** Beidaihe summit: Silent waves
- **Japan Times 8/10/2015:** China Communist Party paper article criticizes retired leaders for clinging to power

## NEW MEDIA

### Draft cybersecurity law to tighten internet controls

The National People's Congress published a draft cybersecurity law on July 6, leaving it open to public comment until August 5. The proposed law appears to consolidate the coordination role of the new Cyberspace Administration of China, while also codifying, institutionalizing, and strengthening the enforcement of measures already employed by the Chinese authorities to censor and monitor internet communications. For example, Articles 53 and 57 call for internet companies to strengthen censorship and better enforce real-name registration, or risk penalties including fines of up to 500,000 RMB (\$80,400), website closure, or license revocation. Article 50 permits authorities to shut down internet connectivity at times of public security emergencies, a practice that provincial and local governments have adopted ad hoc in Xinjiang, Tibet, and other sites of public protests for the last six years. However, the law also introduces new measures, most notably a requirement that companies store user data within China, as well as personalized fines for management personnel at companies that fail to comply with the law's provisions. Experts in China, human rights groups, and the international business community have largely reacted with concern, although one Hong Kong-based researcher acknowledged that the law "sets up a fairly comprehensive personal data protection regime" for private internet companies. The draft law follows a trend evident under President Xi Jinping in which the authorities have tried to close perceived loopholes that allow for both netizen sharing of uncensored information and U.S. surveillance. If passed in its current form and strongly enforced, the new legislation could prove costly to companies burdened with instantaneous censorship obligations and real-name registration rules. It could also restrict foreign firms from supplying certain networking equipment, and lead to more detentions of Chinese citizens for sharing political, social, or religious content that is deemed undesirable to the Chinese Communist Party.

#### DETAILS

- **National People's Congress 7/6/2015:** Cybersecurity law (draft) [Chinese]
- **Caixin 7/30/2015:** Proposed law gives gov't too much control of internet, experts say
- **Reuters 7/8/2015:** China's draft cybersecurity law could up censorship, irk business
- **Diplomat 7/16/2015:** China to codify internet control measures
- **Foreign Policy 7/10/2015:** The 'chilling effect' of China's new cybersecurity regime

## NEW MEDIA

### Public security agents to be assigned to major internet firms

On August 4, the Ministry of Public Security announced that it would begin placing agents in "network security offices" at major internet firms so that they will be better equipped to respond quickly to online crimes. The ministry cited threats like cyberattacks, internet fraud, pornography, and personal data theft, but also made references to online rumors—a term often applied broadly to any information from unofficial sources. This provoked concern that the officers' presence would be used to identify and punish political and religious dissenters. The companies to be affected were not named, but could include industry leaders like Sina, Tencent, Alibaba, and Baidu. Zhang Baichuan, founder of a consultancy on network security, told the *Financial Times* that although large-scale deployments could prove logistically difficult for the government, it was feasible to assign security officers to a few key companies within a month. In February 2012, Communist Party representatives were reportedly installed at top microblogging services, including those run by Sina, Sohu, Tencent, and Netease (see CMB No. 47).

## DETAILS

- **Ministry of Public Security 8/4/2015:** Chen Zhimin stressed that internet sites and service companies should be a focal point for security work at management conference [Chinese]
- **Computerworld 8/5/2015:** China to plant internet police in top online firms
- **Financial Times 8/5/2015:** China to tighten grip over country's internet users

## BEYOND CHINA

## Hollywood, pop stars and hot air balloons

The Chinese Communist Party's information controls and political sensitivities often have an impact far beyond the country's borders. The following are a few incidents reported over the past month that illustrate the complexity and reach of this phenomenon:

- **Hollywood film 'Pixels' altered:** On July 24, Reuters reported that, according to leaked e-mails from executives at Sony Pictures, proposed scenes from the motion picture *Pixels* were removed for fear of upsetting Chinese censors and hampering the film's release in the country's fast-growing cinema market. For example, use of the Great Wall of China as the target of an alien attack was nixed. In recent years, many Hollywood studios have altered the version of films being shown in China for such purposes (see CMB No. 87). In this case, the film to be viewed by global audiences was affected as well. An e-mail by Steven O'Dell, president of Sony Pictures Releasing International, explains the possible logic behind this decision: "Recommendation is to change all versions as if we only change the China version, we set ourselves up for the press to call us out for this when bloggers invariably compare the versions and realize we changed the China setting just to pacify that market."

- **Taylor Swift vs. Tiananmen:** On July 22, the *Guardian* reported that merchandise related to pop star Taylor Swift's new album *1989* may encounter distribution problems in China because the title matches the year of the Communist Party's violent crackdown on protesters in Beijing, and Swift's initials match those of Tiananmen Square, the main site of the protests. Swift has partnered with e-commerce companies to sell an authentic line of clothing ahead of an upcoming "1989" album tour in the country. To date, the album itself has been available for purchase. Some social-media users expressed concerns that wearers of the clothing items could face detention, while China Central Television posted on Facebook an announcement of the new clothing line that excluded the number "1989" from the shirt Swift was modeling.

- **'Big Bang Theory' returns:** On July 22, the popular American television show *The Big Bang Theory* returned to the Chinese streaming site Sohu after regulators reviewed and approved its latest season for airing. In April 2014, the show and several others were abruptly removed from Sohu and other streaming sites, despite their immense popularity and legal agreements permitting their release (see CMB No. 105). The show's return reopens access to a lucrative market for CBS, the U.S. network that produces the program.

- **UK visa for Ai Weiwei:** On July 31, British newspapers reported that the United Kingdom had approved a six-month visa for dissident artist Ai Weiwei, who planned to oversee the installation of an exhibit in London. The decision was made by the home secretary after a

junior official granted Ai only a 20-day permit. The first official justified the decision by stating that Ai had not been fully truthful on his application about a past criminal conviction. In fact, Ai had never been convicted of a crime; he was detained extralegally in 2011, and his art studio was forced to pay a large tax penalty, both apparently to punish his criticism of the authorities. The initial visa decision sparked widespread criticism in China and abroad, likely prompting the correction, as well as a letter apologizing to the artist for the inconvenience. Ai's trip was made possible by the return of his passport earlier in the month after four years in the hands of the Chinese authorities (see CMB No. 96).

• **Tibetan 'snow lion' balloon:** A 100-foot-tall hot air balloon bearing the Tibetan flag and piloted by two British citizens has participated in ballooning events in Europe in recent weeks. Chinese embassy officials in France, Spain, and the United Kingdom have reportedly contacted event organizers in a bid to ground the vessel. On August 4, the *Guardian* reported that organizers of the Bristol International Balloon Fiesta, for example, had refused to ban the balloon despite an e-mail purporting to be from the third secretary in the political section of the Chinese embassy in London, requesting that its participation be canceled in the name of Sino-British relations.

## DETAILS

- **Reuters 7/24/2015:** How Sony sanitized the new Adam Sandler movie to please Chinese censors
- **Guardian 7/22/2015:** Taylor Swift 1989 Chinese clothing line risks Tiananmen Square row
- **Shanghaiist 7/24/2015:** Taylor Swift to launch exclusive clothing line in China [Updated]
- **Fortune 7/30/2015:** Why Chinese censorship couldn't stop 'Big Bang Theory' fans
- **Guardian 7/31/2015:** Ai Weiwei given extended visa to visit Britain after Theresa May intervenes
- **Guardian 8/4/2015:** Shadowy Chinese officials try to ground festival's Tibet balloon

## WHAT TO WATCH FOR

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- **Lawyers crackdown:** Watch for which lawyers—if any—receive convictions and sentences, for what actions and charges they are sentenced, and whether WeChat communications appear as evidence in any verdicts against lawyers or activists.
- **Internet security law:** Watch for the law's passage and whether any amendments are made to bring it closer to international standards for privacy and free expression. If passed, note any signs of intensified censorship and enforcement of real-name registration rules.
- **U.S.-China Human Rights Dialogue:** With the annual dialogue scheduled to open August 13, observers should watch for what information is made public about discussion of free expression issues, including problematic pending legislation. Note also whether U.S. officials publicly remark on the worrisome timing of the crackdown on human rights lawyers, which came shortly after the U.S.-China Strategic and Economic Dialogue in late June, and whether any linkages are made between the fulfillment of U.S. requests—such as the release of detained political prisoners—and Xi Jinping's planned September visit to the United States.

### For more information

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- For archives, go to: [www.freedomhouse.org/china\\_media](http://www.freedomhouse.org/china_media)
- For additional information on human rights and free expression in China, see: *Freedom in the World 2015*, *Freedom of the Press 2015*, *Freedom on the Net 2014*