

The
Laogai
Research Foundation

勞改基金會

BLOODSTAINED FLOWERS

A Courageous Appeal From a Chinese Prison



"I am thrown into this hell because the Guangdong authorities want to crush me spiritually and physically.
This is political retaliation and persecution.

Being in this critical situation, I have no choice but to appeal to you. I strongly urge progressive forces the world over to pay attention to human rights conditions in China, and to extend their assistance to the Chinese people who are in an abyss of misery. I strongly appeal to international progressive organizations to urge the Guangdong authorities to cease persecuting me politically.

I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed.
But I have no choice!"

Chen Pokong

Political Prisoner

Guangzhou No. 1 Reeducation-Through-Labor Camp
Making Artificial Flowers for Export to the U.S.

P.O. Box 361375, Milpitas, CA 95036-1375 USA



ARTIFICIAL FLOWERS MADE BY CHINESE POLITICAL PRISONERS

A Chinese political prisoner, Chen Pokong, in a document smuggled out of a re-education-through-labor (Laojiao) camp in southern China has provided evidence that artificial flowers made by prisoners are being exported to the United States. His appeal is being released following a four month investigation which included photographing the prison where Chen is being held.

This is the first time a known dissident and political prisoner has communicated with the outside world about forced labor products being exported to the United States.

Chen, 30 years old, is a teacher and pro-democracy activist, who had previously served a three year prison term for his activities in Guangzhou during the 1989 pro-democracy movement, attached to his letter original labels the prisoners put on flowers. The three labels (See Appendix II) are for "Silky Touch" flowers distributed by Ben Franklin Stores, Inc., Carol Stream, Illinois; "Lady Bug Collection" flowers for Universal Sun Ray of Springfield, Missouri; and another "Universal Sun Ray-U.S. Flowers" label.

The Laogai Research Foundation purchased flowers with these labels on them at Ben Franklin Stores in Pleasanton, California and Reno, Nevada. (See Appendix I)

A Universal Sun Ray employee, visited by a Foundation representative at the company's showroom in Springfield, confirmed that the company supplies Ben Franklin, Inc. with its artificial flowers. Other large customers include Cotters, Inc., the parent of True Value Hardware stores; and the Rag Shops, a New Jersey based craft store chain. The employee also advised us that Universal Sun Ray provided Memorial Day flowers for sale at Wal-Mart stores in 1994. The Foundation has no evidence that any of the customers, or Universal Sun Ray itself, is aware that Chinese prisoners are involved in producing the flowers they sell.

It is illegal under U.S. law to import into the United States any product made in whole or in part by convict for forced labor.

CHEN POKONG-POLITICAL PRISONER

Chen Pokong, also known as Chen Jingsong, was a young teacher in the economics department of Zhongshan University, when he became involved in the pro-democracy movement which swept China in 1989.

Chen was sentenced to a three year term for his "counterrevolutionary instigation" according to a copy of a Guangdong People's Court ruling on his appeal of his sentence which has been obtained by the Laogai Research Foundation. (See Appendix V)

This document provides considerable detail on his arrest and the charges against him. Chen was first arrested on August 2, 1989 although the Chinese say "detained for investigation." Seven months later, on February 21, 1990 he was formally "arrested" and sentenced to three years imprisonment on March 1, 1991 by the Guangdong People's Municipality Intermediate Court.

Among Chen's "crimes" were charges he "instigated" the following statements as wall posters on the Zhongshan University campus: "Due to mishandling of the student movement, the Party has lost all its credibility and prestige as a ruling party....Upon repeated consideration we have decided to declare earnestly that we are withdrawing from the Communist Party and the Communist Youth League....The bloody violence began in front of the monument of the people's heroes...the reactionary power has been revealed in its viciousness...undeniable proof of the communist power's bloody despotism...such a ruling party is hated by people the world over and is a shame for the Chinese people."

According to Chen, he completed his sentence and was released in July, 1992. He then resumed his political activities which were "disseminating the ideas of democracy, creating progressive publications and disseminating them." Fearing arrest, he fled to Hong Kong in early August, 1993.

HONG KONG DENIES POLITICAL ASYLUM

After meeting with human rights activists in Hong Kong, Chen, following established procedures, turned himself in to the Hong Kong authorities and applied for political asylum.

Despite having considerable documentation about his previous arrest, imprisonment, and political activities, Chen's application was denied and he was deported to China on September 1, 1993 where he was immediately taken into custody.

Original documents obtained by the Laogai Research Foundation confirm his detention (See Appendix VI), and Chen's smuggled letter states that two months later he was sentenced by the Public Security Bureau to two years at the Guangzhou No. 1 Reeducation-Through-Labor camp.

CHEN'S APPEAL TO THE WORLD

Chen is an inmate at the Guangzhou No. 1 Reeducation-Through-Labor camp, a stone quarry in Chini Town, Huaxian County. At the time his letter was smuggled out of the prison he was in Company 9. Today he is believed to be in Company 6.

His appeal, addressed to the United Nations International Human Rights Organization (sic), the Voice of America, and Asian Watch (sic), was passed on later to the Laogai Research Foundation (See Appendix III), which possesses the original document.

He writes:

"I am thrown into this hell because the Guangdong authorities want to crush me spiritually and physically. This is political retaliation and persecution.

"Being in this critical situation, I have no choice but to appeal to you. I strongly urge progressive forces the world over to pay close attention to human rights conditions in China, and to extend their assistance to the Chinese people who are in an abyss of misery. I strongly appeal to international progressive organizations to urge the Guangdong authorities to cease persecuting me politically.

"I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed. But I have no choice!"

TERROR, PRIVATION, AND SLAVE LABOR

Chen testifies that the inmates of the camp labor "over 14 hours a day" moving stones from the quarry to the wharf and then onto a boat. After working all day they are forced to make artificial flowers at night.

The only time off during the year is three days during the annual Spring Festival. If prisoners do not meet their production quotas they have their sentences lengthened.

He tells of prisoners who worked too slowly being "brutally beating and misused (sic) by supervisors and team leaders (themselves inmates)." "Inmates" he writes, "are often beaten until they are bloodstained all over, collapse or lose consciousness."

"Several times I was beaten by the team leader," he says in his appeal, adding, "I am constantly exposed to terror."

Other prisoners told him that before he arrived one inmate had been beaten to death.

Privation in the camp is real. The food allotment is insufficient. "Every meal consists of coarse rice and rotten vegetable leaves. Hardly can we see any grease. We have a little meat only on major holidays."

Medical treatment appears to be non-existent. Chen tells of injured and sick prisoners being forced to labor despite their infirmities. "Many inmates, including myself, their hands and feet squashed by big stones, stained with blood and pus, have to labor as usual. As a consequence, many inmates were crippled for life."

FORCED LABOR FLOWERS -- THE AMERICAN CONNECTION

On a separate sheet of paper Chen placed the three labels mentioned in the beginning of this report (See Appendix II).

The following is Chen's text on artificial flowers:

"The artificial flowers we make are for export. The trademarks are in English, the prices in USD. Even the company commander and the quarry director said the flowers are made in cooperation with a Hong Kong company that exports them. This is in serious violation (sic) of international human rights norms, international law, even the Chinese government's law.

As a matter of fact, in the recent decade and more all products turned out by labor reform and reeducation-through-labor and detention facilities in Guangdong Province are almost exclusively for export (usually in cooperation with Hong Kong and Taiwan companies). For instance, Huanghua Detention Center in Guangzhou, at least in 1989 when I was there and experienced everything myself, has been forcing detainees to make artificial flowers, necklaces, jewelry (trademarks in English, prices in USD). This can be testified to by anybody who was there, including Hong Kongers."

Two of the three labels are for Universal Sun Ray of Springfield, Missouri. According to conversations with a company employee, Universal Sun Ray also imports flowers for Ben Franklin Stores, Inc., the name on the third label attached on the flowers by prisoners in the camp.

On July 8 and August 28, 1994 the Laogai Research Foundation purchased flowers with these three labels on them at two Ben Franklin stores in Pleasanton, CA and Reno, NV (See Appendix I).

Shipping records show Universal Sun Ray regularly receives substantial shipments of artificial flowers from Hong Kong and China. The company's showroom in Springfield has dozens of different types of flowers on display, all those from Asia are marked "Made in China." It is believed the shipments indicating Hong Kong as the port of origin are in reality produced in China and transported to Hong Kong by truck and loaded aboard ships destined for the United States.

Universal Sun Ray receives imports from a number of Hong Kong based companies, but one company appears to ship much more than the others. The names of these companies will be provided to the U.S. Customs Service for investigation.

The Foundation has received no evidence that any officer or employee of Universal Sun Ray has knowledge that some quantity of the flowers being manufactured for them are being made in part at the Guangzhou No. 1 Reeducation-Through-Labor camp by Chen Pokong and other prisoners. It is known, though, that at least one official of the company travels regularly to the region on Universal Sun Ray business.

Chen Pokong states that the prisoners "make" the flowers, but does not describe in detail the production process. Given that the prisoners work in the quarry and transport stones during the day, the Laogai Research Foundation is presuming that the prisoners are used to assemble the flowers at night. This would entail connecting the polyester/silk flowers to the plastic stems and folding the self adhesive labels around the stem.

Production of the polyester/silk flower itself requires cutting machinery and workers with some dexterity. The heavy work with stones during the day is not, in our view, conducive to manual dexterity at night. Assembly, on the other hand, is much less difficult, although painful for the prisoners at the end of a harsh day of quarry labor.

This analysis would also support the likelihood that the assembly in the prison is being subcontracted by another facility, perhaps a legitimate artificial flower factory in the area.

While Chen's evidence is the first of a political prisoner being forced to labor producing artificial flowers for export to the U.S., it is not the first report of such flowers being made in the prisons and detention centers in Guangdong Province. In 1990, Lai Dexiong, a police officer in Shenzhen, escaped to Hong Kong after learning he was about to be arrested for helping student leaders active during the Tiananmen Square demonstrations escape the country. Lai told of seeing prisoners in 1987 in a number of detention centers and prisons making artificial flowers for export to England for Queen Elizabeth's birthday celebration. At that time, his testimony was not taken seriously.

REEDUCATION-THROUGH-LABOR (RTL)

The Chinese government does not consider Reeducation-Through-Labor (Laojiao) to be judicial punishment, but rather "high level government disciplinary action." This means that prisoners do not technically go through judicial procedures such as arrest, examination, or sentencing, and therefore local public security bureaus (police) do not have to submit reports to the courts or the Office of the Procuratorate.

But, arrest, detention, sentencing, and forced labor are part of the process, and the man or woman subject to reeducation through labor is still an inmate in a prison, even if the Chinese government and communist party choose not to call them prisons.

Chen makes this point clearly in his letter:

"Reeducation-through-labor is the darkest part of China's current political system. Ironically, RTL policy and regulations worked out by the Chinese government itself have been altered beyond recognition in their practical implementation. According to RTL policy and regulations RTL is lighter than LR (Labor Reform): inmates get their pay, have their benefits and holidays, enjoy the right of correspondence, cultural, recreational and sports activities, do not labor more than 8 hours daily, can visit their families on holidays, can be bailed out for medical treatment, etc. In reality RTL is hell."

His description of terror, privation and forced labor testifies to the practice of reeducation-through-labor rather than its supposed theory.

Receipts of Artificial Flowers

BEN FRANKLIN
CRAFT STORE
4250 ROSEWOOD PL
415 460-3720

08-28-94 2:16PM

43

2 PC
@0.99/01 PC
53SSONAL 1.98
40.00%1 -0.79
53SSONAL 3.99
40.00%1 -1.59
41FL/POP 3.97
41FL/POP 1.99
TAX-1 0.79
TOTAL 10.34
CASH 10.34

PURCHASE 5
A 2R9092

BEN FRANKLIN
CRAFT STORE
4250 ROSEWOOD PL
415 460-3720

07-11-94 4:08PM

43

41FL/POP 1.99
41FL/POP 1.99
41FL/POP 1.49
2 PC
@0.49/01 PC
41FL/POP 0.98
TAX-1 0.53
TOTAL 6.98
CASH 7.00
CHANGE 0.02

PURCHASE 5
PAULA A 3R4499

BEN
FRANKLIN
STORES

07/11/94 10:14AM

777244646

FLOWERS 11 \$2.19
FLOWERS 11 \$4.99
FLOWERS 11 \$2.19
300 0.89
FLOWERS 11 \$29.70
ROSE ST \$39.07
TAX 1 \$2.73
ITEMS 300
XXXTOTAL \$41.80
CHRG \$41.80
CHANGE \$0.00

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966



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Springfield, MO.
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Washable

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BSCV26

\$2.99



Ladybug
Collection

8228/21 WH

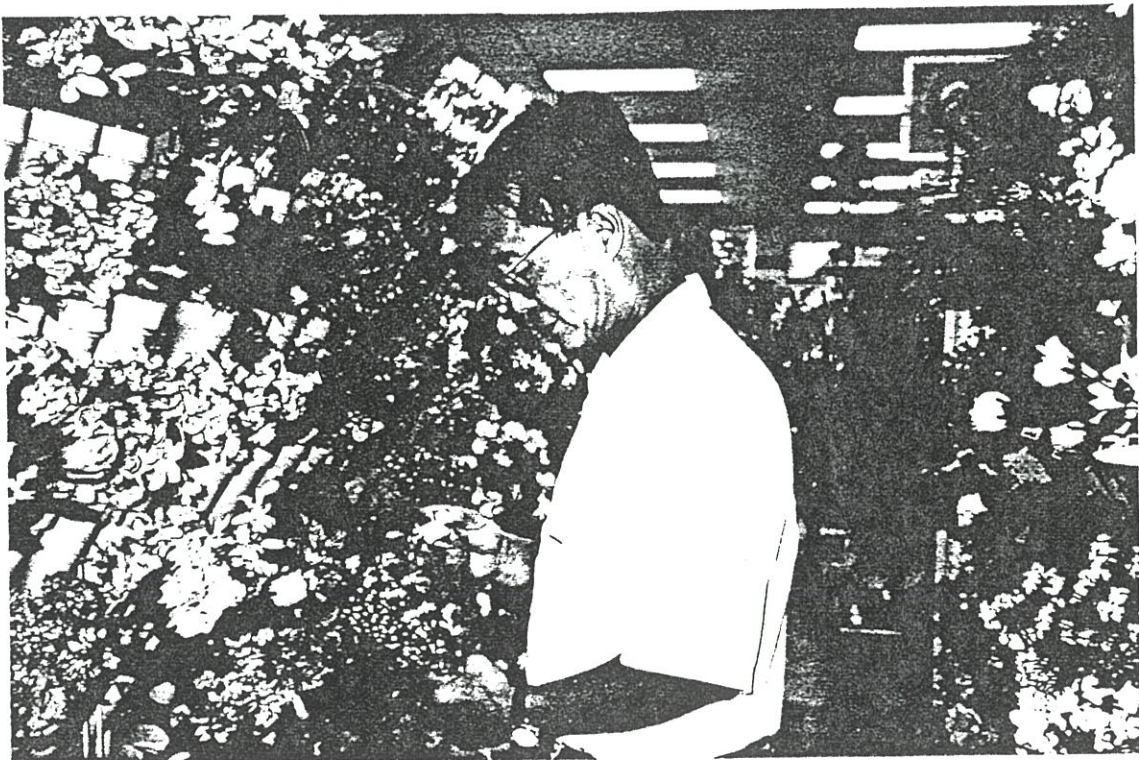
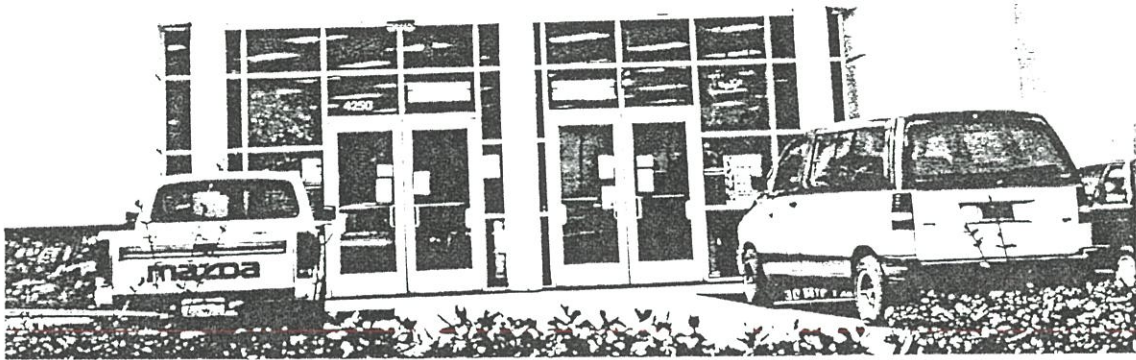
Division of
UNIVERSAL-SUN RAY
Springfield Mo.
MADE IN CHINA



附：^{生产地} 广州第一鞋厂所。在中队部分花
束商林。

2/9A

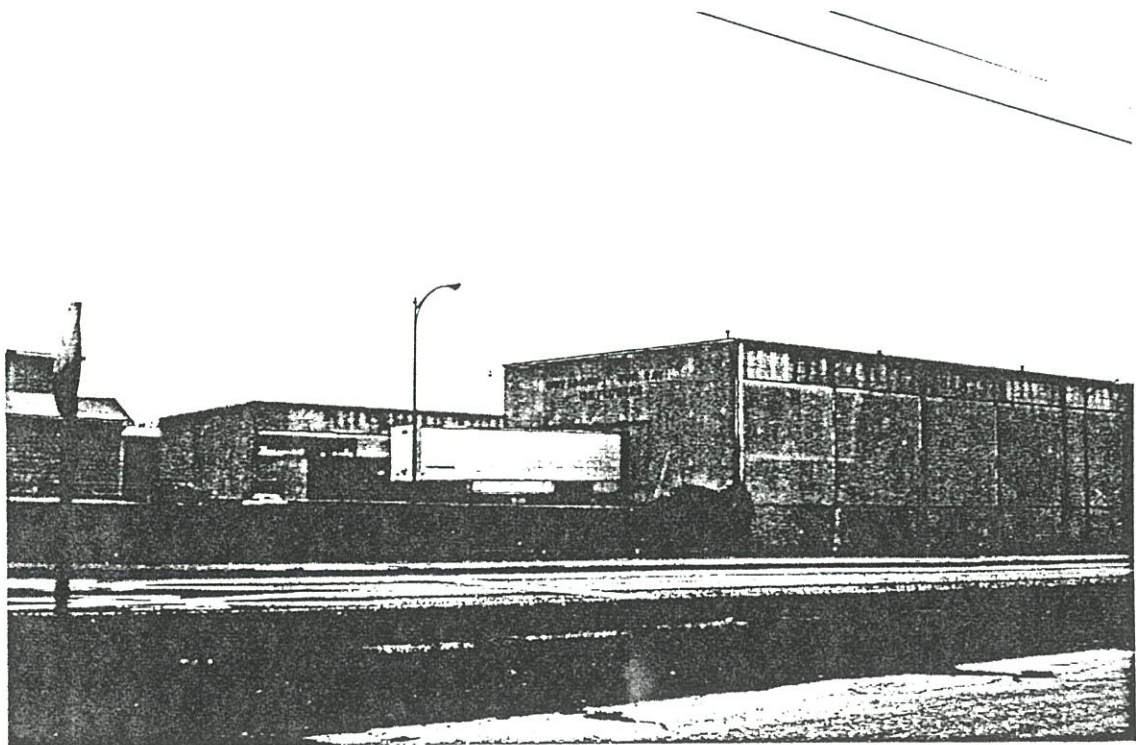
Ben Franklin Crafts



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To: 联合国国际人权组织

美国之音、亚洲观察

Fr.: 中国、广东、陈毅松

本人陈毅松，又名陈破空，原系广州、中山大学、经济系教师。因参与领导1989年广东地区民主运动，被当局视为“首要”而被捕，后以“反革命宣传煽动罪”被判刑三年，1992年7月刑满释放。此后，因我继续从事宣传民主思想的政治活动，创办进步刊物，传播进步书籍，于1993年8月再度遭通缉，此时，本人曾逃亡并向香港政府申请政治庇护。未果，于同年9月1日在广东、增城再度逮捕。两个月后，我被判处两年“劳教”。

广东当局为发泄对我的深刻仇恨，此番特将我发配至一处极端险恶的“劳教”地：广东、番禺、赤坭镇、广州第一劳教所。一队、九中队，每日实行长时间、高强度、如累卵的劳作。

且不谈“劳教”制度本身就是中国现行政治制度最黑暗的一部分，可悲的是，连中国政府自己制订的“劳教”政策、法规在实际运作中面目全非。按照其“政策、法规”：劳教轻于“劳改”；犯人并享有工资、福利待遇；星期日和其他假日休息；享有通信、文化娱乐体育活动之权利；每天劳教时间不超过8小时；节假日可回家探亲；生病可保外就医；等。而实际的“劳教”状况却完全是另一幅极黑的图景。

在这里，每日劳教时间长达十四个小时以上。白天在码头搬运石料装船；晚上从事手工业：做花；星期日和其他节假日都不例外地照常劳动。（除春节有三天假期休息外）^{因前部}犯人纯粹成了劳教的工具，根本不是什么“学员”（他们竟称之为“学员”）。

这里劳教强度极高，“生产任务”极重，完不成任务即遭扣分（即延长“劳教”期）。为完成任务，必须经常加班，有时竟达通宵。我本人如

果没有其他犯人在暗中帮忙，几乎每天晚上都要熬通宵。犯人劳动时动作稍有迟缓，即遭管教干部和班组长（犯人头）的暴力殴打和虐待。犯人经常被打得血肉模糊、倒地不起或晕倒。（在我来此之前，这里刚一发生了将犯人活活打死的惨剧。）任何人如果不是亲眼所见，都难以想象其场面的黑暗和野蛮。我本人虽受中队领导在暗中同情和关照，但仍多次遭受班组长之殴打，随时处于暴力威胁的恐怖之中。

这里生活条件极其苛刻，用餐供应部一律是粗米和烂菜叶，长年见不到一半半点的油荤。只有在节日（如春节）时，才能勉强吃到一点点肉粒。包括床具、衣物、日常用品、甚至医疗等，全皆由犯人自费，毫无福利可言，犯人经济负担极重。

犯人工作或生病，几乎请不到假，更谈不上外出就医。依然要连续劳作。不少犯人、

包括我本人在内，手脚被大石砸伤，脓血不止，
依然被强迫连续劳作，许多犯人因而落下终
身残疾。

这里几乎不存在什么文化、娱乐、体育活动
或设施。唯一的娱乐是偶尔晚上（当生产任
务稍欠重时）播放半至一个小时的电视剧。
书籍根本没有，报纸极少，更没有广播可听，
几乎与世隔绝。这里实行的是文化封锁、新
闻封锁，对我个人而言，还多了一项“通信
封锁”，我几乎不能收、发到任何信件。

这里手工业所生产的产品：花，都是供出口
的，一律英文商标、美金标价。（图附后），连
中队所部的干部都亲口证实，这些花是^{与某公司合}经
由某港转出口的。这是对国际人权准则、
国际法、甚至中国政府自己的“法律”一律
的践踏、违背、和嘲弄。

其实，近十几年来，广东省的各劳改场、劳
教所、看守所之手工业所生产的产品几乎全部

是供出口的，(一般与港、台商联营)。如广州市
黄华看守所，至少自1989年以来，我亲身所历，
该所为赚取经济利益，一直强迫候审、未判
的犯人提前“劳改”，每天制造大量的花、项
链、首饰等，产品也是一律以英文商标、美
金标价。400名在黄华被关押过的人，包括
香港人，都能够证实这一真相。

以上，不仅严重践踏了国际人权准则，连起
码的人道主义都荡然无存，人权概念在这里根本
等于负数！

我被置于这险恶的环境，完全是广东当局对
我的政治报复和政治迫害，妄图以此举来磨灭
我的意志乃至生命。

危殆之际，我只有向国际社会呼援。我强烈
呼吁国际社会进步力量，真正地、深入地、持
久地关注中国人权状况，援助水火中的中
国人民！我强烈呼吁国际进步组织，敦促
广东当局立即停止对我的政治迫害！

我深知，这封信公开后，我可能受到更加
深重的迫害和更加严厉的限制，甚至可能牺
牲生命，但我已别无选择！

谢一萍们！

To: United Nations International Human Rights Organization
Voice of America
Asian Watch

From: CHEN Jingsong, Guangdong, China

I am CHEN Jingsong, alias CHEN Pokong, formerly teacher, department of economics, Zhongshan University, Guangzhou. I was arrested as a "culprit" for participating, and leading, in the pro-democracy movement in Guangdong area in 1989, and sentenced to 3-year imprisonment on charges of "counterrevolutionary propaganda and instigation". In July 1992, upon completing my term, I was released. However, I continued engaging in political activities -- disseminating ideas of democracy, creating progressive publications and disseminating them. In August 1993 I was again wanted by the authorities. I fled to Hong Kong and applied to the Hong Kong government for political asylum, but to no avail. On September 1, 1993 I was again arrested in Zhengcheng, Guangdong. 2 months later I was sent to reeducation through labor for a duration of 2 years.

To vent their bitter hatred on me, the Guangdong authorities sent me to a most vicious RTL -- Guangdong No. 1 RTL, Quarry 1, Company 9 in Chini Town, Hua County, Guangdong Province, where I am engaged in long-hours and high-intensity slave labor.

Reeducation through labor is the darkest part of China's current political system. Ironically, RTL policy and regulations worked out by the Chinese government itself have been altered beyond recognition in their practical implementation. According to RTL policy and regulations RTL is lighter than LR (labor reform): inmates get their pays, have their benefits and holidays, enjoy the right of correspondence, cultural, recreational and sports activities, do not labor more than 8 hours daily, can visit their families on holidays, can be bailed for medical treatment, etc. In reality, RTL is hell.

Here, we labor over 14 hours daily. In daytime, we transport stone materials on a wharf and load them in boats. At night we make handicrafts: artificial flowers. On Sundays and holidays we labor as usual (except for 3 days during the Spring Festival). We labor rain or shine. Inmates are just tools of labor, by no means "trainees", as we are called.

Here, labor intensity is extremely high. "Production" quotas are heavy. Those who fail to complete have their "points" reduced (i.e., their RTL duration lengthened). To complete our quotas, we must often labor overtime, sometimes even through the night. Without the discreet assistance from my fellow inmates, I would have to labor almost always through the night. Inmates who labor slightly slower are brutally beaten and misused by supervisors and team leaders (themselves inmates). Inmates are often beaten until they are blood-stained all over, collapse or lose consciousness (shortly before I was sent here, one inmate was beaten to death). Nobody would believe such cruelty and barbarity, should he not see all this with his own eyes. Though discreetly taken care of by the company commander, several times I was beaten by the team leader. I am constantly exposed to terror.

Living conditions here are harsh. Every meal consists of coarse rice and rotten vegetable leaves. Hardly can we see any grease. We have a little bit meat only on major holidays (Spring Festival, for instance). We make our own daily arrangements: bedding, clothing, daily necessities, even medical treatment, which is a great burden for us.

Inmates are seldom given leave when they are injured on the job or sick, to say nothing of being bailed for medical treatment. Still, they have to labor. Many inmates, including myself, their hands and feet squashed by big stones, stained with blood and pus, have to labor as usual. As a consequence, many inmates were crippled for life.

There are almost no cultural, recreational and sports facilities. The only entertainment is watching TV series for 1/2 or 1 hour in the evening when production quotas are not too heavy. No books at all, very few newspapers, no broadcasts to listen in to. Complete cultural and press blockade. For me, there is something more: correspondence blockade, as I receive and mail almost no letters.

The artificial flowers we make are for export. The trade marks are in English, the prices in USD (see appendix). Even the company commander and the quarry director said the flowers are made in cooperation with a Hong Kong company that exports them. This is in serious violation of international human rights norms, international law, even the Chinese government's law.

As a matter of fact in the recent decade and more all products turned out by LR, RTL and detention facilities in Guangdong Province are almost exclusively for export (usually in cooperation with Hong Kong and Taiwan companies). For instance, Huanghua Detention Center in Guangzhou, at least since 1989, when I was there and experienced everything myself, has been forcing detainees to make artificial flowers, necklaces, jewelry (trade marks in English, prices in USD). This can be testified to by anybody who was there, including Hong Kongers.

What I testify to above is wanton trampling not only upon international human rights norms, but upon basic humanitarian norms as well. Here in RTL, the concept of human rights is zero!

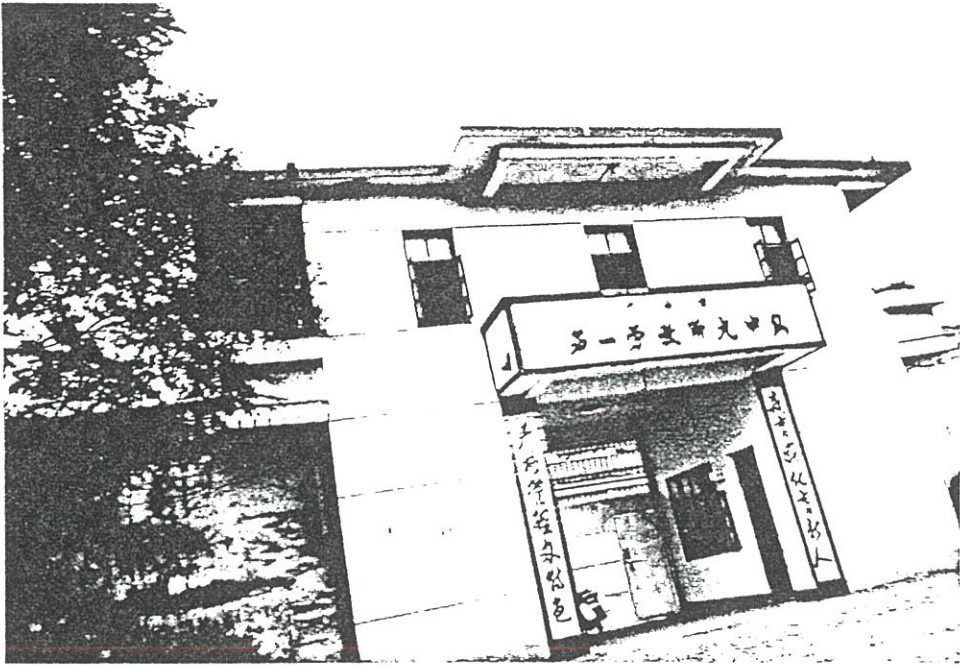
I am thrown into this hell because the Guangdong authorities want to crush me spiritually and physically. This is political retaliation and persecution.

Being in this critical situation, I have no choice but to appeal to you. I strongly urge all progressive forces the world over to pay close attention to human rights conditions in China, to extend their assistance to the Chinese people who are in an abyss of misery. I strongly appeal to international progressive organizations to urge the Guangdong authorities to cease persecuting me politically!

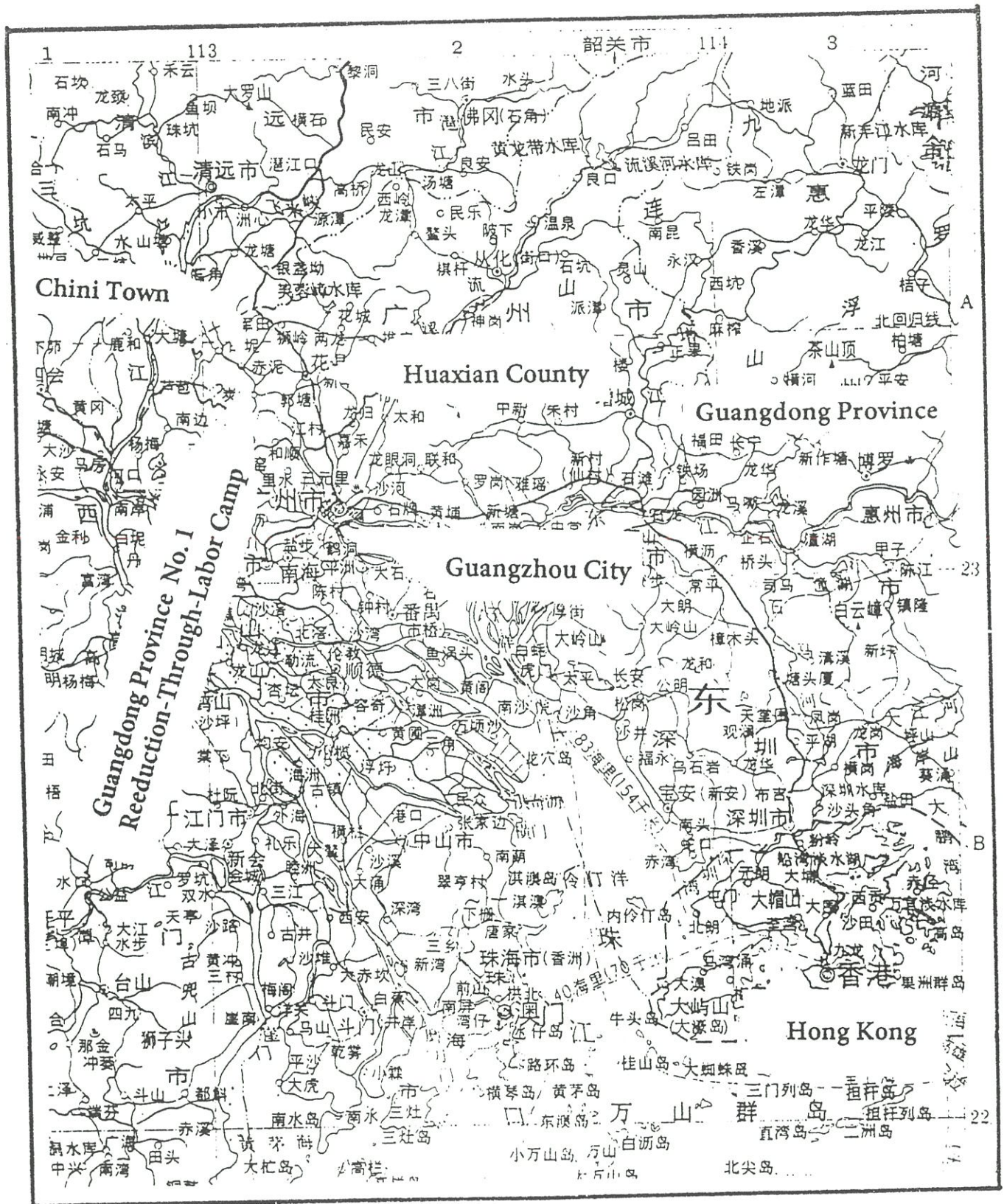
I understand that once my letter is published, I might be persecuted even more harshly. I might even be killed. But, I have no choice!

Thank you!

CHEN Pokong



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GUANGDONG PROVINCE HIGHER PEOPLE'S COURT

Criminal Ruling [1991] Yue-Fa-Xin-Shang-Zi #111

Name of appellant (accused in the first trial): CHEN Pokong, alias CHEN Jingsong. Sex: male. Age: 27. Nationality: Han. Native place: Santai County, Sichuan Province. Profession: teacher, Department of Economics, Zhongshan University. Residence: Room 318, Building 4, West Quarter, Zhongshan University. Detained for investigation on August 2, 1989. Arrested on February 21, 1990. Under custody.

On March 1, 1991, Guangzhou Municipality Intermediate People's Court, Guangdong Province sentenced the accused CHEN Pokong to 3-year imprisonment and deprivation of political rights for a duration of 1 year on charges of counterrevolutionary instigation (verdict [1991] Sui-Fa-Xin-Yi-Zi #51). CHEN, refusing to accept the verdict, appealed to this court.

In accordance with second-trial procedure prescribed by the Law of Criminal Suits of the People's Republic of China, this court formed a collegiate bench, which handled this case.

It has been found that in November 1987 the appellant CHEN Pokong discussed political issues related to the path of China's reforms with LIN XX, HUANG XX et al. in LIN XX and others' dormitories, Tongji University, Shanghai. Gradually, they came to agree on the path of China's "reforms", which is subdivided into 14 points: "intellectuals should infiltrate armed forces"; "to organize armed forces single-handedly and stage an insurgence"; "to found organizations and seek foreign intervention while pursuing studies abroad"; "to promote workers movements with wave upon wave of students movements"; "skeleton members should infiltrate circles of high-ranking officials through dating their daughters"; "to isolate the Center, a part of provinces and regions should declare independence"... Part of the points were disseminated among some Zhongshan University students during the turmoil in Guangzhou in May 1989.

In May-June 1989, the appellant CHEN Pokong was named honorary chairman of the illegal organization "association of patriotic Zhongshan University students". He actively organized and plotted turmoil in Guangzhou area, founded "C.P.K. (his initials) manuscript center". During that period CHEN Pokong dictated, and took part in the writing of, reactionary articles "to workers", "to soldiers", etc., which were mimeographed to instigate people masses' grievances against the people's government.

On June 4, 1989, the appellant CHEN Pokong wrote reactionary big-character posters "withdraw-from-party-and-youth-league proposal", "withdraw-from-party-and-youth-league emergency action", etc., at Zhongshan University. He instigated: "Due to mishandling of the student movement by the party's central committee and the state council, the party has lost all its creditability and prestige as a ruling party. We have lost our basic credit in such a political organization. Upon repeated considerations we have decided to declare earnestly that we are withdrawing from the communist party and the communist youth league." "The bloody violence began in front of the monument of people's heroes, ...the reactionary power has been

revealed in its viciousness"; "undeniable proofs of the communist power's bloody despotism"; "all communist party general secretaries are anti-party arch-villains, ...such a ruling party is hated by the people the world over, and is a shame for the Chinese people". Carrying on counterrevolutionary propaganda and instigation, he posted the posters in Zhongshan University campus.

Facts of the crime committed by the appellant CHEN Pokong are testified to by witnesses' testimonies, written testimonies and on-the-spot photos, which the appellant has admitted.

This court rules: The appellant CHEN Pokong, reactionary-minded, aimed at overthrowing the dictatorship of the proletariat and the socialist system, through dictating and writing big-character posters, openly carried on counterrevolutionary propaganda and instigation. His actions constitute counterrevolutionary propaganda and instigation crimes and should be punished. The major facts stated in the original verdict are clear. Articles of the law are applied correctly. The measurement of penalty is appropriate. The procedure of the trial conforms with the law. Since the original verdict is lenient with the crimes and the attitude of the accused towards admitting his crimes taken into consideration, the appellant CHEN Pokong's appeal for leniency is overruled. In compliance with Article 102, item 2 and Article 52 of the Criminal Law of the People's Republic of China, this court rules as follows:

To overrule the appellation and maintain the original verdict.

This ruling is final.

Guangdong Province Higher People's Court
First Criminal Court

Presiding Judge: LI Changqi

Judge: TAN Fubao

Acting Judge: DAI Xiangjian

April 5, 1991

Secretary: ZHANG Ronan

Seal: Guangdong Province Higher People's
Court

This is a true and complete copy of the original document

广东省高级人民法院 刑事裁定书

(1991)粤法刑上字第111号

上诉人(原审被告)陈破空,曾用名陈劲松,男,二十七岁,汉族,四川省三台县人,是中山大学经济系教员,住中山大学西区四栋三一八房。一九八九年八月二日被收容审查,一九九〇年二十一日被逮捕。现在押。

广东省广州市中级人民法院一九九一年三月一日(1991)穗法刑一字第51号刑事判决,以反革命宣传煽动罪判处被告人陈破空有期徒刑三年,剥夺政治权利一年。宣判后,陈破空不服,向本院提出上诉。

本院依照《中华人民共和国刑事诉讼法》第二审程序,组成合议庭,对本案进行了审理。

经审理查明:一九八七年十一月份,上诉人陈破空在上海同济大学与林某、黄某某等人在林某等人宿舍处谈论中国变革的道路等政治话题时,逐步形成和提出了“知识分子渗透到军队中去”“单独组织武装力量,实行暴动”,“通过留学,在国外建立组织,外国干涉”,“此起彼伏的学生运动,带动工人运动”,

“骨干力量用女朋友攀上高干”，“部分省、区搞独立，使中央陷于孤立”……等十四条为内容的所谓“变革”中国的道路，并于一九八九年五月间在广州动乱期间将上述的部分反动思想向中山大学的一些学生传播。

一九八九年五、六月间，上诉人陈破空在广州中山大学充任 **非法组织** “中山大学爱国学生联合会”名誉主席，积极组织、策划广州地区的动乱活动，并组织成立“C·P·K(是其姓名陈破空三字的第一个大写拼音字母)文稿中心”。在此期间，陈破空口授和参与撰写了《告工人同胞书》、《告子弟兵同胞书》等反动文章，并油印散发，煽动人民群众对党和人民政府的不满。

一九八九年六月四日，上诉人陈破空在广州中山大学撰写了退党退团《倡议书》、《退党退团紧急行动》等一批反动大字报，极力地煽动说：“由于中共中央、国务院对待本次学运的严重失当和错误，作为一个执政党，党的声誉丧失殆尽，更完全丧失领导威望。我们对这种组织丧失了基本信心，考虑再三，迫不得已，郑重决定并宣布永远退出共产党和共青团”。“血腥的暴力在人民英雄纪念碑前开始了，……反动政权的凶恶面目暴露无遗”、“共产党政权的血腥暴政铁证如山”。“所有的共产党总书记都是反党头子，……这样的党作为执政党，是世界人民的心头恨，是中国人民的奇耻大辱”。并将这批大字报抄写张贴在中山大学校园内，进行反革命宣传煽动。

上诉人陈破空的上述犯罪事实，有证人证言，书证，现场照片证实。上诉人亦供述在案，足资认定。

本院认为：上诉人陈破空思想反动，以颠覆无产阶级专政和推翻社会主义制度为目的，采用口授和撰写大字报等方法，公开进行反革命宣传煽动，其行为已构成反革命宣传煽动罪，应予惩处。原审判决认定事实清楚，适用法律正确。定罪准确，量刑适当，审判程序合法。鉴于原审根据其犯罪和认罪态度已作了从轻处罚，故陈破空上诉再要求从轻判处，不予采纳。依照《中华人民共和国刑法》第一百零二条第二项、第五十二条之规定，裁定如下：

驳回上诉，维持原判。
本裁定为终审裁定。

广东省高级人民法院刑事审判第一庭

审判长 李昌奇

审判员 黄福宝

代理审判员 谭建

一九七九年十月二十一日

书记员 张若楠

本件与原本核对无异

书记员 张若楠

广东省高级人民法院
印

广州市公安局
收容审查通知书

穗公一收审通字第 008 号

一九九三年九月一日

经查 陈破空 因有 偷渡

根据中华人民共和国国务院〔1980〕56号
文件规定，现决定予以收容审查。现收容
于我局收审所。

特此通知

陈破空 家属

住址：四川省绵阳市（井钟街马家巷）
糖洒站、幼儿园

（此联发被收容审查人家属）

GUANGZHOU MUNICIPALITY BUREAU OF PUBLIC SECURITY

NOTICE ON DETENTION AND INVESTIGATION

Shui-Gong-Shou-Shen-Tong-Zi #008

September 1, 1993

ATTN: Family member/s of CHEN Pokong

Address: Kinder Garten, Tangjiuzhan, Majia Lane, Jinzhong Street, Mianyang City,
Sichuan Province

In compliance with the [1980] #56 Document of the State Council of the People's Republic of China, it has been decided that CHEN Pokong should be detained and investigated for illegally crossing state borders. He is under custody at our bureau's detention center.

Seal: Guangzhou Municipality Bureau of
Public Security

(For families of detained and investigated personnel)

广州市人民政府
劳动教养管理委员会

劳动教养通知书

(93)穗劳通字 5435号

陈毅夫

你(儿) 陈劲松

因 偷渡

根据国务院《关于劳动教养问题的决定》，决定送劳

动教养 两 年 个月。

特此通知



一九九三年十月二十日

(发劳动教养人家属)

ORIGINAL

GUANGDONG PROVINCE PEOPLE'S GOVERNMENT
REEDUCATION-THROUGH-LABOR ADMINISTRATION COMMITTEE

NOTICE OF REEDUCATION THROUGH LABOR

[93] Shui-LAO-Tong-Zi #5435

ATTN: CHEN Yifu

In compliance with the "Decision on Issues of Reeducation Through Labor" of the State Council, it has been decided that

Your son CHEN Jingsong is to be sent to reeducation through labor for a duration of 2 years for illegally crossing state borders.

October 20, 1993

Seal: Guangdong Province People's Govern-
ment Reeducation-Through-Labor
Administration Committee

(For families of reeducation-through-labor personnel)