

THE LAOGAI: EXERCISING DICTATORSHIP OVER DISSENT

China's Laogai is one of the most repressive prison systems in the world. Modeled after the Soviet gulags and "intended to punish those identified as opponents of the Communist regime,"¹ the Laogai has been used throughout China's modern history as a "tool...[to exercise] dictatorship over a minority of hostile elements,"² or those who dissent against the Chinese Communist Party (CCP). Literally meaning reform-through-labor, the Laogai not only serves as a tool of repression and thought reform, but also as a largely free labor supply to generate revenue for the prison system and the CCP.

Defining Types of Detention

Officials in China use a variety of means to detain and control the population. As an umbrella term Laogai encompasses all types of detention in China. Laogai entered the English lexicon in the 2003, German in 2005, and Italian in 2006, after popularization of the term in the 1990s. Public awareness and scrutiny of the Laogai prompted the CCP to stop using term.

What is the "Laogai"? The Laogai is the system of forced-labor camps, prisons, etc., in China.³ Laogai translates as "reform-through-labor" from Chinese to English.

What is "reeducation-through-labor"? Reeducation-through-labor, or *laojiao*, is a form of administrative detention. In reeducation-through-labor, police can hold citizens for up to four years without judicial proceedings.⁴

What is "ankang"? Literally translated as "peace and health," ankang is a form of psychiatric detention. Individuals that petition the government may "find themselves confined in mental hospitals where they are forcibly medicated and subjected to electric shock."⁵

What are "black jails"? Black jails are part of a "secret, illegal" detention system outside "sanctioned [government] institutions." When petitioners travel to Beijing or their provincial capitals to report abuse at the local level, the local officials or hired gangs will "hunt down the petitioners, grab them off the streets and lock them up in rundown hotels, rented houses and nursing homes. Security guards keep the petitions from escaping."⁶

China changed the name of the Laogai system to the prison system. After international publicity of the Laogai system in the early 90s, the Chinese government ceased use of the word "Laogai", replacing it with the more benign and ubiquitous term "prison" (*jianyu*). Despite the name change, the government admitted in Chinese media that the "prison" system is exactly the same as the previously termed "Laogai" system.⁷

A Profitable Prison System

China's prison system generates revenue for the CCP. By forcing prisoners to labor, the prison system earns millions of dollars in profits. While profitable prisons may sound good, such a system creates an incentive to incarcerate increasing numbers of potentially innocent individuals.

Chinese prisoners are forced to labor. Chinese law clearly dictates that the Laogai must "serve [the] economic construction of the state,"⁸ by creating "wealth for society. [China's] Laogai facilities are both facilities of dictatorship and special economic enterprises."⁹

Laogai camps operate under two different names to facilitate business. One name is the official prison name. The other is a business name used to set up contacts and establish trade partners just like any other corporation.¹⁰

The Laogai in Numbers*

1007 Number of Laogai camps verified by the Laogai Research Foundation to be currently in operation; the true number is likely to be much higher.

3-5 MILLION Estimated number of people currently imprisoned in these camps

40-50 MILLION Number of people jailed in the Laogai since 1949

99 Percentage of those charged with "endangering state security" found guilty

314 Number of businesses listed in Dun & Bradstreet databases clearly linked to Laogai camps

1,400 Number of individuals indicted for "endangering state security" in 2008, double the number from 2007

500,000 Number of people believed to be in arbitrary detention at any given time in China

5,000 Estimated number of executions carried out in 2009, although the true number could be much higher

68 Number of capital offenses in China today, including economic and other nonviolent crimes

40 Percentage of Laogai prisoners sentenced to more than five years imprisonment, life imprisonment, or death

*adapted from *Laogai: The Machinery of Repression in China*, Umbrage Editions, 2009.

The Laogai's forced labor products are illegally traded on the international market. Under the guise of a legitimate commercial enterprise, the Laogai covertly distributes products to international consumers. Laogai Research Foundation has identified multiple products for sale in the U.S. from the Laogai and the U.S. Customs and Border Protection agency has issued twenty-six detention orders on such products since 1991. The total number of Laogai products on the market is unknown.

The trade of Laogai products is illegal. Trade of Laogai products violates Chinese law,¹¹ U.S. law,¹² and international agreements between the two countries. As such, Laogai enterprises are knowingly breaking the law to generate revenue. The importation of Laogai products to Europe is generally unrestricted by the European Union or individual European country laws or regulations.¹³

Conditions in the Laogai

Prisoners in China face horrendous conditions. LRF has documented hazardous working conditions at various Laogai camps including: prisoners mining asbestos without protective gear, battery acid being handled without gloves, and prisoners standing naked in vats of chemicals to stir hides for tanning. For the sake of profit, prisoners face potentially life threatening job hazards which could also affect product quality and safety.

Prisoner torture is common in the Laogai. A U.N. investigation reported that Laogai prisoners describe “being subjected to electric shocks and beatings by police officers,” and to a range of physical punishments including “sleep deprivation and being forced to stand, sit or squat in uncomfortable positions for hours and sometimes days at a time.”¹⁴

Prisoners regularly die while in detention. In a four month period in 2009, 15 inmates were reported to have died in police detention. “Seven were beaten to death, three committed suicide and two died in what were termed accidents... the three other deaths are under investigation.”¹⁵

Prisoners of Conscience

Under Chinese law, citizens may be arrested and jailed for “political crime[s] – anything from starting an illegal newspaper, trade union, or unofficial religious church, or speaking a democracy slogan in public.”¹⁶ This gives police and public officials a sweeping excuse to criminalize dissent in any form. As such, the number of political prisoners in China remains alarmingly high.

“Endangering state security” replaced the category of crime previously known as “counterrevolutionary.” Since the inception of the Laogai system, millions have been labeled “counterrevolutionary” or “rightists.”¹⁷ This capital crime was renamed in 1997 to the equally ambiguous charge of “endangering state security.”¹⁸

The number of individuals arrested and indicted for “endangering state security” continues to rise. In 2008, over 1,700 individuals were arrested for “endangering state security” and over 1,400 of those were indicted.¹⁹ Between 1998 and 2008, the conviction rate of those charged with “endangering state security” was nearly 99 percent.

1 U.S.-China Economic and Security Review Commission, “2008 Report to Congress,” November 2008.

2 Alan Dowd, “Christmas in China,” *Indianapolis News*, December 18, 1998.

3 “Laogai,” *Random House Dictionary*, 2010.

4 Wu Jiao, “New Law to Abolish Laojiao System,” *China Daily*, March 1, 2007.

5 “Activist Sent to Mental Hospital,” *Radio Free Asia*, February 2, 2010.

6 “Chinese State Media Reveal Secret, Illegal Jails,” *CNN*, November 30, 2009.

7 劳改改名成监狱,” 法制日报, January 7, 1995.

8 劳动改造生产,” 中华人民共和国劳动改造条例, Ch. 4 Article 30, August 26, 1954.

9 司法部, 劳改局. 犯人改造手册 (Shaanxi: Shaanxi People's Publishers, 1988).

10 Steven W. Mosher, “Chinese Prison Labor,” *Society*, Vol 29, Number 1, November 1991.

11 Chinese Customs, “中华人民共和国海关总署关于禁止劳改产品出口的通告,” September 29, 2005.

12 Smoot Hawley Tariff Act of 1930 Section 307 (19 U.S.C. § 1307), U.S. Code Title 18 Section 1761.

13 Jean-Luc Forgeron, “Slaves of China Who Make the Cup that Cheers the West,” *The Observer*, October 30, 1994.

14 Phillip P. Pan, “Abuse Found in China Prisons,” *Washington Post*, December 3, 2005.

15 “China to Clamp Down on Inmate Abuse,” *Associated Press*, April 20, 2009.

16 “A List Aids China's Political Prisoners,” *Christian Science Monitor*, November 21, 2005.

17 Changyu Li, “Mao's 'Killing Quotas,’” Human Rights in China, September 26, 2005.

18 “Number of Chinese Political Prisoners in 2007 ‘Highest Since 1999,’” *Monsters and Critics*, March 17, 2008.

19 “Endangering State Security Arrests, Prosecutions Jumped in 2008...,” *Duihua Dialogue*, Issue 38, Winter 2010.