

中华人民共和国惩治反革命条例

Regulations on the Punishment of Counterrevolutionaries of the People's Republic of China

Regulations on the Punishment of Counterrevolutionaries of the People's Republic of China (Approved at the 11th meeting of the Central People's Government Committee on 20 February 1951, published by the Central People's Government on 21 February 1951)

Article 1: According to the provisions of Article 7 of the Chinese Peoples Political Consultative Conference Common Programme, in order to punish counterrevolutionary crimes, suppress counterrevolutionary activities and consolidate the democratic dictatorship of the people, these Regulations are formulated.

Article 2: All sorts of counterrevolutionary crimes that have overturning the people's democratic dictatorship or destroying the people's democratic cause as objective, will be punished according to these Regulations.

Article 3: Those collaborating with imperialist countries to betray the motherland will be subject to the death penalty or lifelong imprisonment.

Article 4: Those instigating, seducing or bribing civil servants, members of the armed forces or the people's militia to defect, ringleaders or commanders will be subject to the death penalty or lifelong imprisonment. Others participating in instigating, seducing, bribing or defecting, will be subject to imprisonment of 10 years or less; where the circumstances are grave, the punishment will be heavier.

Article 5: Those heading conspiracy to assemble a mob, command it or others committing evil crimes will be subject to the death penalty; other vigorous participants will be subject to imprisonment of five years or more.

Article 6: Those conducting one of the following activities of spying or supporting the enemy, will be subject to the death penalty or lifelong imprisonment, where the circumstances are relatively light, they will be subject to imprisonment of five years or more:
(1) those stealing or inquiring to State secrets or providing intelligence for domestic or foreign enemies;
(2) those indicating targets for bombarding by enemy planes or warships;
(3) those providing weapons, munitions or other military materials to domestic or foreign enemies.

Article 7: Those participating in counterrevolutionary secret services or espionage activities, where one of the following circumstances is present, will be subject to the death penalty or lifelong imprisonment; where circumstances are relatively light, they will be subject to imprisonment of five years or more:
(1) those receiving dispatches or clandestine activities for domestic or foreign enemies;
(2) those organizing or participating in counterrevolutionary secret services or espionage organizations after liberation;
(3) those having organized or led counterrevolutionary secret services or espionage organizations before liberation, and other grave criminals, that have not shown intent to expiate their crimes by meritorious service after liberation;
(4) those having participated in counterrevolutionary secret services or espionage organizations before liberation, and continue to participate in counterrevolutionary activities after liberation;

(5) those continuing to participate in counterrevolutionary activities after registry with the People's Government or giving themselves up;
(6) those continuing to contact with counterrevolutionary special services and spies or conducting counterrevolutionary activities after being released from People's Government education.

Article 8: Those using feudal sects and societies to conduct counterrevolutionary activities, will be subject to the death penalty or lifelong imprisonment, where circumstances are relatively light, they will be subject to imprisonment of three years or more.

Article 9: Those scheming or implementing the following acts of destruction or murder with counterrevolutionary objectives, will be subject to the death penalty or lifelong imprisonment; where circumstances are relatively light, they will be subject to imprisonment of five years or more:
(1) those plundering or destroying military facilities, plants, mines, forests, farms, dikes, dams and communications, banks, warehouses, safety facilities or other important public and private property;
(2) those circulating drugs, disseminating bacteria or inducing major disasters to humans, animals and plants through other means;
(3) those causing market disruption or destroying finance on the instruction of domestic or foreign enemies;
(4) those raiding, killing or maiming civil servants or the people;
(5) those falsely using the name of military organs, democratic parties or people's organizations to counterfeit official documents and certifications, to engage in counterrevolutionary activities.

Article 10: Those committing one of the following acts of incitement or agitation with counterrevolutionary objectives, will be subject to imprisonment of three years or more; where the circumstances are grave, they will be subject to the death penalty or lifelong imprisonment:

(1) those inciting mass resistance, destroying the implementation of People's Government grain taxation, tax collection, custodians, military service and other decrees;
(2) those sowing dissent within the unity of all ethnicities, all democratic classes, all democratic parties, all people's organizations and between the People and Government;
(3) those conducting counterrevolutionary propaganda agitation, fabricating and disseminating rumours.

Article 11: Those illegally crossing the national border for counterrevolutionary objectives, will be subject to an imprisonment of five years or more, lifelong imprisonment or the death penalty.

Article 12: Those gathering mobs to break into jails and rescue prisoners, or inciting prison escapes, organizers and ringleaders will be subject to the death penalty or lifelong imprisonment; other vigorous participants will be subject to imprisonment of three years or more.

Article 13: Those harbouring or sheltering counterrevolutionary criminals, will be subject to imprisonment of ten years or less; where circumstances are grave, they will be subject to imprisonment of ten years or more, lifelong imprisonment or the death penalty.

Article 14: Those committing a crime as listed in these Regulations, where one of the following circumstances is present, the case must

be settled leniently, mitigation or exemption from punishment may be granted, taking the circumstances in consideration:

(1) those voluntarily giving themselves up to the Peoples Government and repent sincerely;
(2) those sincerely repenting before or after being exposed or reported and expiate their crime by meritorious service,
(3) those forced or cheated by counterrevolutionaries, and have not volunteered;
(4) those of which counterrevolutionary crimes before liberation where not at all grave, and that have repent and reformed after liberation, and have severed connection with counterrevolutionary organizations.

Article 15: All those committing multiple kinds of crimes, apart from being subject to the death penalty or lifelong infringement, shall be subject lower than the total punishment sum, and higher than the highest individual crime, taking circumstances into consideration.

Article 16: All those committing crimes not specially provided for in these Regulations with counterrevolutionary objectives, must be punished in the light of a similar criminal category in these Regulations.

Article 17: Those committing crimes listed in these Regulations, must be deprived of their political rights, and their complete or a part of their property must be confiscated.

Article 18: For counterrevolutionary crimes committed before the implementation of these Regulations, the provisions of these Regulations apply as well.

Article 19: Any person has the power to expose or inform People's Governments of counterrevolutionary activities, but they may not bring false accusations out of grudge.

Article 20: Those committing crimes listed in these Regulations during the period of military control, will be tried by military counts established by all localities' military region headquarters, military control committees or anti-banditism command organs, in the light of these Regulations.

Article 21: These Regulations take effect on the day of People's Government Committee approval and publication.

中華人民共和國懲治反革命條例

Regulations on the Punishment of Counterrevolutionaries of the People's Republic of China

（ 1951年2月20日中央人民政府委員會第十一次會議批准，1951年2月21日中央人民政府公佈 ）

第一條

根據中國人民政治協商會議共同綱領第七條的規定，為懲治反革命罪犯，鎮壓反革命活動，鞏固人民民主專政，特制定本條例。

第二條

凡以推翻人民民主政權，破壞人民民主事業為目的之各種反革命罪犯，皆依本條例治罪。

第三條

勾結帝國主義背叛祖國者，處死刑或無期徒刑。

第四條

策動、勾引、收買公職人員、武裝部隊或民兵進行叛變，其首要分子或率隊叛變者，處死刑或無期徒刑。其他參與策動、勾引、收買或叛變者，處十年以下徒刑；其情節重大者，加重處刑。

第五條

持械聚眾叛亂的主謀者、指揮者及其他罪惡重大者處死刑；其他積極參加者處五年以上徒刑。

第六條

進行下列間諜或資敵行為之一者，處死刑或無期徒刑；其情節較輕者處五年以上徒刑：

- （一）為國內外敵人竊取、刺探國家機密或供給情報者；
- （二）為敵機、敵艦指示轟擊目標者；
- （三）為國內外敵人供給武器軍火或其他軍用物資者。

第七條

參加反革命特務或間諜組織，有下列情節之一者，處死刑或無期徒刑；其情節較輕者處五年以上徒刑：

- （一）受國內外敵人派遣潛伏活動者；
- （二）解放後組織或參加反革命特務或間諜組織者；
- （三）解放前組織或領導反革命特務或間諜組織，及其他罪惡重大，解放後無立功贖罪表現者；
- （四）解放前參加反革命特務或間諜組織，解放後繼續參加反革命活動者；
- （五）向人民政府登記、自首後繼續參加反革命活動者；
- （六）經人民政府教育釋放仍繼續與反革命特務、間諜聯繫或進行反革命活動者。

第八條

利用封建會門，進行反革命活動者，處死刑或無期徒刑；其情節較輕者處三年以上徒刑。

第九條

以反革命為目的，策謀或執行下列破壞、殺害行為之一者處死刑或無期徒刑；其情節較輕者處五年以上徒刑：

- （一）搶劫、破壞軍事設施、工廠、礦場、森林、農場、堤壩、交通。銀行、倉庫、防險設備或其他重要公私財物者；
- （二）投放毒物、散播病菌或以其他方法，引起人、畜或農作物之重大災害者；
- （三）受國內外敵人指使擾亂市場或破壞金融者；
- （四）襲擊或殺、傷公職人員或人民者；
- （五）假借軍政機關、民主黨派、人民團體名義，偽造公文證件，從事反革命活動者。

第十條

以反革命為目的，有下列挑撥、煽惑行為之一者，處三年以上徒刑；其情節重大者處死刑或無期徒刑：

- （一）煽動群眾抗拒、破壞人民政府徵糧、徵稅、公役、兵役或其他政令之實施者；
- （二）挑撥離間各民族、各民主階級、各民主黨派、各人民團體或人民與政府間的團結者；
- （三）進行反革命宣傳鼓動、製造和散佈謠言者。

第十一條

以反革命為目的偷越國境者，處五年以上徒刑、無期徒刑或死刑。

第十二條

聚眾劫獄或暴動越獄，其組織者、主謀者處死刑或無期徒刑；其他積極參加者處三年以上徒刑。

第十三條

窩藏、包庇反革命罪犯者，處十年以下徒刑；其情節重大者，處十年以上徒刑、無期徒刑或死刑。

第十四條

凡犯本條例之罪而有下列情形之一者，得酌情從輕、減輕或免予處刑：

- （一）自動向人民政府真誠自首悔過者；
- （二）在揭發、檢舉前或以後真誠悔過立功贖罪者，
- （三）被反革命分子脅迫、欺騙，確非自願者；
- （四）解放前反革命罪行並不重大，解放後又確已悔改並與反革命組織斷絕聯繫者。

第十五條

凡犯多種罪者，除判處死刑和無期徒刑者外，應在總和刑以下，多種刑中的最高刑以上酌情定刑。

第十六條

以反革命為目的之其他罪犯未經本條例規定者，得比照本條例類似之罪處刑。

第十七條

犯本條例之罪者，得剝奪其政治權利，並得沒收其財產之全部或一部。

第十八條

本條例施行以前的反革命罪犯，亦適用本條例之規定。

第十九條

對反革命罪犯，任何人均有向人民政府揭發、密告之權，但不得挾嫌誣告。

第二十條

犯本條例之罪者，在軍事管制時期內由各地軍區司令部、軍事管制委員會或剿匪指揮機關所組織之軍事法庭依照本條例審判之。

第二十一條

本條例自中央人民政府委員會批准公佈之日施行。

中共中央批發第三次全國公安會議
《關於組織全國犯人勞動改造問題的決議》的通知
Chinese Communist Party Central Committee releases Third National Public Security Conference's
notice on the “resolution to issues of organizing national Laogai prisoners.”

各中央局，各大軍區，並轉分局，省市區黨委，地委，縣委，地方軍區，各級公安部門，及縣以上各級人民政府黨組：

茲將第三次全國公安會議關於組織全國犯人勞動改造問題的決議發給你們。中央批准這個決議，望你們遵照執行。

中共中央
1951年5月22日

關於組織全國犯人勞動改造問題的決議
(第三次全國公安會議1951年5月15日通過)

現在，全國各地羈押的反革命犯和普通犯，已超過百萬，這是一個很大的勞動力。為了改造這些犯人，為了解決監獄的困難，為了不讓判處徒刑的犯人坐吃閒飯，必須根據懲辦與改造相結合的原則，並適應全國各項建設的需要，立即著手制定通盤計劃，組織勞動改造工作。凡有勞動條件的犯人，應一律強迫其參加。茲決定具體方案如下：

甲、關於犯人勞動改造的組織和管理工作應由縣一級、專署一級、省市一級、大行政區一級和中央一級共五級分工負責。

乙、勞動改造隊，按其刑期長短，基本上應分為下列四種：

(一)判處五年以上徒刑的犯人，應組成勞動大隊。由省以上各級政府負責管理，隨時調動，從事大規模的水利、築路、墾荒、開礦等生產事業。

(二)判處二年至五年徒刑的犯人，一般由專署管理。必要時亦可由省以上政府調用。

(三)判處兩年以下一年以上徒刑的犯人，原則上應在本市、本縣參加各種勞動。

(四)判處一年以下徒刑的犯人，可交群眾管制，從事公共工程或為軍屬和孤寡老弱代耕及打零工等。

丙、上述各種生產隊，均應按其所從事的生產情況和需要來編制。專區以上的生產隊，一般的可以百人為一隊，設隊長和指導員。千人為一大隊，設大隊長和教導員。對於所有從事勞動改造的犯人，應一律採用軍事管制辦法，強迫其勞動。任何犯人，應絕對服從，不得違抗。

丁、專署以上勞動改造隊的幹部，按犯人總數的百分之三至百分之五，由各該級黨委自行調配。

戊、關於勞動改造隊人數的分配和經費：

(一)屬於中央計劃範圍者，計水利工程二十三萬人，鐵道工程五萬人，錫、鎢等礦生產六萬人，共計三十四萬人，均由主管部門制定計劃，協同上述工程所在地區的大行政區及省政府執行之。

勞動改造隊主要是用來代替民工。各主管部門應將原來雇用民工的經

費，撥付勞動改造的主管機關使用，中央不另撥經費。

(二)專署以上其他勞動改造隊的經費，第一年由中央撥付。第二年應作到全部或大部自給。

(三)縣以下勞動改造隊和其他犯人，仍按相當於供給制機關工作人員三分之一的標準供給。幹部及監護武裝，均不另增(如每縣能組織犯人百人從事勞動，即有約二十萬人)。

(四)凡已有勞動改造工作者，應在原有基礎上擴大……

己、對參加勞動的犯人，應按其勞動和政治表現的好壞，給以恰當的和嚴明的精神和物質獎懲，並以減刑和加刑作為最高獎懲辦法。其條例另訂之。

庚、為了迅速並切實有效地組織勞動改造工作，在各級公安部門內應增設專門管理的機構。此項幹部，應由地方黨委從前述百分之五的比例數字內，或縣原有幹部名額中，調配之。在省以上各級政府內，並應由有關部門聯合組織勞動改造指導委員會，以加強對勞改工作的領導。

To every central bureau, every military district, and transfer branch, province, city, and district party committees, prefectural and county committees, local military districts, every level within the public security bureau, and every level of the people's government at or above the county party group:

Below is the Third National Public Security Conference's resolution to issues of organizing national Laogai prisoners. The Central Committee approved this resolution; please implement it.

**Chinese Communist Party Central Committee
May 22nd**

Resolution to issues of organizing national Laogai prisoners
(Passed at the Third National Public Security Conference on May 15, 1951)

Currently, the number of counterrevolutionary prisoners and common criminals in custody throughout China exceeds one million; this is a large labor force. In the hopes of reforming these criminals, of easing the pressures placed on prisons, and of not allowing sentenced prisoners to have free lunch, we must abide by the principle of combining punishment and reformation together, adapt to the needs of building up the country, immediately develop a comprehensive plan, and organize Laogai camps. All inmates have been given labor sentences therefore they shall be forced to participate. The specific programs are as follows:

1) Regarding the organization and management of Laogai

prisoners, there should five levels that split the responsibility, the county, agency, province, large administrative region and central levels.

2) Laogai Detachments should be based upon length of sentence, and divided as such:

a. Prisoners sentenced to five years or more should be placed into a Laogai Brigade. Give management responsibility to governments at the provincial level or higher. In accordance with the needs of building the nation, these brigades should be ready at anytime to engage in large-scale production projects like water conservancy, road construction, land reclamation, and mining.

b. Prisoners sentenced to two to five years should be managed by agencies. However, when necessary, prisoners maybe loaned to governments at the provincial level or higher.

c. Prisoners sentenced to more than one year, but less than two, should be required to labor in his/her city or county. They should not be relocated to distant places, as this would be a waste of resources.

d. Prisoners sentenced to less than one year can be managed by the local people, only if the local people and the plaintiff agree to this condition. These prisoners will engage in public works or be contract farmers and perform odd jobs for prisoners' dependents and/or local widows, orphans, and elderly. These sorts of prisoners should be self-reliant and not given prison rations.

3) The above production teams should be prepared according to the circumstances and needs of the production for which they are engaged in. Production teams at the prefecture level and above can be formed with one hundred people and with a team leader and instructor. One thousand people make up a brigade with a brigade leader and instructor. For all the prisoners

engaging in labor reform, we should all be using military methods of control and forced labor. All prisoners should be absolutely obedient and not be defiant.

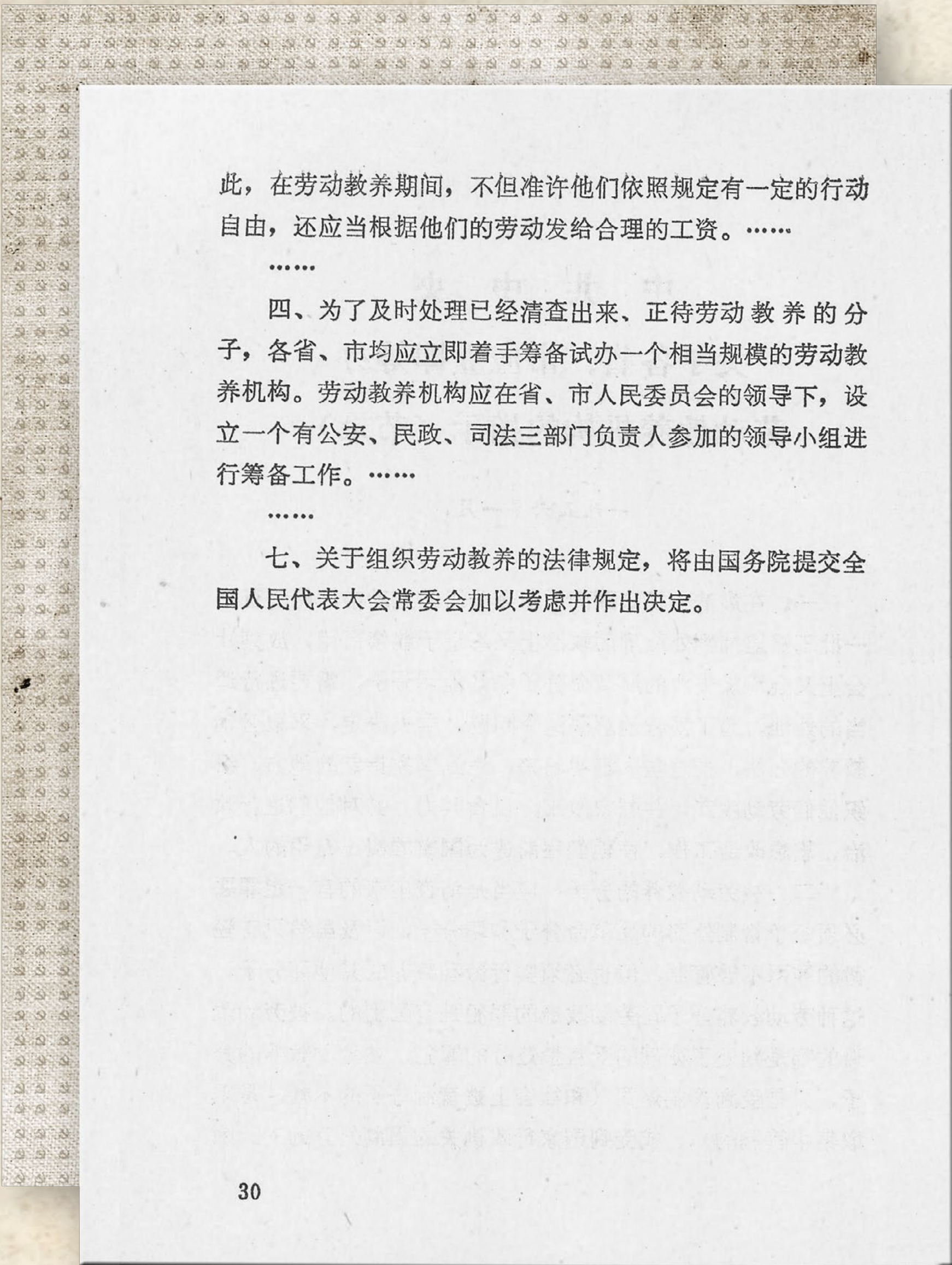
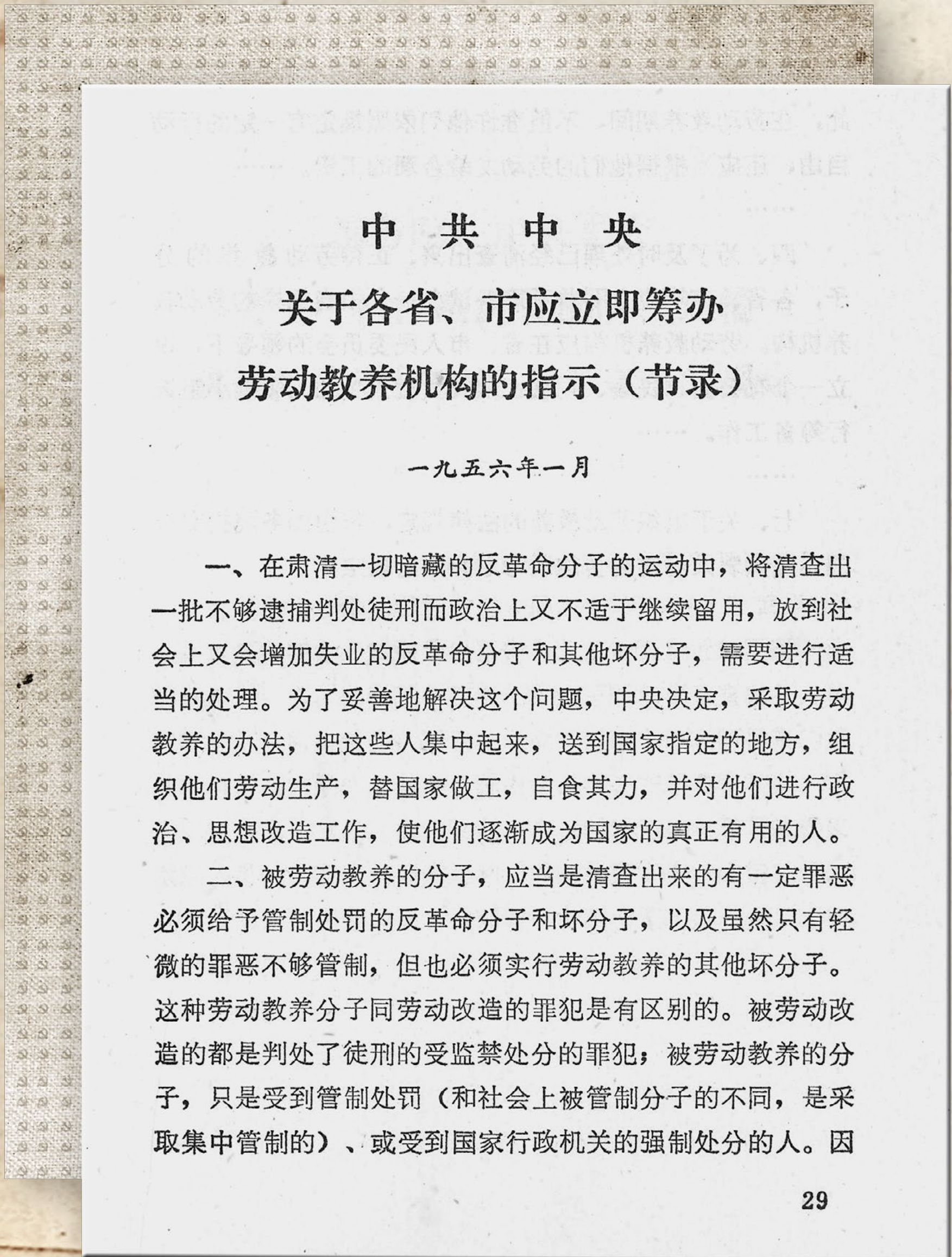
4) Labor reform team cadres at the agency level or higher should allocate three to five percent of the total number of prisoners to each level of the party. These departments can use disabled troops and local public security cadres as its backbone and absorb a portion of old and new intellectuals. When it comes to receiving supplies, Laogai cadres should be treated as well as military cadres, and armed guard teams should well prepared and assigned for every hundred prisoners. It is up to local military districts to offer such provisions.

5) Regarding dividing Laogai detachments and related costs:

a. Regarding those prisoners under the purview of the CCP Central Committee plan, 230,000 are designed for water conservancy, 50,000 for railway engineering, 60,000 for tin, tungsten, and ore production, totaling 340,000. The planning department, in cooperation with local administrative regions and provincial governments, should be in charge of implementing all of the aforementioned construction projects.

This type of Laogai Detachment's primary objective is to replace the migrant workers. Each department should give funding originally designed for migrant workers to authorities in charge of the Laogai, thus the Central Party will no longer have to provide funding for the Laogai.

中共中央關於各省、市應立即籌辦勞動教養機構的指示（節錄）
The Chinese Communist Party Central Committee's directive to every province and municipality
regarding the immediate establishment of reeducation through labor institutions (Excerpts)



1) The Elimination of Counterrevolutionaries Movement will expose some counterrevolutionaries, but they cannot be arrested nor can they be sentenced. Releasing them will only increase the number of unemployed counterrevolutionaries and other bad elements; we must handle this situation properly. In order to appropriately resolve this problem, the Central Committee has decided to adopt the method of reeducation through labor. We must gather these people together, have them sent to the places appointed by the State, organize them into production teams to labor for the State, make them self-reliant, and implement political and ideological reform.

2) The people subjected to reeducation through labor are the counterrevolutionaries, who have been revealed and must be disciplined as a result of their crimes. Although the other evildoers' crimes are minor in nature and thus cannot be disciplined, they also must be subjected to reeducation through labor.

4) Each province and municipality should immediately start to prepare and set up a considerable sized reeducation through labor institution.

Excerpts from The Reeducation Through Labor Handbook, pages 29-30, by Ministry of Justice's Bureau of Reform Through Labor. December 1987. The book is marked "Confidential."

Mao Zedong proclaimed "When criminals are given a life sentence, they leave their homes, and all across the country groups of them work to construct roads, dam rivers, reclaim wasteland, build homes, and engage in other manufacturing industries ... This is how the Soviets used to deal with many of their criminals". The CCP decided that, "With the supervision of the military, all prisoners who are able to work should be forced to labour. All criminals must obey without objection".

Propaganda posters praised the Laogai: "In the reform-through-labour system, those guilty of having counterrevolutionary thoughts can fulfill China's need for developed industrial production ...With the hands of prisoner labour, we can develop China's industry".

Prisoners are forced to work long hours under extremely dangerous conditions. Medical care is rarely provided, so injuries often lead to permanent disability or even death.



國務院關於勞動教養問題的決定

Laodong Jiaoyang (Laojiao) Reeducation Through Labor

(1957年8月1日全國人民代表大會常務委員會第七十八次會議批准，同年8月3日國務院公佈)

根據中華人民共和國憲法第一百條的規定，為了把遊手好閒、違反法紀、不務正業的有勞動能力的人，改造成為自食其力的新人；為了進一步維護公共秩序，有利於社會主義建設，對於勞動教養問題，作如下決定：

- 一、對於下列幾種人應當加以收容實行勞動教養：
- (1) 不務正業，有流氓行為或者有不追究刑事責任的盜竊、詐騙等行為，違反治安管理、屢教不改的；
 - (2) 罪行輕微，不追究刑事責任的反革命分子、反社會主義的反動分子，受到機關、團體、企業、學校等單位的開除處分，無生活出路的；
 - (3) 機關、團體、企業、學校等單位內，有勞動力，但長期拒絕勞動或者破壞紀律、妨害公共秩序，受到開除處分，無生活出路的；
 - (4) 不服從工作的分配和就業轉業的安置，或者不接受從事勞動生產的勸導，不斷地無理取鬧、妨害公務、屢教不改的。

二、勞動教養，是對於被勞動教養的人實行強制性教育改造的一種措施，也是對他們安置就業的一種辦法。
.....被勞動教養的人，在勞動教養期間，必須遵守勞動教養機關規定的紀

Chinese State Council's Decision Regarding the Laojiao Problem
(Approved on August 1, 1957 by the 78th Standing Committee meeting of the National People's Congress, promulgated on August 3rd by the State Council. Republished in 1980.)

According to Article 100 of the Constitution of the People's Republic of China, the following decisions are in reference to reeducation through labor for the reformation of idle able-bodied "criminals" into people who earn their own living. These decisions strengthen social order and enhance socialist construction:

1. The following categories of people should be reeducated through labor:
- A. People with no decent occupation, who behave like hoodlums or have committed theft, swindling, and so forth, but whose behavior is not serious enough for criminal prosecution; and people who violate public security administration and refuse to mend their ways despite repeated admonitions;
 - B. Counterrevolutionaries and anti-socialist reactionaries, whose crimes are minor and not subject to criminal prosecution, and who have been dismissed by government offices, organizations, enterprises, schools, or other units and have no way to make a living;
 - C. People in government offices, organizations, enterprises, schools, and other units, who are able but have refused to work for a long time, or who are dismissed because they broke the rules and jeopardize social order and thus have no way to make a living;
 - D. People who disobey work assignments and arrangements for employment, or who ignore advice to engage in labor and production, yet willfully keep making trouble, jeopardize public affairs and refuse to change despite repeated admonitions.
2. Reeducation through labor forces those who are to be reeducated through labor to undergo education and reform;

律，違反紀律的，應當受到行政處分，違法犯罪的，應當依法處理.....

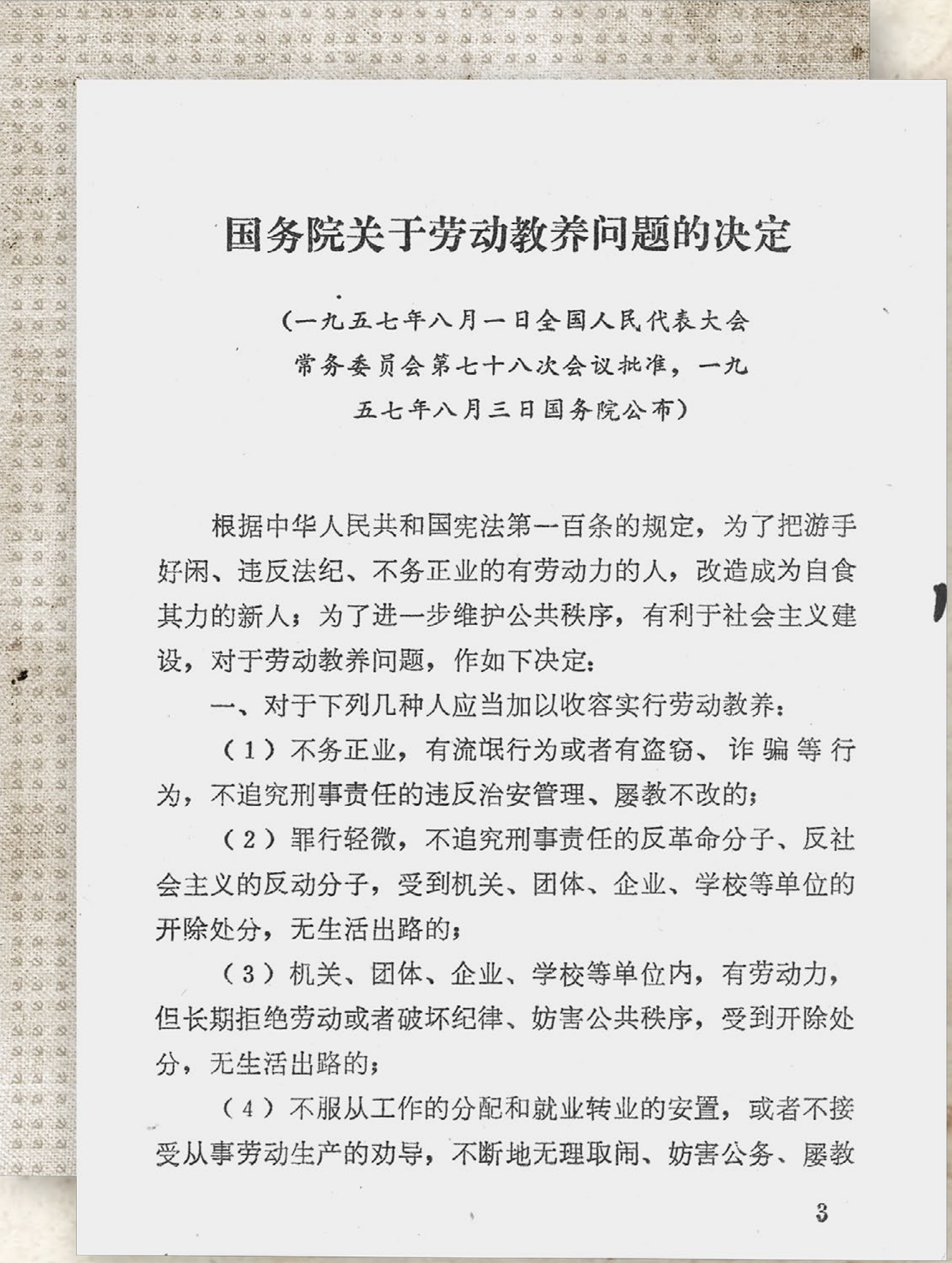
三、需要實行勞動教養的人，由民政、公安部門，所在機關、團體、企業、學校等單位，或者家長、監護人提出申請，經省、自治區、直轄市人民委員會或者它們委託的機關批准。

四、被勞動教養的人，在勞動教養期間，表現良好而有就業條件的，經勞動教養機關批准，可以另行就業；原送請勞動教養的單位、家長、監護人請求領回自行負責管教的，勞動教養機關也可以酌情批准。

五、勞動教養機關，在省、自治區、直轄市一級建立或者經省、自治區、直轄市人民委員會批准建立。勞動教養機關的工作，由民政、公安部門共同負責領導和管理。

it also helps them settle down and get jobs. People receiving reeducation through labor should be paid based on the fruits of their labor. Part of their wages may be withheld to support their families or as a reserve fund for themselves to settle down and pursue an occupation.

People undergoing reeducation through labor must observe the rules set by the organization in charge of their reeducation. Those who violate these rules should be disciplined, and those who commit crimes should be punished according to the law. In their education and administration, it is necessary to adopt the method of combining productive labor with political education. It is also necessary to lay down the rules that they must observe to help them foster the idea that it is honorable to be



patriotic and law-abiding and to learn productive skills, form proper work habits, and turn themselves into workers who earn their own living by participating in socialist construction.

3. Requests can be made for those who need to receive reeducation through labor by civil affairs and public security departments, the offices, organizations, enterprises, schools, or other units to which they belong; or by their parents or guardians.

These requests need to be approved by the People's Council of a province, autonomous region, municipality, or by authorized organizations.

4. During reeducation through labor, those who do well and qualify for jobs may get jobs elsewhere with the approval of the organization in charge of their reeducation. The organization in charge of the reeducation through labor may also approve the request of the trainees' original units or trainees' parents or guardians to take them back for further education.

5. Organizations in charge of reeducation through labor will be established at the level of the province, autonomous region, or municipality, or with the approval of the People's Council of a province, autonomous region, or municipality. Civil affairs and public security departments are jointly responsible for the leadership and administration of the organizations in charge of reeducation through labor.

安徽省大躍進時期 “人相食” 特殊案件的原始記錄

Original Records of Anhui's Special Cases

尹曙生是原安徽省公安廳副廳長。2009年10月，他在大陸刊物《炎黃春秋》上發表文章，詳細敘述了1958年後因共產黨大躍進運動引發的大饑荒災難情況——安徽省有記錄的餓死人數為400多萬，其中人相食的案件有1289起。現引文部分如下：

安徽省在“大跃进”年代，人民群众吃尽了苦头，饿死了400多万人（有案可查，不是推测的），发生人相食（多数是吃尸体）的现象并不奇怪。1961年4月23日，安徽省公安厅向省委写了一个报告，题目是：《关于发生特殊案件情况的报告》。报告称：“自1959年以来，共发生（特殊案件——笔者）1289起，其中阜阳专区9个县发生302起，蚌埠专区15个县发生721起，芜湖专区3个县发生55起，六安专区5个县发生8起，安庆专区2个县发生2起，合肥市3个县发生201起。发生时间，绝大部分在1959年冬和1960年春。宣城县发生的30起特殊案件，有28起是1959年10月至1960年2月发生的；蚌埠专区的凤阳县等10个县1960年共发生此类案件619起，其中发生在第一季度的512起，发生在第二季度的105起，发生在第三季度的2起，第四季度的个别地方虽有发生，但为数极少。今年第一季度只发现肖县、砀山、嘉山、定远、肥西、巢县、泗县等8个县共发生10起。这类案件约有50%以上发生在三类（即坏人掌握领导权——笔者）社队，作案成员大多数是劳动人民，也有的是地富反坏分子。据蚌埠专区对819名作案成员调查，地富分子和历史上当过土匪的59人，敌伪人员、兵痞等49人，学生19人，农民764人。从作案性质和情节上看，据对1144起案件调查，起卖给别人吃的36起，其余1108起都是留作自食的。发生这类案件的原因，主要是由于一些地方生产没有搞好，口粮安排不落实，群众生活极度困难，特别是坏人当道的三类社队，干部为非作歹，停伙扣饭，群众出于生活所迫所致，个别的搞出去卖也是为了买回自己所需的食物和用品。各地对此类案件，一般都当成政治破坏案件处理，由党委责成公安部门领导直接掌握，确定专人办理。从处理情况看，面宽、过严、绝大多数是逮捕、劳教、拘留起来，把很多是人民内部矛盾问题，当成敌我矛盾处理，扩大了打击面。全省1289名作案成员中，就逮捕136名，劳教153名，拘留881名，判处死缓2名，合计占90.9%。这些人被逮捕、拘留后，由于他们本来身体就弱，有的

The original records of the special cases of “cannibalism” in Anhui Province during the Great Leap Forward. Yin Shusheng was the former Anhui Province Public Security Bureau Deputy Director. In October 2009, he published an article in China’s monthly publication of Yanhuang Chunqiu. In it he describes in detail the disastrous “Great Famine” that followed the Party supported “Great Leap Forward Movement” of 1958. Records show that 4 million people starved to death in Anhui Province, and among these deaths were 1,289 cases of cannibalism.

The people of Anhui Province suffered greatly during the “Great Leap Forward”. More than 40 million people starved to death (this is not speculation, there are records), the occurrence of cannibalism was not surprising (many people ate corpses). On April 23, 1961, Anhui Province's Public Security Bureau sent a report to the provincial cadre, the subject was: “Report Regarding the Occurrence of Special Cases”. The report states: “Starting from 1959 there have been a total of 1,289 cases, 302 cases in 9 counties from Fuyang Prefecture; 721 cases in 15 counties from Bengbu Prefecture; 55 cases in 3 counties from Wuhu Prefecture; 8 cases in 5 counties from Liuan Prefecture; 2 cases in 2 counties from Anqing Prefecture; and 201 cases in 3 counties from Hefei City. The majority of the cases occurred between the winter of 1959 and the spring of 1960. There were 30 special cases in Yicheng County, 28 of which happened between October 1959 and February 1960. There were 619 special cases in Fengyang County and 10 other counties of Bangbu Prefecture, 512 cases occurred the first quarter, 105 cases in the second, 2 cases in the third quarter, there were a few cases in the fourth quarter, but the number was too small to report. During this year's first quarter there were only 10 cases in 8 counties: Xiao County, Dangshan County, Jiashan County, Dingyuan County, Feixi County, Cao County and Si County. More than 50% of these cases happened in three types of

communities, the majority of perpetrators were laborers and some members of the four black elements (landlords, wealthy, counterrevolutionaries, and bad elements). According to the Bengbu Prefecture survey of 819 perpetrators, 59 were landlords, wealthy elements, and historical hooligans; 49 were enemy officers and soldiers of fortune; 19 were students; and 764 were farmers. Given the nature and circumstance of the crime, according to the survey of 1,144 cases, there were 36 cases of people being sold as food and the remaining 1,108 cases were of people being cannibalized. These cases were generally regarded as politically damaging cases and the party member in charge of the public security department would take direct control and identified a contact person to handle it. In handling these cases, the scope was too broad, very strict, and the vast majority of arrests, detainment, and reeducation through labor sentences were the result of pre-existing conflicts that escalated into criticism sessions. Thus expanding the fighting. Of the 1,289 perpetrators in the province, 136 were arrested, 153 were sentenced to reeducation through labor, 881 were detained, and 2 were given suspended death sentences; together accounting for 90.9% of the perpetrators in this province. After these people were arrested and detained, due to their already weakened bodies, some of them also became infected with a variety of diseases. After entering the Laogai or Laojiao, a great number of prisoners died due to poor care, and being overworked; in a several places the mortality rate was as high as 70%. Provincial public security bureaus have instructed public security organs to thoroughly process similar cases. The processing principle was: members of the four black elements, who purposefully tried influence politics, as well as murderers or those who sold bodies for consumption, should be dealt with severely. The rest should be scolded and then released.”

还患有多种疾病。在投入劳改、劳教后，因生活管理不好，劳动过度，造成大批死亡，有的地方死亡率竟达70%以上。省公安厅已责成有关公安机关，对此类案件进行一次认真检查处理。处理的原则是：对地富反坏分子有意造成政治影响以及杀人犯和搞这种东西出卖的，应从严处理，其余都教育释放。”

1958年凤阳县全县人口402700人，到1961年，人口下降到245262人，净减少157438人，和1958年相比，人口减少39%。全县死绝的户有2404户，消失村庄27个，孤寡老人1580人，孤儿3304人。

为什么会出现这种情况？就是因为这个县的县委书记赵玉书为了“大跃进”动用专政工具残酷镇压人民群众。一个40万人口的县，他就下令公安机关逮捕、拘留3154人，管制1400多人，批斗2000多人，打击所谓反革命366人。



In 1958, Fengyang County had a total of 402,700 residents. In 1961 the population decreased to 245,262, which was 157,438 less residents than in 1958 or a 39% decrease. 2,404 households wiped out, 27 villages disappeared, 1,580 people widowed, and 3,304 children orphaned.

Why would such a thing happen? It was because during the Great Leap Forward, Fengyang County's Party Secretary Zhao Yushu, utilized authoritarian methods to brutally crackdown on his people. Out of a 400,000 population, he ordered public security organs to arrest and detain 3,154 people, placed 1,400 people under surveillance, criticized over 2,000 people and attacked 366 so-called counterrevolutionaries.

By. Yin Shusheng

中共中央、國務院關於在“無產階級文化大革命”中加強公安工作的若干規定
REGULATIONS OF THE CCP CENTRAL COMMITTEE AND THE STATE COUNCIL FOR STRENGTHENING
OF PUBLIC SECURITY WORK IN THE GREAT PROLETARIAN CULTURAL REVOLUTION

The great proletarian Cultural Revolution is a movement for promoting extensive democracy under the ideals of Maoism and proletarian dictatorship. It has aroused the revolutionary activism of the masses. Without the dictatorship of the proletariat, extensive democracy would be impossible to enforce. Public security organs are important to the dictatorship of the proletariat. They must adopt appropriate measures to strengthen the dictatorship against the enemy, safeguard the people's democratic rights, and protect the full and frank airing of views, large-character posters, debate, and exchange of revolutionary experience. For this purpose, it is specially provided that:

(1) In the case of counterrevolutionaries for whom conclusive evidence proves they have committed manslaughter or arson, spread poison, created traffic accidents, carried out persecution, attacked prisons or organs in control of prisoners, communicated with foreign countries, stolen state secrets or carried out subversive activities, they should be punished by law.

(2) It is a counterrevolutionary deed to send counterrevolutionary anonymous letters, to post or distribute secretly or openly counterrevolutionary handbills, to write or shout reactionary slogans, or to attack or vilify the great Chairman Mao and his close comrade-in-arms, Comrade Lin Biao. Such deeds should be punished by law.

(3) The revolutionary masses and their organizations as well as the Left are protected, and armed struggle is strictly banned. It is unlawful to attack the revolutionary mass organizations or to assault or detain the revolutionary masses. Generally, culprits are criticized, repudiated, and educated by the Party leadership, the government, and revolutionary mass organizations. Regarding leading offenders, assailants who have committed serious offenses, and those manipulating things from behind the scenes, they must be punished by law.

(4) Regarding landlords, rich peasants, counterrevolutionaries, bad elements, Rightists; persons for reform through labor; persons who have served their sentences but are kept on the farms (factories; reactionary hardcore elements of the Party and the CYL; intermediate and minor leaders of reactionary religious sects and professional religious personnel; members of the enemy and puppet army (above the rank of company commander), government (above the rank of pao chief), police (above the rank of sergeant-major), gendarme and secret service; persons sentenced to reform through labor who have served their sentences but are unsatisfactorily reformed; profiteers; and family dependents of counterrevolutionaries who have been killed, imprisoned, placed under surveillance or escaped that still cling to their reactionary stand, they are as a rule forbidden from exchanging revolutionary experiences, changing names, or sneaking into revolutionary mass organizations with a fabricated history. Nor are they allowed to manipulate or agitate people from behind the scenes or to set up their own organizations. If these elements commit subversive acts, they must be severely punished by law.

(5) Regarding those who use extensive democracy or other means to disseminate reactionary utterances, they are generally subject to struggle by the revolutionary masses. In serious cases, the public security departments must—in concert with the

revolutionary masses—conduct a timely investigation, and if needed, deal with them according to conditions.

(6) If the personnel of the Party, government military, and public security organs distort the above provisions and fabricate facts to suppress the revolutionary masses, they must be punished by law.

The above regulations must be publicized among the broad masses, and the revolutionary masses must be called on to assist and supervise the public security organs in carrying out their duties to uphold revolutionary order and ensure public security organ personnel can carry out their duties as usual.

These regulations may be extensively posted in the cities and the countryside.

**The Central Committee of the Chinese
Communist Party
The State Council
January 13, 1967**

Ten Thousand Rally in Shanghai for a Public Trial of the Criminals Damaging the Great Cultural Revolution
(September 21, 1967)
Striking down the class enemies for their destructive activities and highlighting the power of the proletarian dictatorship
Fourteen criminals are executed or sentenced to imprisonment

A public trial during the Cultural Revolution is generally held by the Martial Law Commission or Revolutionary Committee. The trial is usually combined with a struggle session. The criminals are brought to a public location by uncovered trucks, and each of the criminals has a sign hung around his neck on which the criminal's name and crime are written. The sentences are very often decided before the actual trial, so it is more for creating fear among the onlookers than for legal procedure. –Translator's Notes.

The pictures to the left are the mug shots of eight of the fourteen criminal. Their crimes and penalties are respectively:

(pictures in the upper row, from left to right)

Qu Hongfa, chief criminal of a gang rape, death penalty, immediate execution.

[illegible][illegible][illegible]

中國人民解放軍向陽區公安法院軍管組文件軍管 字（ 70 ）第21號
People's Liberation Army Xiangyang District Military Controlled Public Security Court Document

關於對治安保衛委員會成員進行一次填表登記上報的通知

各派出所、公社、廠、（場）：

遵照偉大領袖毛主席“無產階級專政是群眾的專政”的教導，隨著對敵鬥爭的形勢發展，對治安保衛和監改工作提出了新的要求，對各單位的五類分子，都要有群眾監督改造，切實掌握住其思想動態，好壞表現。

.....
凡單位對治保和監改組織至今尚未建立的，在十月底一律建立起來，切實做好監改工作，要經常向本單位黨組織和上級專政機關反映敵社情動態情況，起到應起的“耳目”作用。

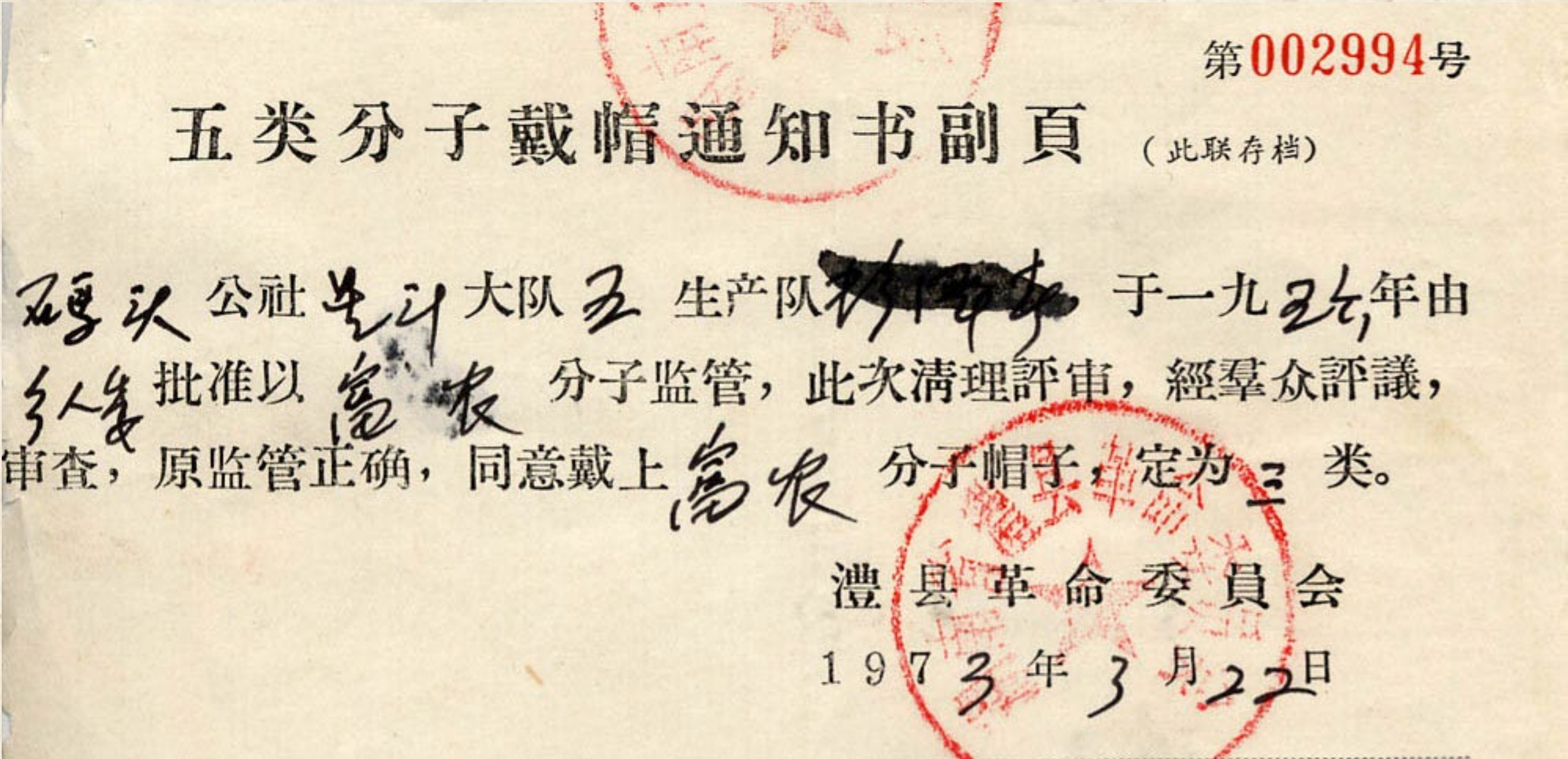
1970年10月16日
安徽省淮南市向陽區革命委員會人民保衛組
中國人民解放軍淮南市向陽區公安分局法院軍事管制小組

加强治安保卫 监督改造五類分子

“1970年是中國的‘軍管’時期，即由軍事機構對全國各地區和機構執行軍事管制的一種特殊方式，包括在公安、檢察院和法院系統實行軍事管制。本文件是由安徽省向陽區公安、法院軍管組和革命委員會共同發布的一份成立治安保卫组织，加强对五类分子监督改造的文件。”

Strengthen Public Security; Reform and Survey Five Black Elements

“1970 was the year of military control in China. The military organs implemented a special military control method over China and the government institutions, which entailed placing public security organs, the procuratorate, and the court system under military control. This document is from Anhui Province's Xiangyang District's Public Security Bureau, military controlled courts and revolutionary committee. It is a joint report stating the establishment of public security organizations and the increased efforts to reform and survey members of the five black elements.



Notice of ‘Five Black Classes’ Cap-wearing Member
In 1956, the Sub-county Commission approved that Zhen Zechun of the 5th brigade of the Matou commune should be monitored and categorized as a rich peasant. After this public review, it has been decided that Zhen should be forced to wear a cap since he was identified as a rich peasant.
Revolutionary committee of Li County, March 22, 1973

Military control 1970 No.21

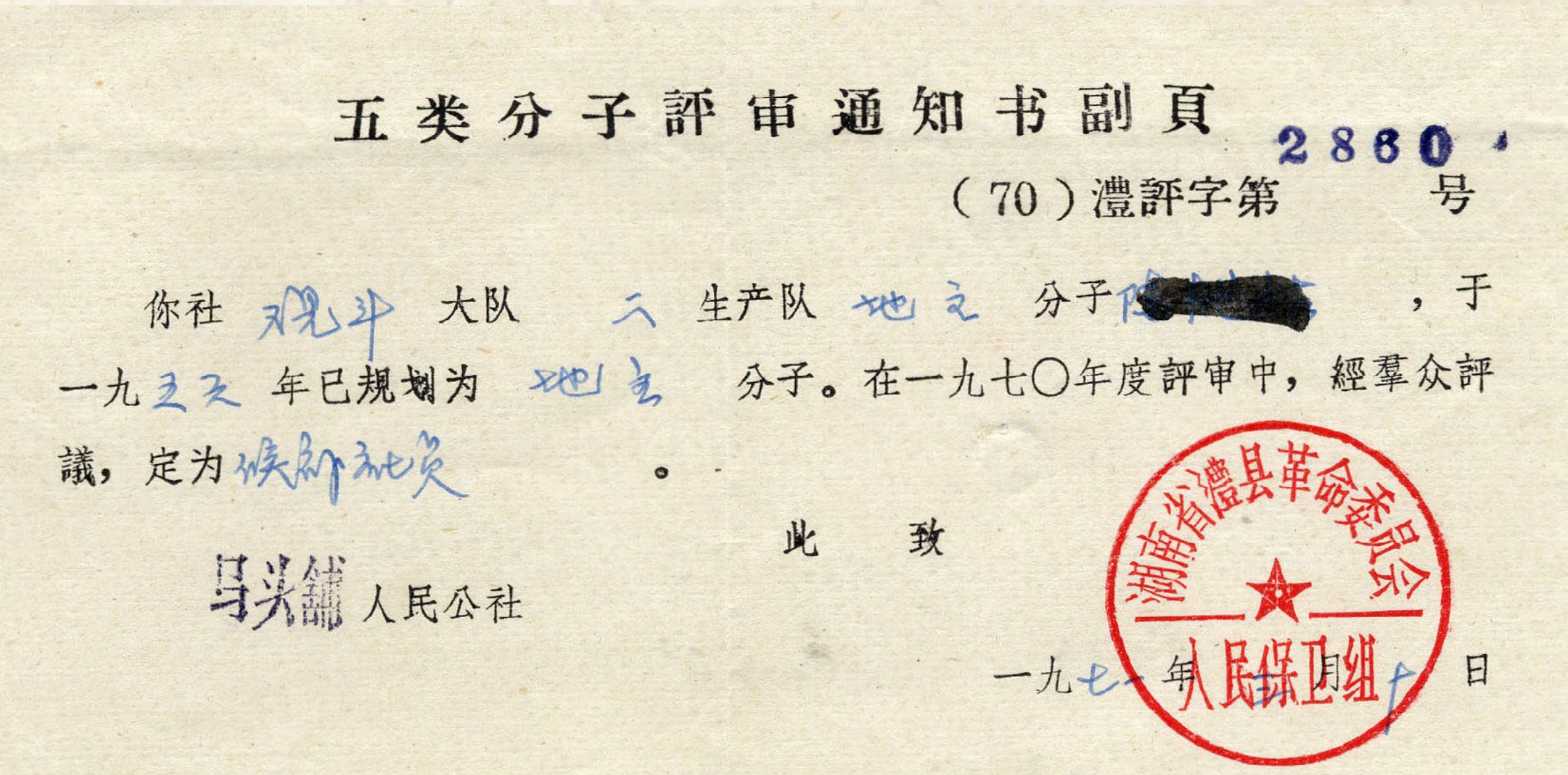
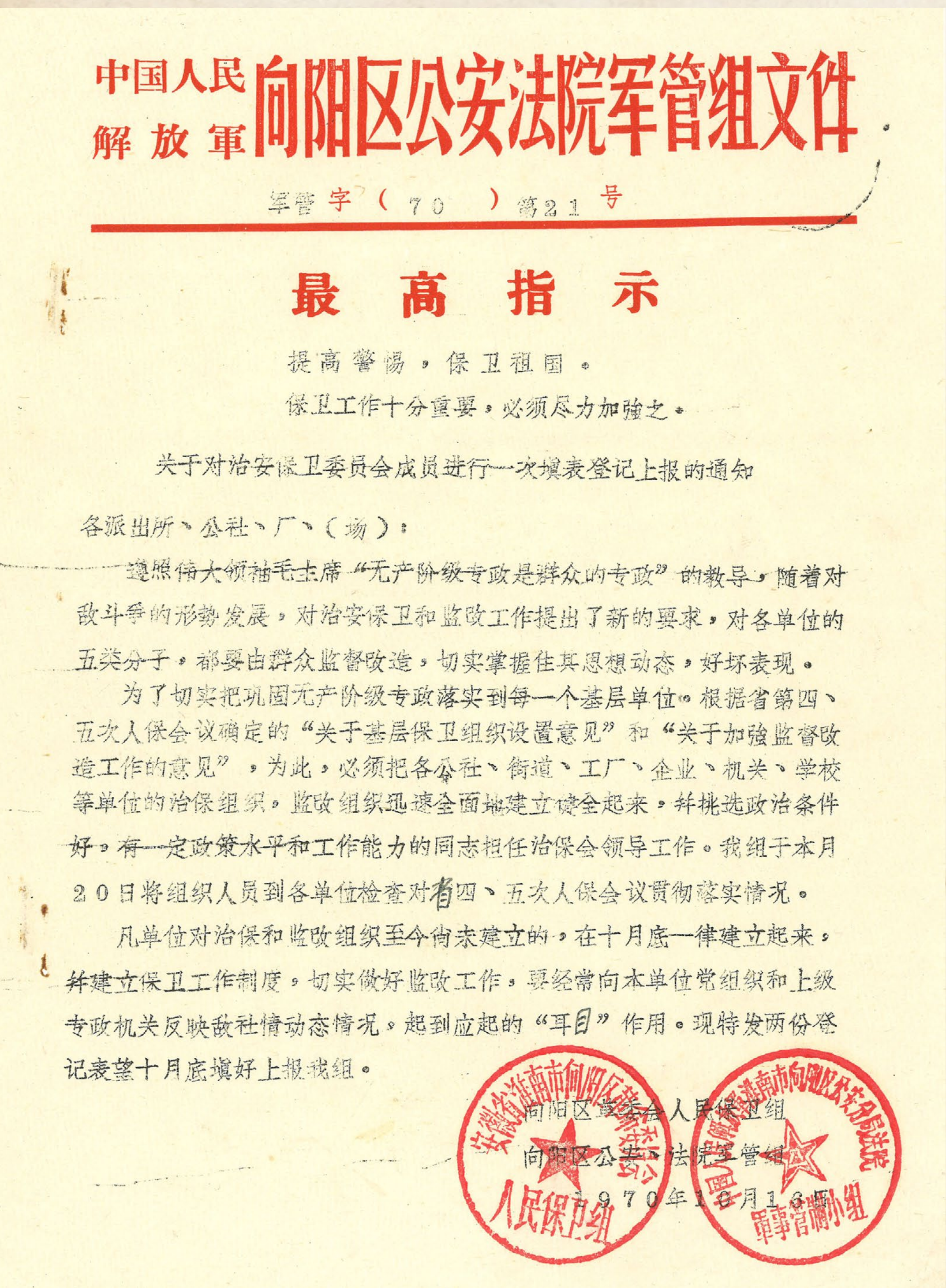
Notice regarding public security committee members filling out a registration report

To every police station, commune, factory, and farm:

In accordance with our great leader Chairman Mao's teachings, “the proletariat authoritarian government is the people's authoritarian government”. Following the development in our struggle sessions against our enemies, we must put forth a new requirement for our public security and reform through surveillance work. The masses should keep each member of the five black elements under surveillance to effectively grasp the members' thoughts, report if they are being good or bad, and get them to reform.

Even now, the locations where public security and reform through surveillance organizations have not been established, they must be set up by the end of October. Practically speaking, to be effective in reforming through surveillance, we must regularly report our enemy's social conditions and developments to the party and the higher leveled government organs to truly be an effective method of surveillance.

October 16, 1970
Xiangyang District, Huainan City, Anhui Province
Revolutionary Committee's People Protection Group
People's Liberation Army Xiangyang District, Huainan City's Military Controlled Public Security Court Branch



Classification Documents
Examination Notice of a ‘Five Black Classes’ Member
The landlord ChenXX, belonging to the second brigade of the Guandou commune, was identified as a landlord in 1955. In 1970, after public discussion during the annual review, this landlord was approved to be a reserve commune member.
Matou People's Commune, March 11th, 1971

through Labor by the Ministry of Public Security

Ministry of Public Security
August 9, 1980

披著宗教外衣的龔品梅反革命集團

Kung Pin-Mei Counterrevolutionary Clique operating under the guise of a religious institution



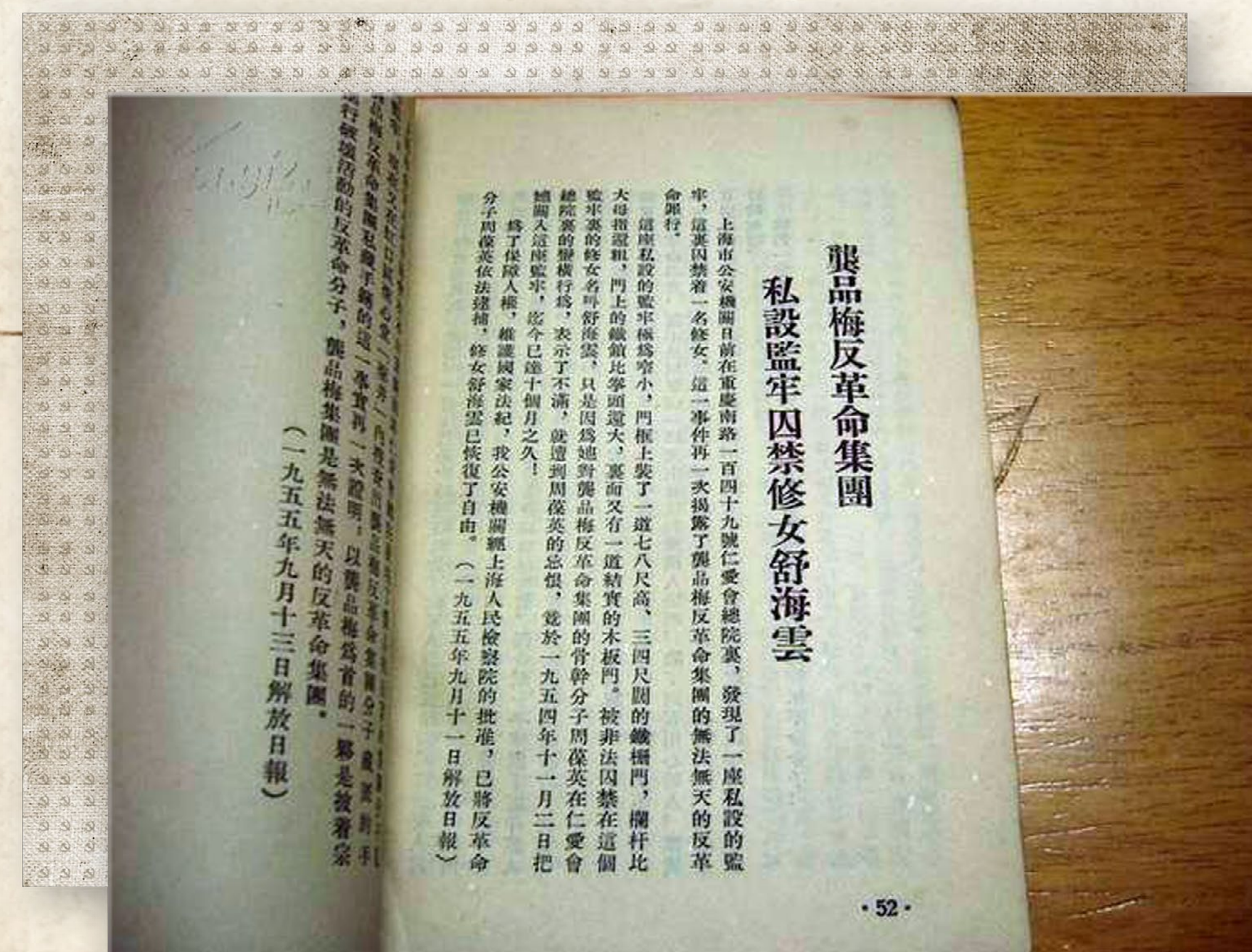
這份資料摘自《反革命分子和其他刑事犯罪分子罪證展覽會材料匯編》第8-9頁，1957年10月由公安部內部編印。該資料記錄的是1955年被打成反革命集團的上海、蘇州及南京三教區主教龔品梅等人大量的“反革命罪證”。摘錄如下：

龔品梅反革命集團勾結帝國主義分子格壽平（Fernand Lacretelle，法國籍）做破壞土改運動的反動指示，威脅農民教徒“不得參加鬥爭地主”。
破壞抗美援朝運動。龔指示“單以保家衛國為借口而從事一種不正義的戰爭是不可饒恕的。”

龔品梅污蔑社會主義國家總路線是“血淋淋的總路線”。這個集團還破壞政府糧食供應計劃。據供認，除在徐家匯修院埋藏的大米2000斤外，還囤積了8千多斤大米。

包庇窩藏反革命分子，把軍統特務鄧家俊掩護在教堂內。

勾結、掩護帝國主義間諜田望霖（Alain De Terwagne，比利時籍）進行情報活動。帝國主義分子、間諜才爾孟（George Marie Antoine Germain，法國籍）是龔品梅反革命活動的幕後策劃者。



This is an excerpt from the Exhibition of Incriminating Evidence against Counterrevolutionaries and Other Criminals, which was compiled and printed for internal use by the Ministry of Public Security in October 1957. This material contains a massive amount of “counterrevolutionary criminal evidence” against Kung Pin-Mei - the Bishop for the Shanghai, Suzhou, and Nanjing parishes - and others who were labeled as being part of a counterrevolutionary clique in 1955. The excerpts are as follows:

Kung Pin-Mei Counterrevolutionary Clique colluded with the French imperialist Fernand Lacretelle to conduct reactionary actions to sabotage the Land Reform Movement, and threatened the peasant followers to “not participate in the struggle against landlords.”

The Kung Pin-Mei Counterrevolutionary Clique sabotaged the “Campaign to Resist America and Support North Korea”. Kung Pin-Mei stated that, “it is unforgivable to engage in an unjust war under the pretext of defending the nation.”

Kung Pin-Mei slandered socialist ideology by saying it was a “bloody ideology.” This group also sabotaged the government’s plan for grain supply chain. According to the confession, in addition

to the 2,000 kilograms of rice stored at Xujiahui Seminary, they hoarded more than 8,000 kilograms of rice.

Kung Pin-Mei harbored and sheltered counterrevolutionaries such as the Chinese Nationalist spy Deng Jiajun in a church.

Kung Pin-Mei colluded with and sheltered the Belgian imperialist spy Alain DeTerwagne while his was gathering intelligence. The French imperialist spy George Germain was the mastermind behind Kung Pin-Mei’s counterrevolutionary activities.

Kung Pin-Mei spent 30 years in Chinese prisons for defying attempts by the CCP to exert state control over Roman Catholics. Arrested five years earlier, Kung was given a life sentenced in 1960, charged with being the leader of a counterrevolutionary clique. In July 1985, he was released on probation, but kept under house arrest until 1988 when authorities, under pressure from the international community, finally agreed to give him full freedom. Kung left China for the U.S. in 1988 for medical treatment and stayed there until his death in 2000.



中共中央關於《劃分右派分子的標準》的通知

The CCP Central Committee's Notice regarding “The Standard in Categorizing the Rightists”

上海局，各省、市、自治區黨委，中央各部委各黨組，中直黨委，國家機關黨委，總政治部（此件可發至縣委和相當於縣級的黨組織）

中央
1957年10月15日

劃分右派分子的標準

- （一）凡言論、行動屬於下列性質者，應劃為右派分子：
- （1）反對社會主義制度。
- （2）反對無產階級專政。
- （3）反對共產黨在國家政治生活中的領導地位。
- （4）以反對社會主義和反對共產黨為目的而分裂人民的團結。
- （5）組織和積極參加反對社會主義、反對共產黨的小集團。

（6）為犯有上述罪行的右派分子出主意，拉關係，通情報，向他們報告革命組織的機密。

- （二）有下列情形之一者應劃為極右分子：
- （1）右派活動中的野心家、為首分子、主謀分子和骨幹分子。
- （2）提出反黨反社會主義的綱領性意見，並積極鼓吹這種意見的分子。
- （3）進行反黨反社會主義活動特別惡劣、特別堅決的分子。
- （4）在歷史上一貫反共反人民；在這次右派進攻中又積極進行反動活動的分子。

To the Shanghai Bureau, all provincial, municipal, and autonomous regions' party committees, central ministries, commissions, state run party committees, and the general political department (this notice may be distributed to county-level party committees and to equivalent county-level party organizations):

CCP Central Committee
October 15, 1957

“The Standard in Categorizing the Rightists”

- 1) One should be classified as a Rightist if he says or does the following:
- A) Is opposed to Socialism
- B) Is opposed to the proletarian dictatorship, and democratic centrism (Marxist-Leninist).
- C) Is against the dominance of CCP in the nation's political arena
- D) Is using anti-socialist and anti-communist party sentiment to try to destroy this harmonious country.

E) Organizes and participates in anti-socialist or anti-communist activities

F) Providing suggestions, being in contact with, passing intelligence to or sharing revolutionary organization secrets with criminals mentioned above.

- 2) One should be classified as Rightist if he fits any of the following criteria:
- A) Is an aspiring leader, mastermind, or core member in the Rightists' movement
- B) Those that bring up anti-party or anti-socialist opinions, or those who actively advocate for and spread these ideas
- C) Are resolute members of anti-party or anti-socialist activities
- D) Those who have always been anti-communist and anti-proletariat and are proactive in reactionary activities during this right-wing attack.

關於在國家薪給人員和高等學校學生中的右派分子處理原則的規定

“Instructions in Handling Rightists Found Among Civil Servants and Students”

（國務院第9 6次全體會議通過）（節選）

.....
(乙) 高等學校學生中的右派分子：

全國各地黨政機關：現下發國家薪給人員和高等學校學生中的右派分子處理原則的規定，望遵照執行（將“國家薪給人員”中的右派分子劃為6類處理辦法，“高等學校學生”中的青年右派分子劃為4種處理辦法）。具體規定如下：

（甲）國家各機關單位中的右派分子：

- 第1類、情節嚴重、態度惡劣的，實行勞動教養，態度特別壞的，還要開除公職；
- 第2類、態度好或情節不十分嚴重的，撤職送農村或農場監督勞動；
- 第3類、情況與前兩種相似，但本人學術、技術上有專長，工作需要的，或年老體弱不能勞動的，撤銷原職，留用察看，並降低待遇；

情節嚴重態度惡劣的，保留學籍，送農村或農場勞動考察（相當於上述第1類）；

個別特別嚴重的，開除學籍，勞動教養（相當於上述第2類）；

情節嚴重態度好的，留校察看（相當於上述第3、4類）；

中共中央 國務院
1958年1月29日

Passed at the 96th State Council Meeting.
The State Council of the People's Republic of China
(Excerpts)

- 1) Rightists working in the government

Category 1: Rightists who have committed serious crimes and have bad attitudes should undergo reeducation through labor

Category 2: Rightists who have committed less serious crimes or have the proper attitude should be relocated to rural villages or forced to labor under supervision on farms

Category 3: Similar with the first two categories, but are well educated Rightists who have special skills that are essential to certain fields of work or who are elderly, frail, and unable to labor should be laid off from their original position, be placed under observation, and

have their stipends reduced.

2) Rightists among students in higher education institutions: Rightists who have committed serious crimes and have bad attitudes should retain their student status, but be sent to labor in rural villages or farms. (equivalent to category 1 above)

Rightists who have committed a particularly serious crime should be expelled from school and undergo reeducation through labor (equivalent to category 2 above)

Rightists who have committed serious crimes, but have a good attitude may stay at school, but be placed under surveillance (equivalent with categories 3 and 4 above)

January 29, 1958



勞改檔案展

The Introduction of the Laogai Archives

We hope our collections can leave the visitors a preliminary yet thorough impression of the Laogai situation.

中共早期領導人論勞改

CCP’s Early Leaders’ Comments on the Laogai

大批應判刑的犯人，是一個很大的勞動力，為了解決監獄的困難，為了不讓判處徒刑的反革命分子坐吃閒飯，必須立即招收組織勞動改造的工作。

原中共最高領導人 毛澤東，“對第三次全國公安會議的指示”（1951年5月15日）
——摘自《毛澤東同志論階級鬥爭、專政和公安工作》，第86頁。公安部編譯，1956年8月（內部文件）

（勞改犯）是幾十萬、上百萬的勞動力，等於保加利亞一個國家的全勞動力，不要勞動保險，也不要工資，可以做很多的工作，可以建設很大的事業。蘇聯就是利用犯人開了幾條運河的。所以搞好了經濟上有利，政治上也很好，因為我們沒有把他殺掉。

——原國家副主席 劉少奇，“在第三次全國公安會議上的講話”（1951年5月11日）

要恢復、整頓勞改農場、工廠。勞改農場要好好整頓，過去有800多個，現在有400多個。判刑的要勞動改造，未決犯也要勞動改造，監獄里的犯人也要勞動改造。

原國務院總理 周恩來，“接見第十五次全國公安會議全體同志時的講話”（1971年2月8日）
——以上兩段摘自《毛澤東等老一輩革命家論改造罪犯工作》，第19頁和第21頁。司法部勞改局編，法律出版社，1993年11月版。

“The large group of convicted criminals is an enormous labor force. In the hopes of reforming these criminals, of easing the pressures placed on prisons, and of not allowing sentenced prisoners to have free lunch, we must immediately begin to organize the Laogai system.”

–The highest authority of CCP, Mao Zedong, “The Third National Public Security Meeting” (May 15, 1951)

Quoted from “Comrade Mao’s Comments on Class Struggle, Dictatorship, and Public Security” pg. 86. (Public Security Bureau, August 1956) Internal Document.

“(Laogai convicts) make up a labor force numbering in the hundreds of thousands to millions, which is equal to the entire labor force of Bulgaria. These criminals do not need insurance or wages; they can do many different types of jobs and can form a giant enterprise. After all, the Soviet Union used criminals to construct several canals. These prisoners are economically and politically useful, that is the reason we keep them alive.”

–The Vice President of the PRC, Liu Shaoqi, “The Third National Public Security Meeting”. (May 11, 1951)

We need to restore and rectify Laogai farms and factories. “Laogai farms need rectification, there were roughly 800 farms previously and about 400 farms now. Convicted criminals, unconvicted criminals, and current prisoners must all undergo reform through labor.”

–The Premier of the State Council, Zhou Enlai, “A Speech to the Comrades During the Fifteenth National Public Security Conference”. (February 8, 1971)

Quoted from “Comments from Senior Revolutionaries such as Mao Zedong on Reforming Criminals” pg. 19 and pg. 21. (Edited by the Ministry of Justice, Laogai Bureau, and published by the Law Press- China, November 1993).

CCP’s early leaders’ comments on Laogai

“The huge batch of convicted criminals is an enormous amount of labor force. In hopes of reforming them, solving the problem of prisons, and stopping the counter-revolutionists from being redundant in the society, we must immediately begin to organize them to Laogai work.”

The highest authority of CCP, Mao Zedong, “The Third Nation’s Public Security Meeting” (May 15, 1951)

Quoted from “Comrade Mao’s comments on class struggle, dictatorship, and public security” P. 86, (Bureau of Public Security, Aug 1956) Internal Document

“(Laogai convicts) are tens of thousands of labor force, that’s the equivalent of the entire labor force of Bulgaria. They (Laogai convicts) don’t require labor insurance or wages, and they can work on a lot of projects, a lot of major infrastructures. The USSR built a few canals by their criminals. They are useful economically and politically, that’s the reason we keep them alive.”

The Vice President of the PRC, Liu Shaoqi, “The Third Nation’s Public Security Meeting” (May 11, 1951)

Rule No. 8: To restore and rectify Laogai farms and factories

“Laogai farms needs rectification, there were roughly 800 farms previously and about 400 farms now. Convicted criminals need Laogai; suspects need Laogai; current prisoners also need laogai.”

The Premier of the State Council, Zhou Enlai, “A speech to the comrades during the fifteenth conference of national public security” (Feb 8, 1971)

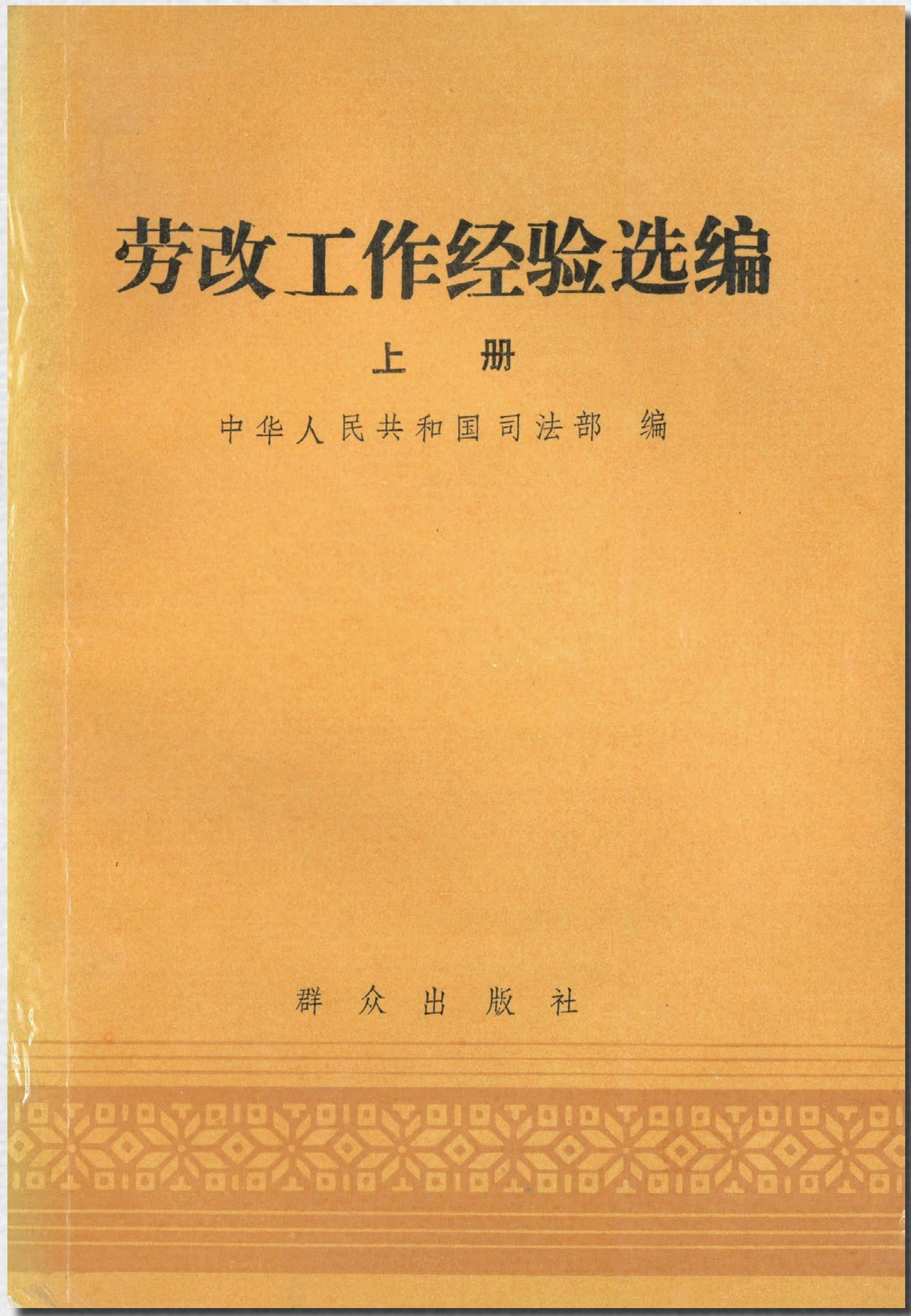
Quoted from “comments from Senior Revolutionists such as Mao Zedong on criminals reforming” P. 19, P.21, (Edited by the Bureau of Reeducation-through-labor Administration, Published by the Law Press- China, Nov 1993)



中國勞改營——蘇聯古拉格的翻版

Laogai, the Chinese Gulag

1561



蘇聯顧問法捷扬諾夫對中國勞改工作的意見 (1951年6月22日)

勞改的目的：1.在一定條件下，保證國家安全，防止罪犯有可能來損害和破壞中華人民共和國；2. 組織經常性的強迫勞動，使其成為勞動模範。基於此目的，其基本方式就是組織勞改隊，勞改者是被判刑的。

- I. 關押犯人的地方、形式、組織、機構：
- 1) 監獄；
 - 2) 隔絕點，或未判決犯人的孤立點，即看守所；
 - 3) 轉移點，即犯人從這裏轉到那裏；
 - 4) 勞動改造，即勞改隊。勞改隊分下列幾種：
 - a) 工廠式的勞動改造營即工業勞改隊；
 - b) 農業式的勞動改造營，即農業勞改隊；
 - c) 大型工程的勞動改造營如修堤築路等，及工程隊；
 - d) 未成年犯人的勞動營；
 - e) 懲罰的勞動營；
 - f) 特殊的勞動營。（368頁）

《勞改工作經驗選編》上冊 第368頁，中華人民共和國司法部編 群眾出版社，1989年版

Soviet Consultant Stoyanov Offers Suggestions to China on Establishing Laogai Camps June 22, 1951

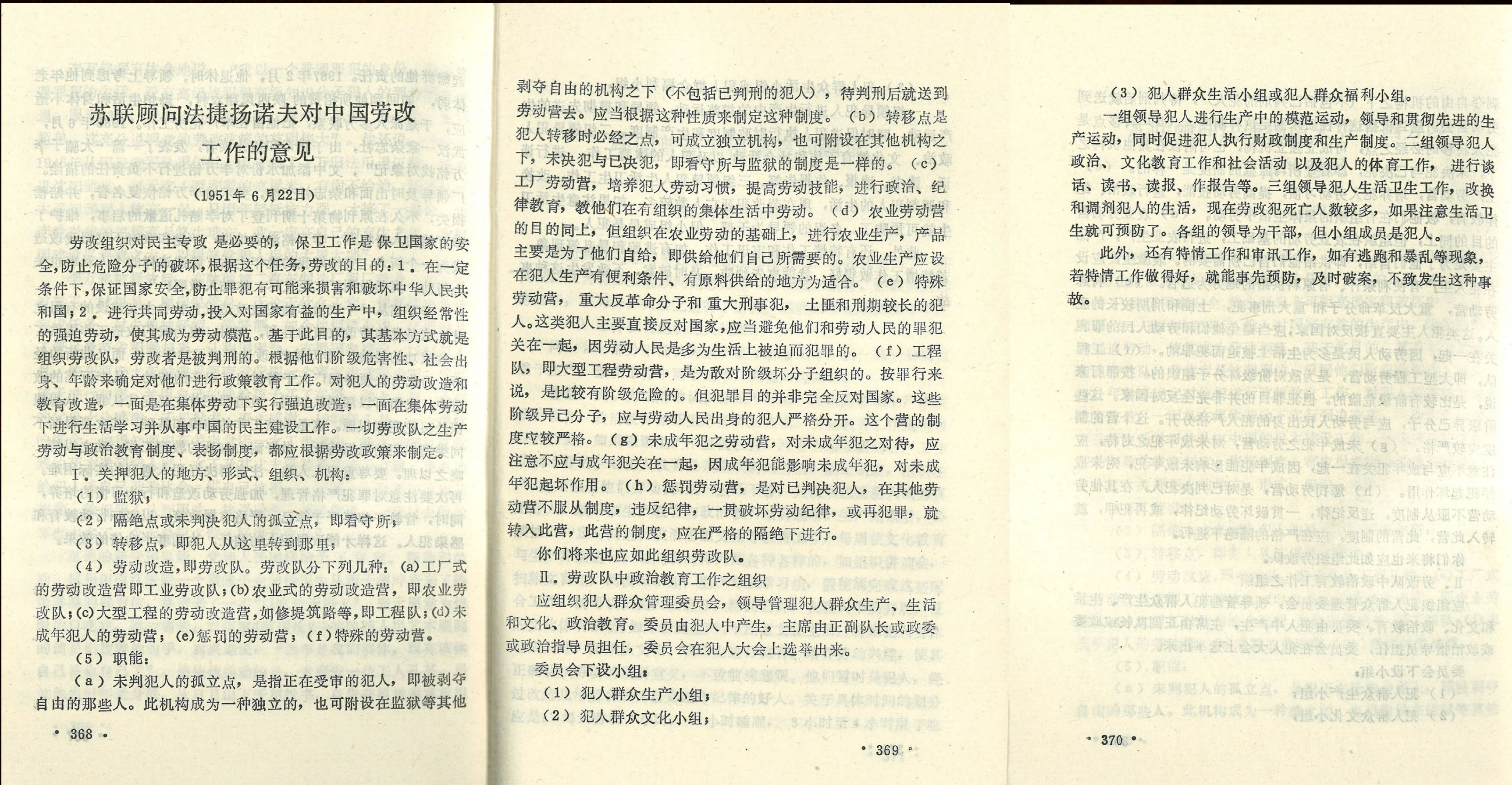
The purpose of reform through labor is:

- 1) Under certain conditions, guarantee national security, prevent criminals from harming or destroying the People's Republic of China
- 2) ...organizations regularly force prisoners to labor, making this the model of reform through labor. For this purpose, the basic method would be to organize Laogai camps, since the Laogai prisoners have already been sentenced.

I. Location, method, organization, and institutions for locking up prisoners

- 1) Prisons
- 2) Isolated locations, or for prisoners not yet sentenced, place them in isolation or even in detention centers
- 3) Transfer point, moving prisoners from one location to another
- 4) Laogai and Laogai detachments. Laogai detachments should be categorized as such: a) factory-styled Laogai camps and industrial Laogai detachments; b) agricultural Laogai camps; c) large scale projects Laogai camps that make cofferdams and building roads and include engineering corps; e) penal Laogai camps; f) special Laogai camps.

Selected Works from Constructing Laogai camps Experiences Vol. 1
Compiled by the Ministry of Justice of the People's Republic of China
(People's Publishing)



加強治安保衛 監督改造五類分子

Strengthen Public Security; Reform and Survey Five Black Elements

1970

“1970年是中國的‘軍管’時期，即由軍事機構對全國各地區和機構執行軍事管制的一種特殊方式，包括在公安、檢察院和法院系統實行軍事管制。本文件是由安徽省向陽區公安、法院軍管組和革命委員會共同發布的一份成立治安保卫组织，加强对五类分子监督改造的文件。”

“1970 was the year of military control in China. The military organs implemented a special military control method over China and the government institutions, which entailed placing public security organs, the procuratorate, and the court system under military control. This document is from Anhui Province’s Xiangyang District’s Public Security Bureau, military controlled courts and revolutionary committee. It is a joint report stating the establishment of public security organizations and the increased efforts to reform and survey members of the five black elements.

中國人民解放軍向陽區公安法院軍管組文件
軍管字（70）第21號

關於對治安保衛委員會成員進行一次填表登記上報的通知

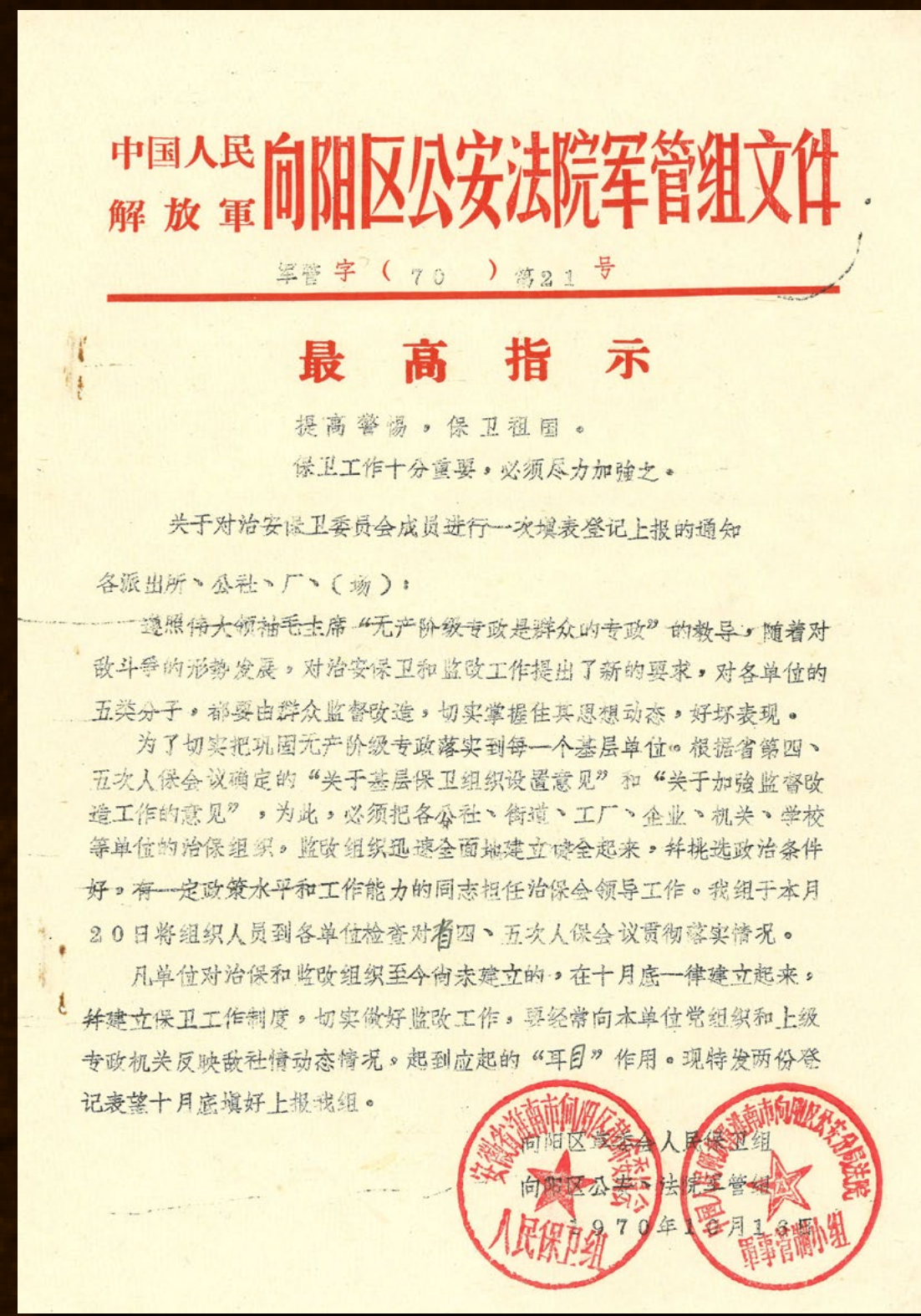
各派出所、公社、廠、（場）：

遵照偉大領袖毛主席“無產階級專政是群眾的專政”的教導，隨著對敵鬥爭的形勢發展，對治安保衛和監改工作提出了新的要求，對各單位的五類分子，都要有

群眾監督改造，切實掌握住其思想動態，好壞表現。

凡單位對治保和監改組織至今尚未建立的，在十月底一律建立起來，切實做好監改工作，要經常向本單位黨組織和上級專政機關反映敵社情動態情況，起到應起的“耳目”作用。

1970年10月16日
安徽省淮南市向陽區革命委員會人民保衛組
人民解放軍淮南市向陽區公安分局法院軍事管制小組



People’s Liberation Army Xiangyang District Military
Controlled Public Security Court Document
Military control (1970) No.21

Notice regarding public security committee members filling out a registration report

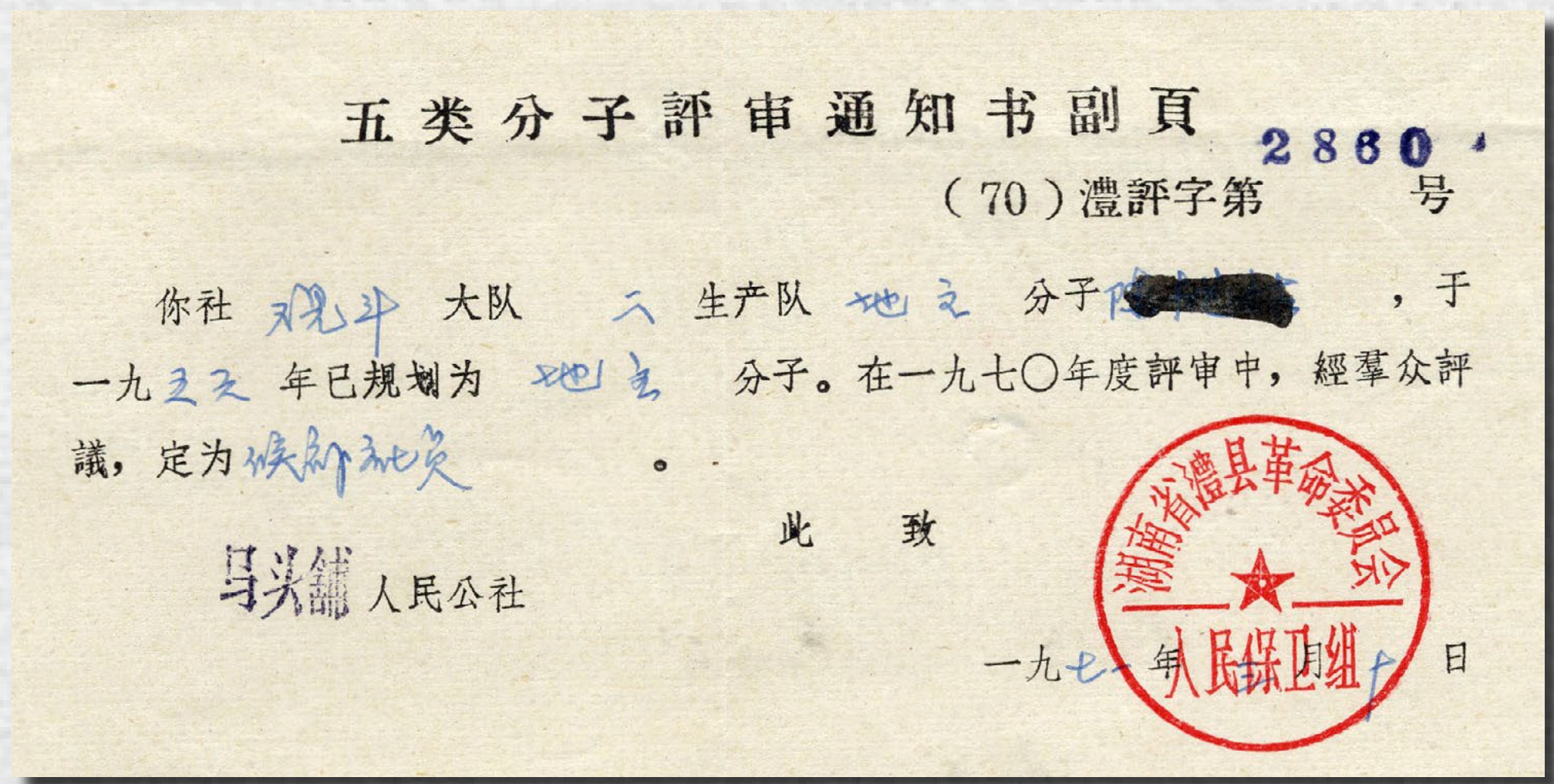
To every police station, commune, factory, and farm:

In accordance with our great leader Chairman Mao’s teachings, “the proletariat authoritarian government is the people’s authoritarian government”. Following the development in our struggle sessions against our enemies, we must put forth a new requirement for our public security and reform through surveillance work. The masses should keep each member of the five black elements under surveillance to effectively grasp the members’

thoughts, report if they are being good or bad, and get them to reform.

Even now, the locations where public security and reform through surveillance organizations have not been established, they must be set up by the end of October. Practically speaking, to be effective in reforming through surveillance, we must regularly report our enemy’s social conditions and developments to the party and the higher leveled government organs to truly be an effective method of surveillance.

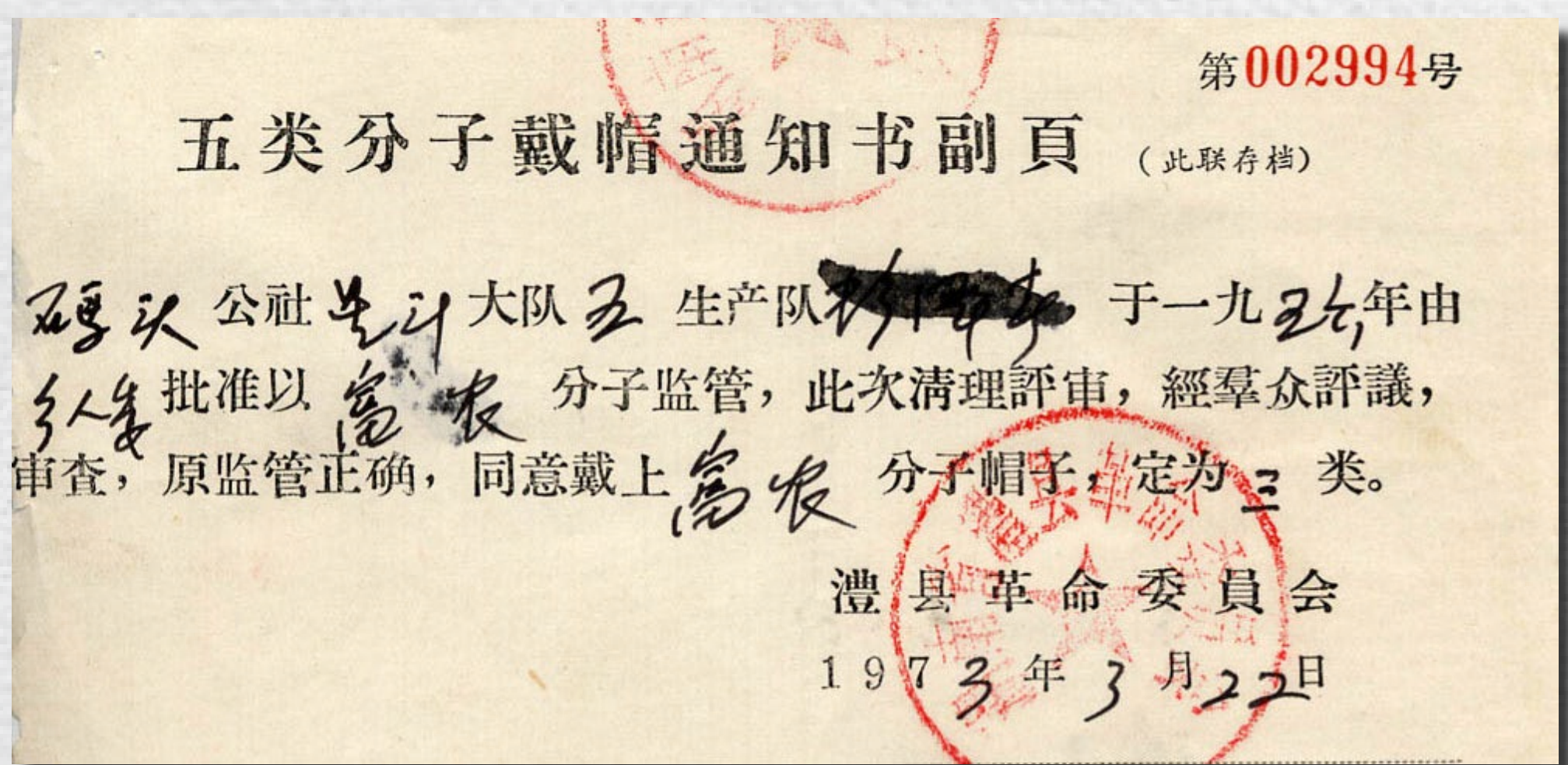
October 16, 1970
Xiangyang District, Huainan City, Anhui Province Revolutionary
Committee’s People Protection Group
People’s Liberation Army Xiangyang District, Huainan City’s Military
Controlled Public Security Court Branch



Examination Notice of a ‘Five Black Classes’ Member

The landlord ChenXX, belonging to the second brigade of the Guandou commune, was identified as a landlord in 1955. In 1970, after public discussion during the annual review, this landlord was approved to be a reserve commune member.

Matou People’s Commune, March 11th, 1971



Notice of ‘Five Black Classes’ Cap-wearing Member

In 1956, the Sub-county Commission approved that Zhen Zechun of the 5th brigade of the Matou commune should be monitored and categorized as a rich peasant. After this public review, it has been decided that Zhen should be forced to wear a cap since he was identified as a rich peasant.

Revolutionary committee of Li County, March 22, 1973

人民解放軍南陵縣公安機關軍事管制小組佈告

Bulletin of the PLA Martial Law Group of the Public Security Department, Nanling County, Anhui Province

1971

Supreme Instructions (Quotation of Mao Zedong)

“We should sternly crack down on all counterrevolutionaries and strengthen our revolutionary dictatorship. Then we can carry the revolution through to the end and reach the goal of building our great socialist country.”
In accordance with our Party’s policy: “leniency to those who confess and severity to those who resist,” we sentenced 50 criminals. The details of the trial are as follows:

P2 P3

Active counterrevolutionary

Lian Yunpeng, male, 31. His father was a KMT member and a puppet congressman of Wuhu Prefecture, and was executed in 1949. Born into a counterrevolutionary family, Lian is full of hatred against our Party and our people. At the age of 18, he wrote reactionary words and sentences all over the books of Chairman Mao and was dismissed from his place of employment. In October 1965, he wrote reactionary slogans all over the magazine “People’s Literature”. In August 1967, he used bamboo needles to poke holes in the glorious portrait of our great leader Chairman Mao. From 1961 to 1969, he tried three times to betray his country. Lian was sentenced to 15 years in prison.

Active counterrevolutionary

Zhou Zhongwen, male, 52. Zhou had been a soldier in the puppet army and was once sentenced to 3 years in prison on the charge of “counterrevolution”. Many times, he viciously libeled our proletarian headquarters, destroying the valuable books by Chairman Mao and the portrait of Chairman Mao. Considering that he was not honest in confessing his crimes, we sentence him to seven years’ imprisonment.

Active counterrevolutionary

Cao Ninghua, male, 28, whose father was a KMT party member; On the night of December 29, 1968, Cao stole into the distribution room for Chairman Mao’s books and viciously defaced Chairman Mao’s portrait. During his detention, he spread rumors many times and even threatened to attack the disciplinary cadres. He is sentenced to seven years in Reeducation Through Labor Camps.



Active counterrevolutionary

Xu Xiangming, male, 26; He wrote reactionary letters in June 1966, December 1966 and September 1968, respectively. He sent the letters to CCP Central Committee and Central Group of the Cultural Revolution in which he complained of the treatment of counterrevolutionary revisionists Deng Tuo and Wu Han and viciously attacked Mao Zedong Thought. Considering his dishonesty in confession, we sentence him seven years in prison.

Plotting counterrevolutionary activities criminal,

Zhang Xingyou, male, 41;
Wang Chuanfa of the same case, male, 30.
Zhang, a demobilized soldier, had been in Reeducation

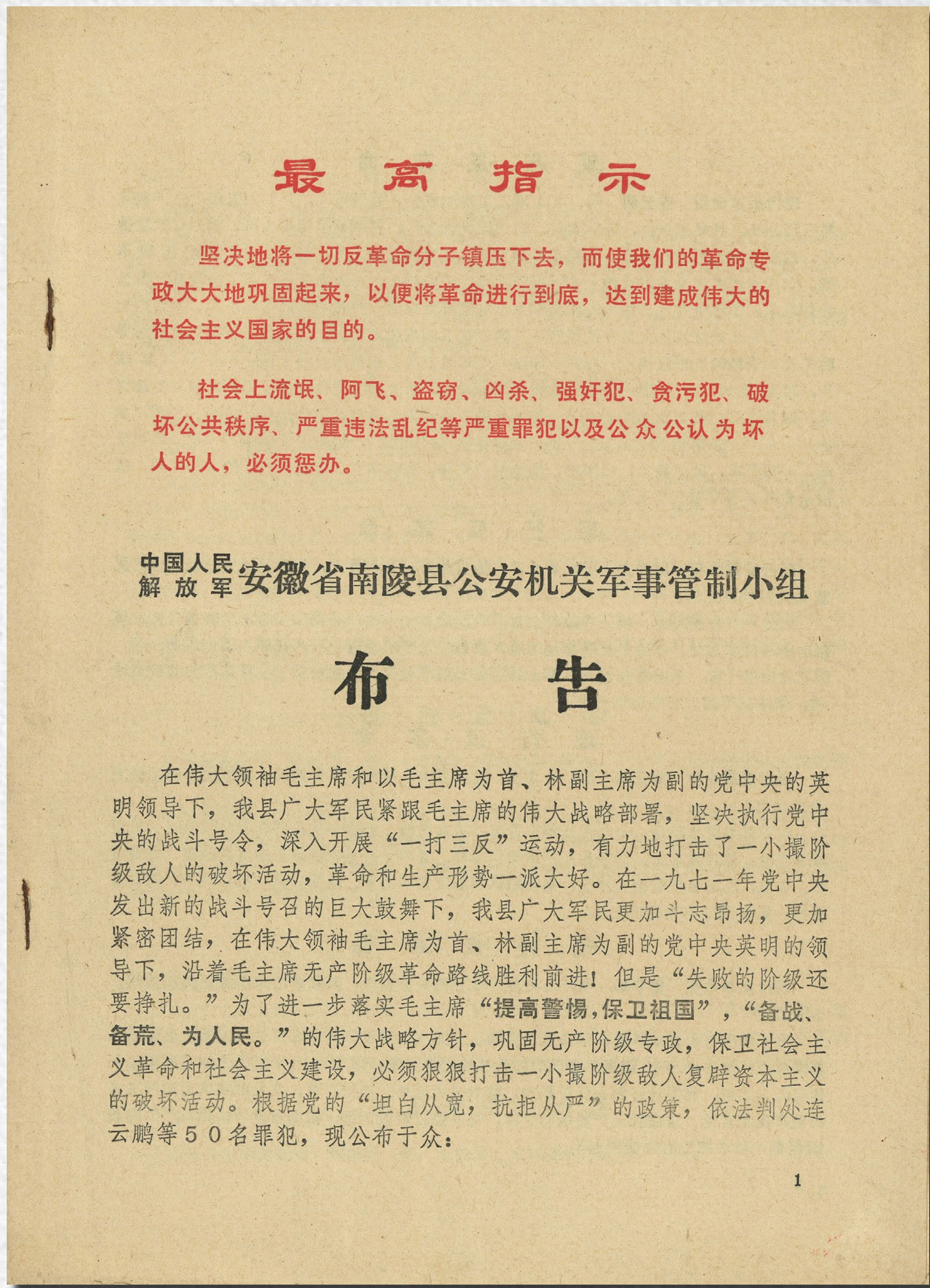
Through Labor camp. After he was released, he libeled the People’s Commune and distorted the policies and principles of our Party. In 1966, he attempted to engage in counterrevolutionary activities with Criminal Wang Chuanfa. We sentence Zhang to five years in prison and give Wang criticism and education.

Active counterrevolutionary

He Zhiming, male, 40, was sentenced to three years’ imprisonment on the charge of ‘indecent assault on women’ in 1949. In December 1967, he damaged and insulted the valuable bust of our great leader Chairman Mao. As this is a serious crime, he was sentenced to five years in prison.

Active counterrevolutionary

Ye Haizhou, male, 22; On October 22, 1969, Ye openly libeled and attacked our proletarian headquarters and extolled Chiang Kai-shek and Liu Shaoqi. He is sentenced to three years in prison.



北京市公法軍事管制委員會公審大會通知

Public Trial Announcement Beijing Municipal Public Security and Judicial Martial Law Commission

0161

這是中國人民解放軍北京市公法軍事管制委員會於1970年1月9日發出的一份公審大會宣判通知。在這份通知中，共有二十名“階級敵人”被以“現行反革命”的罪名宣判死刑，他們的共同罪名是反對社會主義，積極配合帝、修、反進行破壞活動。其中包括後來被中共平反的遇羅克和王佩英。本通知是由當時掌管公檢法系統的中國人民解放軍北京市公法軍事管制委員會下發給首都各級組織的，通知寫明“供內部討論，不准張貼”。

This document, issued on January 9th, 1970 by the Beijing Municipal Public Security and Judicial Martial Law Commission, is an announcement for a public trial. As many as 20 “class enemies” were sentenced to execution on charges of “engaging in counter-revolution.” The crimes those accused share in common include “anti-socialism” and “engaging in destructive activities in coordination with the imperialists, revisionists and reactionary cliques.” Among the 20 “criminals” to be executed are Mr. Yu Luohe and Mrs. Wang Peiying who were exonerated after the Cultural Revolution. This announcement was issued to lower level departments under the Martial Law Commission. It is a classified document containing the clear warning “for internal discussion only; no public use allowed.”



10. Active Counterrevolutionary Criminal Yu Luohe, male, 27, is a native of Beijing. He was born into a capitalist family and he is a student. Before he was arrested he was an apprentice in the Beijing Machinery Factory. His father is a counter-revolutionary and his mother, a rightist. With extreme counterrevolutionary thoughts, Yu Luohe is full of deep-rooted hatred against our Party and socialist system. Since 1963, he has disseminated a great amount of reactionary speeches and written reactionary letters, poems and diaries over tens of thousands Chinese characters in total viciously libeling the proletarian headquarters. During the Cultural Revolution, he wrote over 10 reactionary articles which he printed and disseminated nation-wide to create counter-revolutionary public opinion. At the same time, he organized a dozen bad elements in and outside Beijing, plotting assassinations, in order to subvert the proletarian dictatoship. Even after he was arrested, his counter-revolutionary arrogance continued to grow.

11. Active Counter-revolutionary Criminal Wang Peiying, female, 54, is a native of Henan Province and is a descendent of a landlord family. Before she was arrested she worked as a janitor at the Railway Designing Institute of the Railway Ministry.



Wang, a criminal, stubbornly stuck to her counterrevolutionary stance. She wrote over 1,900 counter-revolutionary slogans and over 30 reactionary poems, and distributed them in public places such as Tiananmen Square, Xidan Department Store and the dining halls of some government departments. Moreover, she cried out counterrevolutionary slogans in public, viciously slandering the proletarian headquarters and our socialist system. Even while in detention, she is still full of hostility towards the people and crazily cursing our Party. Her counter-revolutionary arrogance is rampant beyond control.

共產黨領袖 毛澤東的殺人指示

1951

Telegraph Concerning the Issue of Sentencing Counterrevolutionaries

中南局：

一月十七日電悉。望注意鎮反工作。凡與剿匪有關的匪首惡霸大特務，可由軍區軍分區的軍事法庭判處死刑。凡與剿匪無關的反革命重要分子，則由地方法院及軍管會的軍法處判處死刑；鄉村普通惡霸及不法地主，則由農民鬥爭、監視及由人民法庭判刑。廣東必需有計劃地處決幾千個重要反動分子，才能降低敵焰。

毛澤東
一九五一年一月二十二日

Central South Bureau,

We have received your January 17th telegraph. ...Pay attention to the “Campaign to Suppress Counterrevolutionaries”. The military districts and sub-districts’ military courts can sentence leaders of bandits, evil tyrants, and well-known spies to death. The local civil courts or the Military Control Commission courts can give the death sentence to important counterrevolutionaries, who are not included in the aforementioned group. Ordinary evil tyrants and law-breaking landlords in the rural area can be punished in peasants’ struggle sessions, put under peasants’ surveillance and/or sentenced by the local People’s courts. ...To quash the enemies’ spirit, the Guangdong government must draft plans to execute thousands of counterrevolutionaries.

Mao Zedong
January 22, 1951

关于对反革命分子 判刑问题的电报

(一九五一年一月二十二日)

叶黄肖林^①并告中南局：

一月十七日电悉。广东情况已明了，你们的部署是正确的，希望努力完成任务。此外，望注意镇反工作。凡与剿匪有关的匪首恶霸大特务，可由军区军分区的军事法庭判处死刑；凡与剿匪无关的反革命重要分子，则由地方法院及军管会的军法处判处死刑；乡村普通恶霸及不法地主，则由农民斗争、监视及由人民法庭判刑，如此分三方面进行，可期迅速，又较妥当。广东必需有计划地处决几千个重要反动分子，才能降低敌焰，伸张正气，望审慎布置施行。

毛 泽 东

一月廿二日

根据手稿刊印。

中央转发北京市委 镇反计划的批语

(一九五一年二月二十五日)

各中央局，并转分局，省委，区党委，各大城市市委：

各大城市除东北外，镇压反革命的工作，一般地说来，还未认真地严厉地大规模地实行。从现在起应当开始这样做，不能再迟了。这些城市主要是北京天津青岛上海南京广州汉口重庆及各省省城，这是反革命组织的主要巢穴，必须有计划地布置侦察和逮捕，在几个月内，大杀几批罪大有据的反革命分子。下面是北京的镇反计划，请你们研究仿办。其中说到拟先召集区以上各级人民代表会议的代表和各大工厂大学校，民主党派，人民团体的代表开一次会，报告反革命情况及各种罪行和犯罪证据，提高大家对反革命的仇恨，然后再分批执行，这是完全必要的，各地都应这样做。

中 央
二月二十五日
根据毛泽东手稿刊印。

關於鎮反部署給上海市委的電報 (1951年1月21日)

上海市委，在上海這樣的大城市，在今年一年內，恐怕需要處決一二千人，才能解決問題。在春季處決三五百人，是很必要的。南京方面，請華東局指導該市市委好好佈置偵捕審訊，爭取在春季處決一二百個最重要的反動分子。

毛澤東
一月二十一日

Telegraph to CCP Shanghai Municipal Committee Concerning the Planning of the Campaign to Suppress Counterrevolutionaries (January 21, 1951)

CCP Shanghai Municipal Committee,
... In a city as big as Shanghai, I am afraid that the problem can only be settled by executing a couple thousand counterrevolutionaries within a year. During this spring, three to five hundred should be killed... this is very necessary. Officers of the Eastern China Bureau should give directions to the Nanjing government to help improve the Nanjing government’s arrest, interrogation, and trial practices. Help them strive to kill a couple of hundreds of counterrevolutionaries this spring.

Mao Zedong
January 21

階級屠殺——第三次 全國公安會議決議

The Resolutions of the Third National Public Security Conference

1951

（本決議1951年5月15日通過。經中央批准，這是機密文件，地方發至地委一級為止，軍隊發至軍一級為止，不得遺失。）

決議第二段寫道：現在一般地區，處決反革命罪犯的總數已達很大數量，需要迅速加以收縮……根據毛主席所指示的原則和羅瑞卿同志（為當時的公安部部長，譯者註）的報告，做出如下決議：

（一）關於殺反革命的數字，必須控制在一定的比例以內；在農村中，一般應不超過人口的千分之一。西北方面根據那裡的情況規定殺人者不超過人口千分之零點五……在城市中殺反革命，一般應低於人口的千分之一，一千分之零點五為適宜。比如北京二百萬人口，已殺六百多，準備再殺三百多，共殺一千人左右也就夠了……

(This resolution was adopted on May 15, 1951. It is approved by the Central government and therefore is classified as secret. It should be distributed at the city government and military levels. Do not lose.)

The second paragraph of the resolution dictates:
The total number of executed counterrevolutionaries is high and the number needs to be reduced... according to Chairman Mao's principles and Luo Ruiqing's speeches (Luo is the head of the Public Security Bureau), the following resolutions have been adopted:

(1). The number of executions should be contained within certain parameters: in rural areas, the number of executions, in theory, should not exceed 1/1000 of the total population. According to the situation in Northwestern China, the number of executions should not exceed 0.5/1000. In cities, the most appropriate number of executions should be between 0.5/1000 and 1/1000 of the total population. For example, in Beijing, with a population of two million, 600 people have already been executed, but 300 still need to be killed. To execute a total of 1000 persons should be enough...

第三次全國公安會議決議

（一九五一年五月十五日通過，經中央批准。這是機密文件，地方發至地委一級為止，軍隊發至軍一級為止，不得遺失。）

中央雙十指示〔2〕頒發以來的七個月中，在黨委領導、全黨動員、群眾動員和全國公安機關積極工作之下，糾正了對待反革命“寬大無邊”的右傾偏向，逮捕和處決了大量的反革命分子，廣泛地發動了群眾，使敵焰大降，民氣大伸，使鎮壓反革命工作成為全國性的高潮，取得了偉大的勝利。全國人民歡欣鼓舞，拍手稱快。使人民的勝利和人民的統治進一步地鞏固起來。由於中央和毛主席的密切指導，鎮壓反革命運動的發展過程是正確的、健康的，一般地沒有發生偏差和錯誤。

現在一般地區，處決反革命罪犯的總數已達很大數量，需要迅即加以收縮。有些地區，逮捕了大批反革命罪犯，亟須加以清理。有些幹部，隨著群眾反奸情緒的高漲，已開始發生了“左”的錯誤偏向，需要加以預防或糾正。同時，鎮壓反革命工作在城市開展的結果，又發生了許多新的問題，並已開始牽涉到“中層”和“內層”。為了保證運動繼續正常地健康地發展，特根據毛主席所指示的原則和羅瑞卿同志的報告，作出如下決議：

（一）關於殺反革命的數字，必須控制在一定比例以內：

在農村中，一般應不超過人口的千分之一。特殊情况必須超過者，須經中央局批准，並報中央備案，但亦不應超過太多。西北方面根據那里的情况規定殺人不超过人口千分之零點五，這也是正確的。在城市中殺反革命，一般應低於人口的千分之一，以千分之零點五為適宜。例如北京二百萬人口，已殺六百多，準備再殺三百多，共殺一千人左右也就夠了。這裡的原則是：對於有血債或其他最嚴重的罪行非殺不足以平民憤者和最嚴重地損害國家利益者，必須堅決地判處死刑，並迅即執行。對於沒有血債、民憤不大和雖然嚴重地損害國家利益但尚未達到最嚴重的程度、而又罪該處死者，應當採取判處死刑，緩期二年執行，強迫勞動，以觀後效的政策。特別是對於在共產黨內，在人民政府系統內，在人民解放軍系統內，在文化教育界，在工商界，在宗教界，在民主黨派和人民團體內清出來的應判死刑的反革命分子，一般以處決十分之一二為原則，其餘十分之八九均應採取判處死刑緩期執行強迫勞動以觀後效的政策。如此，才能獲得社會的同情，才能避免我們自己在這個問題上犯錯誤；才能分化和瓦解敵人，有利於徹底消滅反革命勢力；又保存了大批的勞動力，有利於國家的生產建設。同時，在處決反革命問題上，鄉村已達人口千分之一（在西北地區為千分之零點五）、城市已達人口千分之零點五者，應即停止大批地殺人。此外還應明確地規定：凡介在可捕可不捕之間的人一定不要捕，如果捕了就是犯錯誤；凡介在可殺可不殺之間的人一定不要殺，如果殺了就是犯錯誤。

人體器官移植條例 第491號

Order of the State Council of the People's Republic of China (No.491)

2007

自2007年5月1日起施行
總理 溫家寶
2007年3月31日

.....

第二條 在中華人民共和國境內從事人體器官移植，適用本條例；從事人體細胞和角膜、骨髓等人體組織移植，不適用本條例。

本條例所稱人體器官移植，是指摘取人體器官捐獻人具有特定功能的心臟、肺臟、肝臟、腎臟或者胰腺等器官的全部或者部分，將其植入接受人身體以代替其病損器官的過程。

第三條 任何組織或者個人不得以任何形式買賣人體器官，不得從事與買賣人體器官有關的活動。

第四條 國務院衛生主管部門負責全國人體器官移植的監督管理工作。縣級以上地方人民政府衛生主管部門負責本行政區

These Regulations here of become effective as of May 1, 2007.
Premier Wen Jiabao
March 31, 2007

Article 2
These rules apply to the transplant of human body organs taking placing within the boundary of the People's Republic of China, and they shall not apply to transplant of human cells and human tissues such as cornea and bone marrow. Transplant of human body organs as referred to in this Article means the process whereby to harvest from the donor of the human body organs all or part of such organs as the heart, lung, kidney or pancreatic gland and insert it into the body of the recipient to take the place of his/her impaired organs.

Article 3
No organization or individual shall buy and sell human organs by any means or engage in any activity related to the purchase and sale of human organs.

Article 4
The State Council's department in charge of health shall be responsible for the supervision and administration of human body organ transplant all over the country. The health department of the local People's Government above the county level shall

域人體器官移植的監督管理工作。

.....

第七條 人體器官捐獻應當遵循自願、無償的原則。公民享有捐獻或者不捐獻其人體器官的權利；任何組織或者個人不得強迫、欺騙或者利誘他人捐獻人體器官。

.....

第九條 任何組織或者個人不得摘取未滿18周歲公民的活體器官用於移植。第十條活體器官的接受人限於活體器官捐獻人的配偶、直系血親或者三代以內旁系血親，或者有證據證明與活體器官捐獻人存在因幫扶等形成親情關係的人員。

.....

第二十條 摘取屍體器官，應當在依法判定屍體器官捐獻人死亡後進行。從事人體器官移植的醫務人員不得參與捐獻人的死亡判定。

be responsible for the supervision and administration of human body organ transplant within its own administrative region.

Article 7
Donation of human body organs shall follow the principles of voluntariness and no compensation.

Article 9
No organization or individual shall harvest for the purpose of transplant the live organs from any citizen less than 18 years old.

Article 10
The recipient of a live organ is limited to its donor's spouse, relatives of lineal descent and collateral relatives by blood within three generations, or a person who the evidence shows that has formed kinship relationship with the donor by means of support.

Article 20
The harvesting of cadaver organs shall be carried out after the donor of cadaver organs is pronounced to be dead in accordance with the law. Medical staff engaging in human body organ transplant shall not participate in determining the death status of the donor.

Article 26
In breach of the provisions herein, anybody

.....

第二十六條 違反本條例規定，買賣人體器官或者從事與買賣人體器官有關活動的，由設區的市級以上地方人民政府衛生主管部門依照職責分工沒收違法所得，並處交易額8倍以上10倍以下的罰款；醫療機構參與上述活動的，還應當對負有責任的主管人員和其他直接責任人員依法給予處分，撤銷該醫療機構人體器官移植診療科目登記，3年內不得再申請人體器官移植診療科目登記；醫務人員參與上述活動的，由原發證部門吊銷其執業證書。

國家工作人員參與買賣人體器官或者從事與買賣人體器官有關活動的，由有關國家機關依據職權依法給予撤職、開除的處分。

who purchases and sells human organ or engages in activities related to the purchase and sale of human organs shall be subject to confiscation of all his illegal gains by the health department of the local people's government above the city level in accordance with its duty and shall be subject to penalty of more than 8 times and less than 10 times the transaction value. Medical institutions engaging in such activities shall also punish the responsible manager and other personnel bearing direct responsibility; the original registration department shall revoke the registration of the clinical business of human body organ transplant of such medical institutions, and such medical institutions shall not reapply for the registration of the clinical business of human body organ transplant within three years. For medical staff engaging in such activities, the original department responsible for issuing licenses to them shall revoke their practice licenses. Any governmental personnel who participates in the purchase and sale of human organ or engages in activities related to the purchase and sale of human organs shall be subject to punishments of discharge and dismissal by relevant governmental authority in accordance with the law.

.....

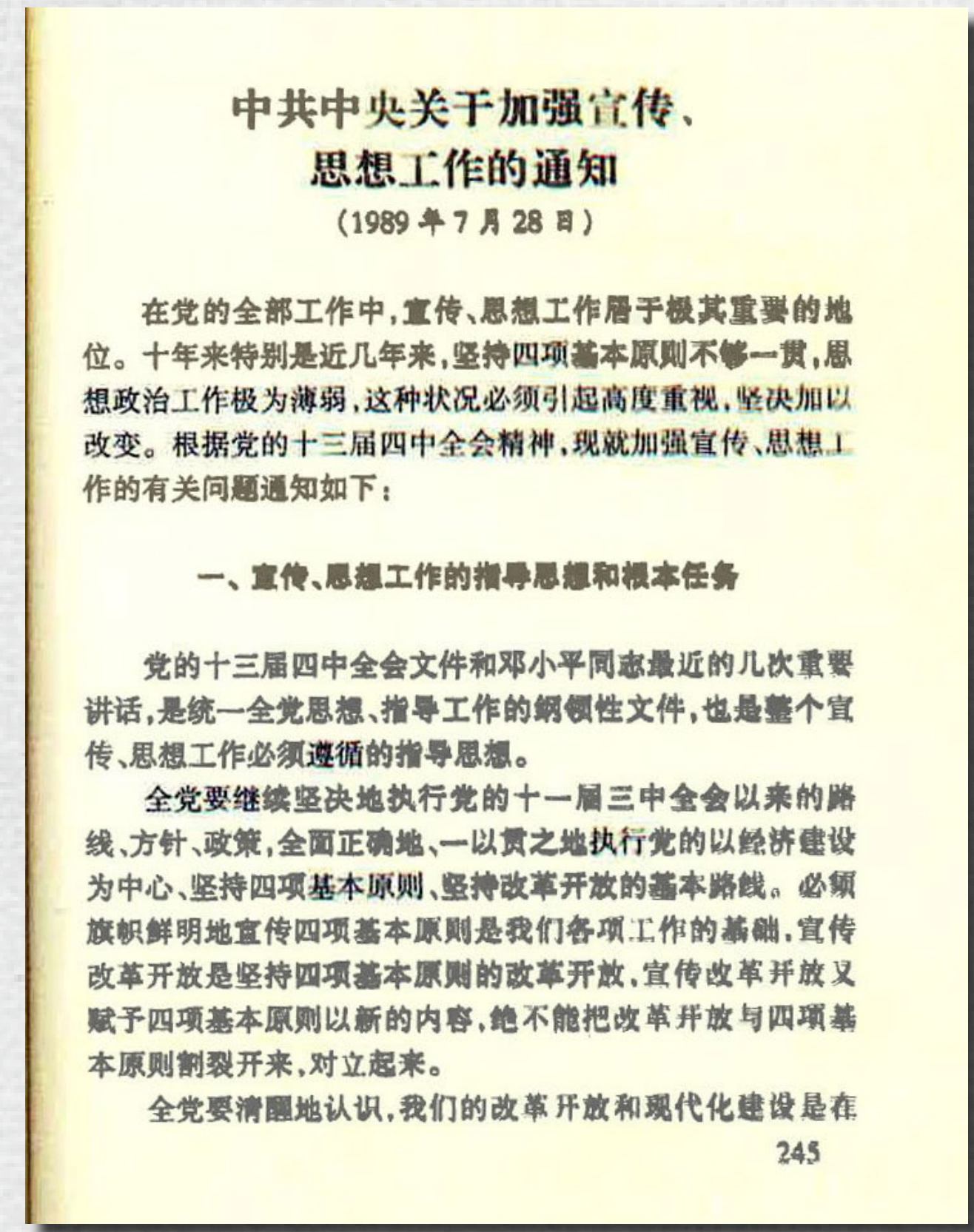
中共中央關於加強宣傳、思想工作的通知

CCP Central Committee Notice concerning Strengthening Propaganda and Ideology Work

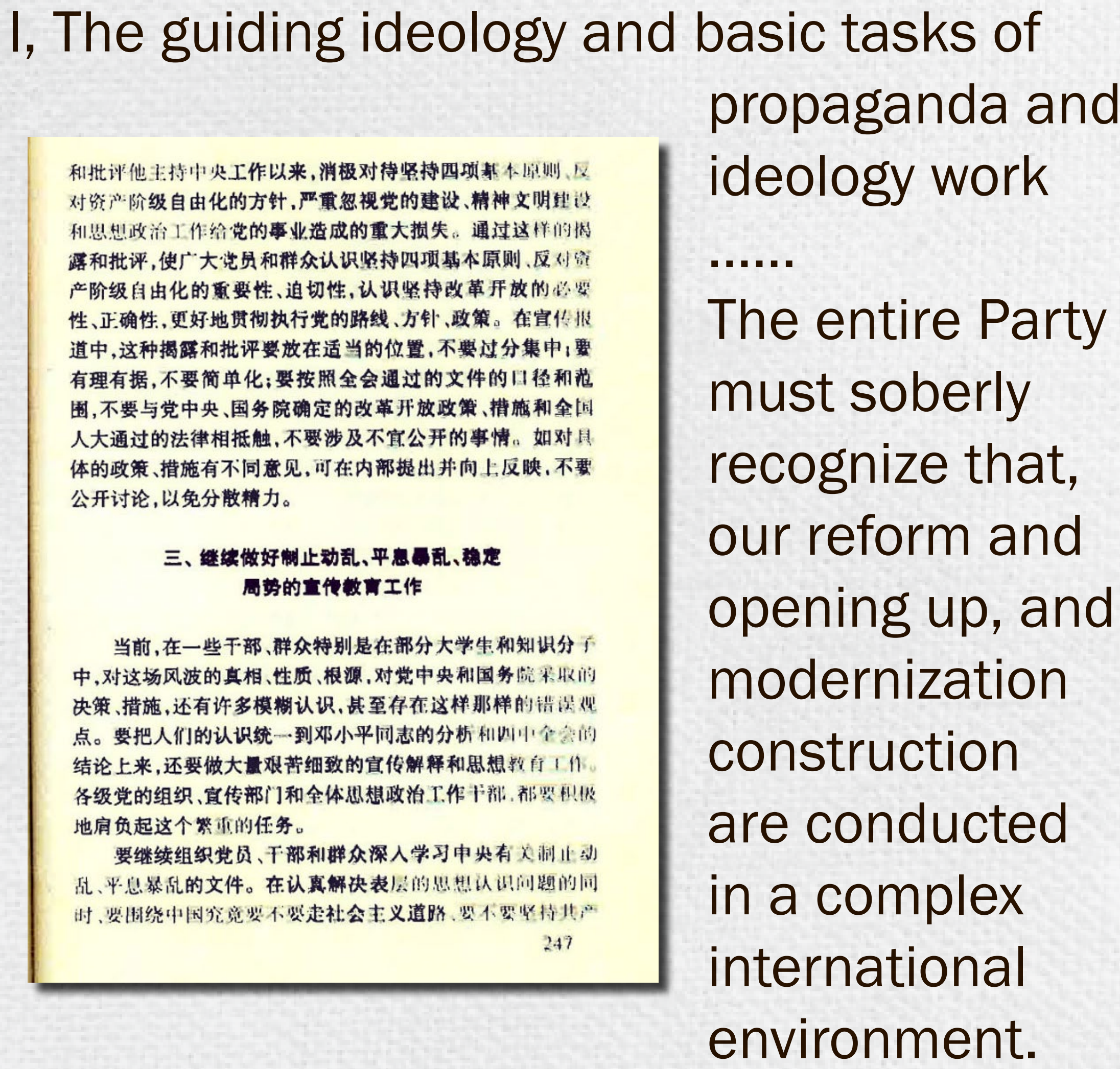
9891

28 July 1989

(This notice published by the Chinese Communist Party was aimed at the Tiananmen Square Democracy movement in June 4th,1989)



been insufficiently consistent, ideological and political work has been extremely weak, this sort of situation must attract high attention, and be determinedly changed. According to the spirit of the 4th Plenum of the 13th Party Congress, hereby, issues related to strengthening propaganda and ideology work are notified as follows(Excerpts):



The entire imperialist Western world schemes to let our country abandon the Socialist path, and become an accessory to the international monopolization of capital. They conduct political and ideological infiltration through many kinds of methods, and powerfully carry forward capitalist false “democracy”, “freedom” and “human rights”, incite and support bourgeois liberalization trends inside our country. We must conduct a protracted and determined struggle with this sort of “peaceful evolution” scheming and plotting, with clear colours

flying. This is an extremely important task of propaganda and ideology work.

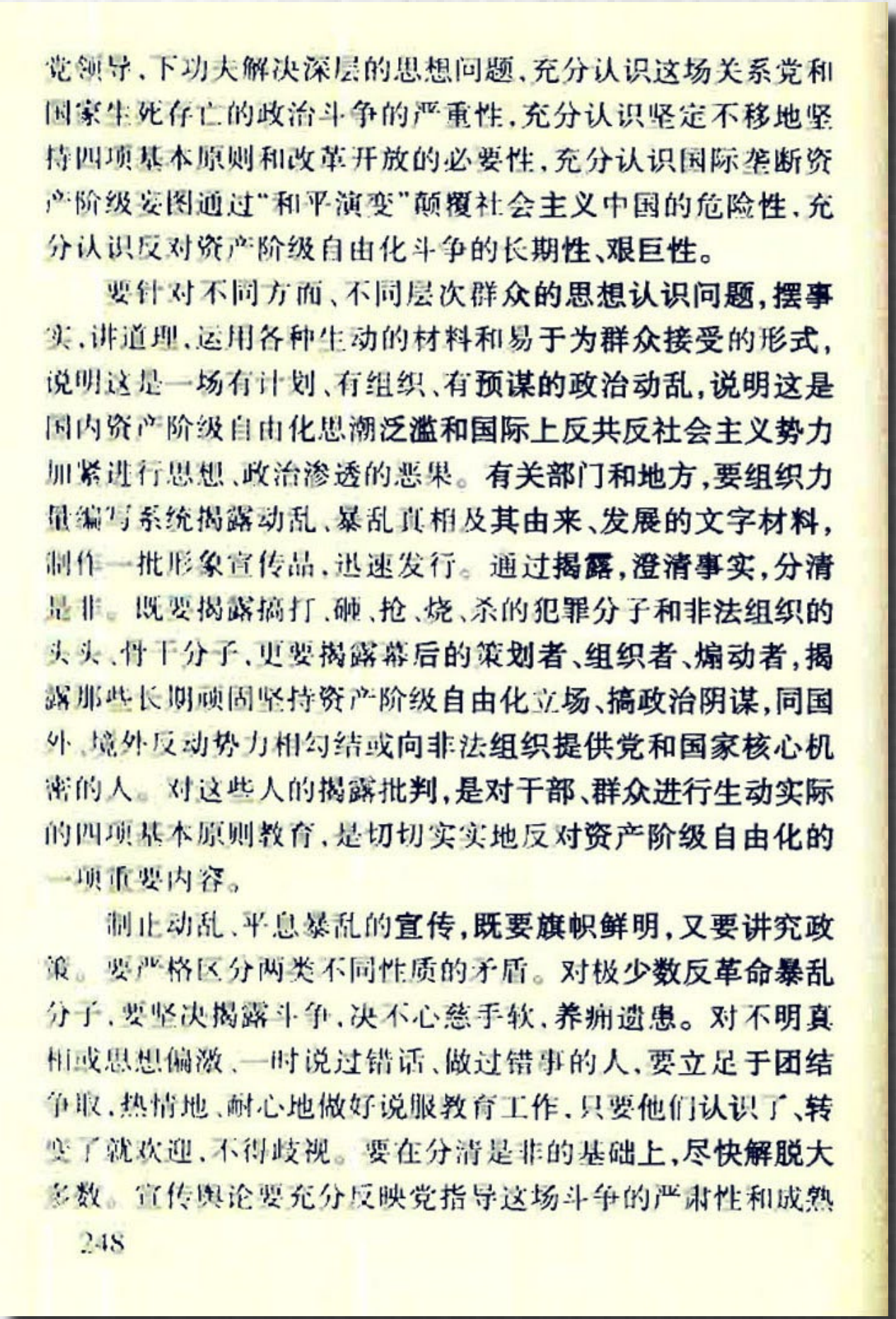
.....
III, Continuing to do propaganda and education work well to stop the rebellion, put down the riot and stabilize the situation.It is necessary to continue to organize Party members, cadres and the masses to deeply study the Central documents related to stopping the rebellion and putting the riot down. At the same time as earnestly resolving surface problems of ideological understanding, it is necessary to revolve around whether or not China must march the Socialist path after all, or whether it is necessary to persist in Communist Party leadership, and work to resolve deeper-laying ideological problems, fully understand the gravity of this struggle, which relates to the life and death of the Party and the country, fully understand the necessity of determinedly persisting in the Four Cardinal Principles and reform and opening up, fully understand the danger of the international monopolist capitalist scheme to overthrow the Socialist China through “peaceful evolution” schemes, fully understand the long-term nature and arduousness of the struggle against bourgeois liberalization.

.....
V, Persist in appropriately rectifying the propaganda, public opinion and cultural battlefield
.....In this riot and rebellion, some newspapers have had the effect of adding fuel to the flames, with a very bad influence. We must adopt firm measures to realistically conduct ideological rectification and organizational rectification in a well-directed manner. It is necessary to firmly cancel leadership positions or remove from leading positions those who opposed or resisted the Centre’s correct policy of stopping the rebellion and putting down the riot, or those who have propagated or supported bourgeois liberalization for a long time and have provided battlegrounds for it.

.....
VII, Doing theoretical research, theoretical propaganda and theoretical education work well. It is necessary to deeply analyse all sorts of fallacies embellishing capitalism, denying Socialism, opposing the Party leadership, abolishing the people’s democratic dictatorship and rebutting Marxism, in order to powerfully refute them.

VIII, Straiten propaganda discipline, strengthen legal system construction
Personnel working in all news and publishing departments and work units are absolutely not permitted to utilize the powers of their position to express discourse in open propaganda that is opposed to the Party line and political viewpoints. Opposing the Party nature and the people’s nature, playing up bourgeois “news freedom”, and advocating the viewpoint of casting off Party leadership are completely wrong.
IX, Strengthen foreign propaganda, safeguard the dignity of Socialist China
The public opinion in the United States, a number of Western countries, Hong Kong and Taiwan has had very bad effects during inciting and abetting the rebellion and riot. We must counter the foreign anti-China public opinion in an organized manner, counter the counterrevolutionary discourse of the defectors, expose the scheming activities behind the screens of an extremely small number of people and their international links and backgrounds. It is necessary to use many methods to proclaim the truth about the rebellion and riot to the world in many ways and strengthen our voice. In the struggle with foreign public opinion, the focus should be on exposing the rumours and fallacies of the “Voice of America” and others.

.....
Powerful measures should be adopted to strictly control the dissemination of overseas anti-China propaganda domestically. All newspapers, literary materials and audiovisual products having content of conducting malicious rumormongering, incitation, seduction into wrongdoing or abuse should be confiscated by Customs and the public security departments. Work units having foreign-connected fax equipment may not receive or pass on this sort of materials.
.....



“勞改” 改名 “監獄”

“Laogai” Renamed as “Prison”

1994

由于勞改基金會多年來堅持不懈的努力，“勞改”一詞已經進入包括牛津字典在內的西方國家的文字中，“勞改”這個反社會、反人類的獨裁制度已漸為世人所知。1994年12月，迫于國際壓力的中共政府決定廢除“勞改”兩字，將“勞改隊”全部改稱“監獄”。

这是中共司法部将“劳改”一詞改为“监狱”的兩份文件。雖然更換了名稱，但勞改制度的本質並沒有改變。

Due to the relentless efforts of the Laogai Research Foundation, the term “Laogai” has been added to the Oxford Dictionary. As an inhumane and brutally repressive system, the Laogai has come to be well known in the world. In December 1994, under international pressure, the Chinese Communist Party decided to abandon the term “Laogai” and rename all “Laogai Camps” as “Prisons.”

Below are the two official documents issued by the Ministry of Justice, which authorized renaming “Laogai” to “Prison.” Although the name changed, the essence of the Laogai system has remained the same.

司法部关于统一规定监狱管理机关和监狱名称的通知

司发通[1994]065号

各省、自治区、直辖市司法厅(局)、新疆生产建设兵团劳改局：

根据国办发〔1994〕54号《国务院办公厅关于印发司法部职能配置、内设机构和人员编制方案的通知》和即将出台的《监狱法》规定，部机关劳动改造工作管理局更名为监狱管理局。为了统一规范，上下一致，有利于工作，便于管理，决定对全国监狱管理机关和监狱名称进行统一命名，特作如下通知：

一、各省、自治区、直辖市司法厅(局)和新疆生产建设兵团的劳动改造工作管理局，统一更名为监狱管理局。

二、部分省、自治区、直辖市劳改局的派出机构，即辽宁省凌源分局、内蒙古自治区东部分局、湖北省沙洋农管局、安徽省白湖管理局，统一改称为“××省(区)××监狱管理分局”。直接管理劳改支队的总队，如河北省第一劳改总队、北京市清河农场，可改称为“××监狱管理分局”。改称为监狱管理分局的，原有级别不变。

三、直接管理本地区监狱的地、市司法局(处)的监狱管理机构，统一改称为监狱处或监狱管理科。如××司法局监狱管理处、××地区司法局监狱管理科。

四、取消劳动改造管教支队名称，统一改称为监狱。为便于辨别和联系，一般不再以序号命名监狱名称。监狱名称原则上以其所在地地名命名。在同一个城市有两所以上监狱的，可分别以区、县、镇等不同名称命名，或以其它方式命名，加以区别。监狱名称不要与企业名称相重。

五、集中关押女犯的监狱，统一称为××省(市、区)女子监狱。少年犯管教所仍保留原来名称。

六、各省、自治区、直辖市司法厅(局)根据以上要求，拟定每个监狱的名称，报本省(市、区)人民政府批准后，在今年国庆节前将监狱管理机关和监狱名称统一起来。

七、各省、自治区、直辖市监狱管理机关和监狱名称更改后，填写“监狱管理机关和监狱名称更改备案报表”(附后)，报司法部政治部、办公厅、监狱管理局。

司法部

1994年8月19日

Document 1: The Ministry of Justice’s notice concerning the uniform rules for naming prison administrative institutions and prisons

Article One

The Justice Department’s Laogai Administrative Bureau of each province, autonomous region and directly administered municipality and Xinjiang Production and Building Corps shall be uniformly renamed as Prison Administrative Bureau.

Article Two

The Laogai Administrative Bureaus of certain provinces, autonomous regions and directly administered municipalities... shall be uniformly renamed to “XX Province’s XX Prison Administrative Bureau.” The general camps, which directly manage Laogai branch camps, such as the First General Laogai Camp of Hebei Province and the Qinghe Farm in Beijing, can be renamed as “XX Prison Administrative Branch Bureau.”

Article Four

The Laogai Disciplinary Branch Camp shall be uniformly renamed as prison ...

Ministry of Justice
August 19, 1994

The Ministry of Justice’s Director of Prison Administrative Bureau, Wang Mingdi, told a journalist that the changes to the name of “Laogai” was not only to comply with international standards, but was also conducive to our fight on the international human rights front.

From now on, the term and name containing Laogai will no longer appear. However, the functions, nature, and tasks of the work of our nation’s prison administration will still be the same.

Lai Xu, “Excerpts from the Comprehensive News,” Legal Daily (China), January 7, 1995. Legal Daily is the official mouthpiece of the Chinese Ministry of Justice.



新疆維穩會議紀要

Record of the Meeting of the Standing Committee of the Political Bureau of the Chinese Communist Party concerning the maintenance of Stability in Xinjiang

9691

Absolute [Top] Secret
Central Committee (1996) No. 7
March 19, 1996

On March 19, 1996 the Standing Committee of the Political Bureau of the Chinese Communist Party held a meeting hosted by comrade Jiang Zemin, at which the Political-Legal Commission of the Central Committee made a report about defending the stability of Xinjiang. The task of defending the stability of Xinjiang was discussed.

The record of the meeting is as follows:

1. Ideological unity, consciousness-raising, leadership strengthening, and a clear sense of duty are necessary. ... National separatism and illegal religious activity are the main threats to the stability of Xinjiang. The main problem is that international counter-revolutionary forces led by the United States of America are openly supporting the separatist activities inside and outside of Xinjiang. The outside national separatist organizations are joining hands and strengthening the infiltration of Xinjiang sabotage activities with each passing day. Within our national borders, illegal religious activities are widespread; sabotaging activities such as the instigation of problematic situations, the breaking-and entering of party government offices and explosions and terrorism are occurring sporadically. ...

2. During this year and next, the weak and disorganized party branches have to be reorganized. Most importantly, the village level organizations which have fallen into the hands of religious powers have to be organized with great attention. The chairmen of village party branches and the heads of neighborhood districts have to be chosen carefully. ... Choose better party member cadres and soldiers from the People's Liberation Army (PLA) and the Xinjiang Production and Construction Corps - Bing Tuan - (XPCC) to supplement the county and town-level cadre teams and improve the structure of cadres. ...

3. Implement comprehensively and correctly the ethnic and religious policy of the party and strengthen the legal control of ethnic and religious affairs. ... Develop several kinds of propaganda and training activities related to ethnic unity; develop and stabilize the socialist ethnic relationship. Properly and correctly resolve the conflict between people of every nationality...Do not resolve everything unselectively as an ethnic problem. Prevent conflicts between people from becoming an ethnic conflict. Clearly oppose ethnic separatism. Be vigilant against the very small number of people with bad intentions who damage our ethnic relationship. ...

4. Stabilize the ideological and cultural stronghold against separatism by strong propaganda and investigate and organize schools...The party members who believe in religion and refuse to change have to withdraw from membership in the party. Education branches should pay special attention to the investigation and organization of teaching orders in schools; do not allow religion to corrupt the schools; do not allow anyone to teach school children ethnic separatism and publicize religious ideas. ...

5. Strengthen the democratic dictatorship organizations, such as Public Safety and National Security, and fully utilize their functions in fighting separatism and sabotage activities. ... Increase the material investment in them to equip them well. Increase their combat readiness. Public safety, national security branches and the PLA's intelligence branches should cooperate and work together to investigate and analyze the enemies inside and outside the border and strengthen the work of collecting intelligence information. ...

6. Strengthen the construction of Xinjiang Production and Construction Corps (XPCC). ...develop the relationship and continuously sponsor and mobilize ambitious young people in China proper to come and settle in XPCC, expand the force and fully utilize the XPCC's special function in defending and developing border regions. Under the unified leadership of the Xinjiang Autonomous Regions Party Committee and the Peoples Government, the XPCC has to improve its administrative functions. ...

7. A stronghold against ethnic separatism should be formed by greatly strengthening the construction of the People's Liberation Army in Xinjiang. The military forces in Xinjiang will only be strengthened, not weakened. Education on ethnic and religion policy must be selectively carried out among the Army. Tighten control and increase the military and political ability of officers and soldiers to prevent the enemy forces from causing confusion so that they can infiltrate and carry out sabotaging activities. ...

8. Perform the related diplomatic tasks well. Limit the activities of outside ethnic separatist activities from many sides. Bear in mind the fact that Turkey, Kazakistan and Kyrgyzstan are the home-bases for the activities of outside separatists' forces. Through diplomacy, urge these countries to limit and weaken the activities of separatist forces inside their border. Take full advantage of our political superiority to further develop the bilateral friendly cooperation with these countries. At the same time, always maintain pressure on them... Strengthen the investigation and study outside of the border.. ...

9. Perform well the preparations for handling the incidents which occur suddenly..The Xinjiang Uyghur Autonomous Region Party Committee and the People's Governments, along with Public Safety, National Security, Xinjiang branch of Armed Police and People's Liberation Army should plan the measures for handling the sudden occurrence of incidents and strengthen maneuvers, and prepare well, do well manpower, as well as financial and material powers. Strengthen the construction of Xinjiang Armed Police and Special Force in handling the suddenly occurring incidents. The Armed Police should always study the situation and methods for handling it, perform well the political-ideological education selectively, ...

(This document will be distributed to Xinjiang Uighur Autonomous Region Party Committee, Lanzhou Military District Party Committee, the related departments of Central Committee, the concerned Party Committees of National Ministries, the headquarter of Military Committees and the party groups of concerned people's organizations)

中華人民共和國 人口與計劃生育法

Population and Family Planning Law
of the Peoples Republic of China

2001

中華人民共和國主席令第63號
(2001年12月29日第九屆全國人民代表大會常務委員會第二十五次會議通過，2001年12月29日中華人民共和國主席令第63號公佈自2002年9月1日起施行)

第一條 為了實現人口與經濟、社會、資源、環境的協調發展，推行計劃生育，維護公民的合法權益，促進家庭幸福、民族繁榮與社會進步，根據憲法，制定本法。

第二條 我國是人口眾多的國家，實行計劃生育是國家的基本國策。

第四條 各級人民政府及其工作人員在推行計劃生育工作中應當嚴格依法行政，文明執法，不得侵犯公民的合法權益。計劃生育行政部門及其工作人員依法執行公務受法律保護。

第十七條 公民有生育的權利，也有依法實行計劃生育的義務，夫妻雙方在實行計劃生育中負有共同的責任。

第十八條 國家穩定現行生育政策，鼓勵公民晚婚晚育，提倡一對夫妻生育一個子女；符合法律、法規規定條件的，可以要求安排生育第二個子女。具體辦法由省、自治區、直轄市人民代表大會或者其常務委員會規定。少數民族也要實行計劃生育，具體辦法由省、自治區、直轄市人民代表大會或者其常務委員會規定。

第十九條 實行計劃生育，以避孕為主。國家創造條件，保障公

民知情選擇安全、有效、適宜的避孕節育措施。實施避孕節育手術，應當保證受術者的安全。

第二十條 育齡夫妻應當自覺落實計劃生育避孕節育措施，接受計劃生育技術服務指導。預防和減少非意願妊娠。

第三十三條 計劃生育技術服務機構和從事計劃生育技術服務的醫療、保健機構應當在各自的職責範圍內，針對育齡人群開展人口與計劃生育基礎知識宣傳教育，對已婚育齡婦女開展孕情檢查、隨訪服務工作，承擔計劃生育、生殖保健的諮詢、指導和技術服務。

第三十五條 嚴禁利用超聲技術和其他技術手段進行非醫學需要的胎兒性別鑑定；嚴禁非醫學需要的選擇性別的人工終止妊娠。

第四十一條 不符合本法第十八條規定生育子女的公民，應當依法繳納社會撫養費。未在規定的期限內足額繳納應當繳納的社會撫養費的，自欠繳之日起，按照國家有關規定加收滯納金；仍不繳納的，由作出征收決定的計劃生育行政部門依法向人民法院申請強制執行。

第四十二條 按照本法第四十一條規定繳納社會撫養費的人員，是國家工作人員的，還應當依法給予行政處分；其他人員還應當由其所在單位或者組織給予紀律處分。

第四十七條 本法自2002年9月1日起施行。

Order of the President of the People's Republic of China
No.63

The Population and Family Planning Law of the People's Republic of China, adopted at the 25th Meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on December 29, 2001, is hereby promulgated and shall go into effect as of September 1, 2002.

Article 1 This Law is enacted, in accordance with the Constitution, for the purpose of bringing about a coordinated development between population on the one side and the economy, society, resources and environment on the other, promoting family planning, protecting the legitimate rights and interests of citizens, enhancing happiness of families, and contributing to prosperity of the nation and progress of the society.

Article 2 China being a populous country, family planning is a fundamental State policy.

Article 4 Lawful performance of the official duties by the administrative departments for family planning and their staff members shall be protected by law.

Article 17 Citizens have the right to reproduction as well as the obligation to practise family planning according to law.

Article 18 The State maintains its current policy for reproduction, encouraging late marriage and childbearing and advocating one child per couple. Where the requirements specified by laws and regulations are met, plans for a second child, if requested, may be made. Family planning shall also be introduced to the ethnic peoples. Specific measures in this regard shall be formulated by the people's congress or its standing committee of a province, autonomous region, or municipality directly under the Central Government.

Article 19 Family planning shall be practised chiefly by means of contraception.

Article 20 Couples of reproductive age shall conscientiously adopt contraceptive methods and accept technical services and

guidance for family planning.

Incidence of unwanted pregnancies shall be prevented and reduced.

Article 33 Family planning technical service institutions and medical and healthcare institutions providing such services shall, within the scope of their respective responsibilities, conduct, among different reproductive age groups of people, publicity and education in the basic knowledge about the population program and family planning, provide pregnancy check-ups and follow-up for married women of reproductive age, offer advice and guidance and provide technical services in respect of family planning and reproductive health.

Article 35 Use of ultrasonography or other techniques to identify fetal sex for non-medical purposes is strictly prohibited. Sex-selective pregnancy termination for non-medical purposes is strictly prohibited.

Article 41 Citizens who give birth to babies not in compliance with the provisions of Article 18 of this Law shall pay a social maintenance fee prescribed by law.

Citizens who fails to pay the full amount of the said fees payable within the specified time limit shall have to pay an additional surcharge each in accordance with relevant State regulations, counting from the date each fails to pay the fees; with regard to ones who still fail to make the payment, the administrative department for family planning that makes the decision on collection of the fees shall, in accordance with law, apply to the People's Court for enforcement.

Article 42 Where the person who should pay the social maintenance fees in accordance with the provisions prescribed in Article 41 of this Law is a State functionary, he shall, in addition, be given an administrative sanction in accordance with law; with regard to a person other than the State functionary, a disciplinary measure shall, in addition, be taken against him by the unit or organization where he belongs.

Article 47 This Law shall go into effect as of September 1, 2002

