

**CAA RELEASE THE FULL TEXT OF THE COURT VERDICT PAPER OF THE  
THREE SENTENCED CHRISTIANS**

**CAA-August 15, 04(Philadelphia)**

**CAA today releases the full text of the court verdict paper of recently sentenced three Christians.** On August 6, three famous Chinese house church Christians were sentenced one to three years imprisonment respectively by the Intermediate People's Court of Hangzhou city, Zhejiang province. All of them were charged of "illegally soliciting, providing national intelligence to overseas organizations". The sentences against Liu Fenggang, Xu Yonghai and Zhang Shengqi were three, two and one year respectively.

CAA urges the international legal experts to examine this unjustified verdict with baseless accusations against three innocent Christians.

Bob Fu

President, China Aid Association

August 6, 2004

**Verdict Issued by the Middle Court of the City of Hangzhou, Zhejiang Province**

Prosecutor: the People's Procuratorate of the City of Hangzhou, Zhejiang Province

Defendant: Liu Fenggang, male, born on Dec. 23, 1959, Han nationality, resident of Beijing, college graduate, unemployed. His address is 8-14 Dong Pingfang, the dormitory of the Beijing No. 7 Transportation Company, Haidian District, Beijing. Being a suspect who might collect and illegally leak the state intelligence overseas, he was ordered to live under surveillance by the Xiaoshan Branch of the Public Security Bureau of Hangzhou on October 13, 2003, and was detained on November 14, 2003, and was arrested at the approval of the People's Procuratorate of Xiaoshan District, Hangzhou. On May 14, 2004, he was ordered to live under surveillance by this court.

Attorney: Zhao Jian, attorney at law, Beijing Zhenghai Law Firm.

Defendant: Xu Yonghai, male, born on November 26, 1960, Han nationality, resident of Beijing, Bachelor Degree, doctor of Beijing Fusuijing (Ping An) Hospital. His address is 259 Jinshifang, Xicheng District, Beijing. Being a suspect who might collect and illegally provide the state intelligence overseas, he was detained on November 9, 2003 by the Xiaoshan Branch of the Public Security Bureau of Hangzhou, and was arrested at the approval of the People's Procuratorate of Xiaoshan District, Hangzhou. On May 14, 2004, he was ordered to live under surveillance by this court.

Attorney: Qian Lieyang, attorney at law, Beijing Zhongfu Law Firm.

Defendant: Zhang Shengqi, male, born on May 12, 1974, Han nationality, resident of Cao County of Shandong Province, junior high school graduate, peasant. His address is Zhangdian Village, Wangji Township, Cao County, Shandong Province. Being a suspect who might collect and illegally provide the state intelligence overseas, he was detained by the Xiaoshan Branch of the Public Security Bureau of Hangzhou on November 17,

2003, and was arrested at the approval of the People's Prosecutorate of Xiaoshan District, Hangzhou. On May 14, 2004, he was ordered to live under surveillance by this court. Attorney: Xu Ping, attorney at law, Beijing Zhongfu Law Firm.

In the indictment numbered Hangxingjiansu (2004) 46, the People's Prosecutorate of the City of Hangzhou of Zhejiang Province accused Liu Fenggang, Xu Yonghai, and Zhang Shengqi of collecting and illegally leaking the state intelligence overseas, and filed a prosecution to this court. A full court was called to try this case. Due to the involvement of the state secret, the trial was not open to public. Zhao Linjie and Yang Tian, who were assigned as acting prosecutors by the People's Prosecutorate of the City of Hangzhou were present to defend their accusation. Defendants Liu Fenggang, Xu Yonghai, Zhang Shengqi, and their respective attorneys Zhao Jian, Qian Lieyang, and Xu Ping were present. The trial is now done.

The People's Prosecutorate of the City of Hangzhou made the following accusation: In the mid-October of 2001, Xu Yonghai gave RMB 1000 yuan (one US dollar equals about 8.2 RMB yuan) to Liu Fenggang as traveling fee, and sent him to the City of Anshan of Liaoning Province to get some information about Li Baozhi who was being re-educated through labor. Afterwards Liu Fenggang wrote an article titled "Facts and Process about Li Baozhi's 'Cultic' Case As I Know", which was then offered by Xu Yonghai to the publisher of an overseas magazine named "Life Quarterly", and published fully in the 20<sup>th</sup> issue.

On July 25, 2003, Liu Fenggang, under the instruction of certain overseas individuals, came to Dongtou County of Wenzhou City of Zhejiang Province, Xiaoshan District and Xihu District of Hangzhou City to collect information about the so-called persecuted people. After returning to Beijing, he wrote an article titled "A Report from the Motherland". On August 5, 2003, he asked Zhang Shengqi to e-mail this article to overseas individuals.

On August 18, 2003, Liu Fenggang wrote an article titled "How I Was Interrogated by the Police during My Preaching in the Mountain Area of Suburb Beijing", describing how he was interrogated by the police when he was attending illegal activities in Dachengzi Township of Miyun County of Beijing. Zhang Shengqi typed this article and e-mail it to overseas individuals.

To defend the above-mentioned accusations, the prosecutors read and presented to the court the confessions and pleadings of Liu Fenggang, Xu Yonghai and Zhang Shengqi, the testimony of Li Baozhi and others, the appraisal issued by the State Bureau of Secret Protecting, the evidences by the Department of State Security of Zhejiang Province, the magazine "Life Quarterly", MP3 player, digital camera, and other materials. And they thought Liu Fenggang, Xu Yonghai and Zhang Shengqi had committed the crime of collecting and illegally leaking the state intelligence overseas, and should be punished according to law.

Liu Fenggang, Xu Yonghai and Zhang Shengqi had no objection to the facts cited by the prosecutors, but claimed they were innocent.

The attorneys of the three defendants thought their clients were innocent, pointing out that the State Bureau of Secret Protecting is not qualified to make relevant appraisals, and the three articles involved are not intelligence.

Through the trial, the following is confirmed: In the mid-October, 2001, Xu Yonghai, after learning that Ms. Li Baozhi, a resident of Anshan City of Liaoning Province was not satisfied with the decision on re-education through labor, thus filing administrative suit, and the Middle Court of Anshan City would openly try her case again, instructed Liu Fenggang to go to Anshan City to collect some information, and gave him RMB 100 yuan as his traveling fee. Afterwards Liu Fenggang wrote an article titled “Facts and Process about Li Baozhi’s ‘Cultic’ Case As I Know”, which was then offered by Xu Yonghai to the publisher of an overseas magazine named “Life Quarterly”, and published fully in the 20<sup>th</sup> issue.

On July 25, 2003, Liu Fenggang, under the instruction of certain overseas individuals, came to Dongtou County of Wenzhou City of Zhejiang Province, Xiaoshan District and Xihu District of Hangzhou City and some other places to collect information about the so-called persecuted people. After returning to Beijing, he wrote an article titled “A Report from the Motherland”. On August 5, 2003, he asked Zhang Shengqi to e-mail this article to overseas individuals.

On August 17, 2003, Liu Fenggang was interrogated by the police in Dachengzi Township of Miyun County of Beijing due to attending illegal activities. On the following day, Liu Fenggang wrote an article titled “How I Was Interrogated by the Police during My Preaching in the Mountain Area of Suburb Beijing”, which was then e-mailed by Zhang Shengqi to overseas individuals.

After their criminal activities were exposed, the police confiscated one digital camera, one MP3 player, two computers, one printer, and one scanner discovered in Liu Fenggang’s home.

Evidences supporting the above facts are: 1) the testimony and confirmation record of Li Baozhi, Dai Xiaoqiang, Kong Guoxian, and Gao Chongyi, which proved that Liu Fenggang went to Anshan City of Liaoning Province, Dongtou County of Wenzhou City of Zhejiang Province, Xiaoshan District, Xihu District of Hangzhou City to collect relevant information, and the testimony of Shi Shucai, Ma Shulan, Shan Cuixiang, Liu Yuqin, Han Chunzhi, Cui Wenfu, and Qi Shuhua, which proved that on August 17, 2003, Liu Fenggang was interrogated by the police when he was attending illegal activities in Dachengzi Township of Miyun County of Beijing City. 2) the documents saved in the digital camera and MP3 player confiscated by the police support the facts that Liu Fenggang came to Dongtou County of Wenzhou City, Xiaoshan District and Xihu District of Hangzhou City to collect relevant information. 3) the police confiscated two computers, one scanner, one printer which belong to Liu Fenggang, and one Toshiba 220 CDS laptop computer which belongs to Xu Yonghai. It is confirmed that the three articles “Facts and Process about Li Baozhi’s ‘Cultic’ Case As I Know”, “A Report from the Motherland”, and “How I Was Interrogated by the Police during My Preaching in the Mountain Area of Suburb Beijing” were saved in Liu Fenggang’s computers. “Facts and Process about Li Baozhi’s ‘Cultic’ Case As I Know” was also saved in Xu Yonghai’s computer. Parts of the draft of “A Report from the Motherland” were discovered in Liu Fenggang’s. 4) the 20<sup>th</sup> issue of the overseas magazine “Life Quarterly” which published the article “Facts and Process about Li Baozhi’s ‘Cultic’ Case As I Know”, and the articles “A Report from the Motherland” and “How I Was Interrogated by the Police during My Preaching in the Mountain Area of Suburb Beijing” downloaded by the police from the overseas website were recognized by the defendants in the court, who

acknowledge they were provided by them. 5) the appraisals issued by the State Bureau of Secret Protecting indicate that the three articles “Facts and Process about Li Baozhi’s ‘Cultic’ Case As I Know”, “A Report from the Motherland”, and “How I Was Interrogated by the Police during My Preaching in the Mountain Area of Suburb Beijing” were intelligence. 6) The residence records of the police verify the status of the three defendants. 7) Liu Fenggang, Zhang Shengqi and Xu Yonghai made their confessions respectively, which support each other, and are consisted with the situation reflected by the above evidences.

This court has no objection to the above evidences, thus recognizing them.

The facts involved in this case are clear. And there are true and sufficient evidences.

Therefore, the case can be determined.

In the view of this court, Liu Fenggang, Xu Yonghai, and Zhang Shengqi collected and illegally leaked the state secret to overseas organizations and individuals, thus committing the crime of collecting and illegally leaking the state intelligence. The accusations made by the prosecutors are well grounded. The innocence pleadings of the three defendants are not consistent with the law. According to the law, to solve some technical problems involved in certain cases, relevant departments and personnel may be entrusted to make corresponding appraisal. Whether the information collected and illegally leaked by the three defendants are intelligence is a technical issue. And the State Bureau of Secret Protecting is an institution, which can make legal appraisal. Out the consideration that “secret” and “intelligence” are of the same essence, it is appropriate for the judiciary to ask the department of secret protecting to make relevant appraisal. In addition, the appraisal made by the State Bureau of Secret Protecting is legal and valid, and can serve as the basis of verdict. The opinion of the attorneys that the State Bureau of Secret Protecting is not qualified to make an appraisal, and the three articles are not intelligence, has no ground, thus being denied by the court. Therefore, according to Article 111, Item 1 of Article 25, Item 1 of Article 56, Item one of Article 55, and Article 64, the following verdict is made:

1. Liu Fenggang, on the crime of collecting and illegally leaking the state intelligence overseas, is sentenced to three years’ imprisonment, and deprived of political rights for three years.

(The term starts from the enactment of this verdict. Whereas he had been detained before the verdict was made, the detention period will be deducted from the term. Namely, his term is from November 14, 2003 to February 4, 2007.)

2. Xu Yonghai, on the crime of collecting and illegally leaking the state intelligence overseas, is sentenced to two years’ imprisonment, and deprived of political rights for two years.

(The term starts from the enactment of this verdict. Whereas he had been detained before the verdict was made, the detention period will be deducted from the term. Namely, his term is from November 9, 2003 to January 30, 2006.)

3. Zhang Shengqi, on the crime of collecting and illegally leaking the state intelligence overseas, is sentenced to one years’ imprisonment, and deprived of political rights for one years.

(The term starts from the enactment of this verdict. Whereas he had been detained before the verdict was made, the detention period will be deducted from the term. Namely, his term is from November 17, 2003 to February 7, 2005.)

4. Such instruments used in committing the crime as one digital camera, one MP3 player, two computers, one printer, one scanner, which are turned into this court, will be confiscated, and surrendered to the state.

If the defendants do not agree with this verdict, they may make their appeals directly or through this court to the Supreme People's Court of Zhejiang Province within ten days as of the following day after receiving the verdict. And if the appeals are made in written form, the original copy and two xeroxed copies of the appealing documents shall be submitted.

Chief Judge                      Zhang Yongchun  
People's Juror Zhang Baowen  
People's Juror Hua Xianglin

Clerk                                Ma Jun