

DOCUMENTATION

New Regulations for the Repression of Cults

Translated by Purple Kwong

This article first appeared in Chinese in Tripod Vol. XXI, No. 122, Summer 2001.

According to many newspaper reports of June 11, 2001, the Supreme People's Court and the Supreme People's Procuratorate of China had a few days previously promulgated an "Explanation on the Application of Laws on Crimes Committed by Organizing or Utilizing Cults (II)." This new law entered into force on June 11, 2001.

"Explanation II" stipulates that anyone producing and disseminating publicity materials on cults, promoting cults, violating national laws or administrative regulations, or any one of these conditions, shall be convicted and punished according to Article 300 Paragraph 1 of the Criminal Code, which stipulates the crime of violating the law by organizing or utilizing a cult:

1. producing and disseminating promotion leaflets, pictures, slogans, over 300 copies of newspapers, over 100 copies of diskettes, and over 100 boxes of audio tapes and video tapes on cults;
2. producing and disseminating master DVDs, VCDs, and CDs that publicize cults;
3. using internet to produce and disseminate messages that publicize cults;
4. publicizing cults by hanging up horizontal and vertical banners in public places, in writing or by spraying slogans, and causing serious harm to society;
5. anyone who has received a criminal penalty or administrative penalty for producing and disseminating publicity materials on cults, and who repeats the offense;

6. Producing and disseminating other publicity materials on cults, if circumstances involved are serious.

"Explanation II" also mentions that if members of a cult which has been banned still assemble and cause disturbance, openly conduct cult activities, or come together against State organs or press units, and the assembly consists of more than twenty persons, or even of fewer than twenty people but involving other serious circumstances, the organizer, plotter, commander, and active participants who are inveterate offenders, shall be convicted and punished in accordance with the pertinent regulations in the Criminal Law on the violation of law on organizing and utilizing cults.

According to the Criminal Law revised at the Eighth National People's Congress on March 14, 1997, details of Article 300 Paragraph 1 are as follows:

"Anyone who organizes or utilizes a superstitious sect, secret society or cult, or takes advantage of some people's superstitions to undermine the implementation of national laws and administrative regulations shall be sentenced to fixed-term imprisonment of not less than three years nor more than seven years. If the circumstances involved are exceptionally serious, the sentence shall be fixed-term imprisonment of not less than seven years."

"Explanation II" also stipulates that anyone belonging to a cult who steals, secretly gathers, purchases institution, organization, or agent; or illegally obtains national by bribery, or illegally provides national secrets or intelligence for any foreign secrets by stealing, secretly gathering, or purchasing by bribery; or illegally possessing documents, information or other articles which are national secrets or classified top secret information by the State, and refuses to explain their original sources and usages, or reveals the nation's secret, and the circumstances involved are serious, shall be convicted according to Criminal Law Article 111, Article 282, and Article 398 respectively. Article 111 of the Criminal Law is as follows:

"Anyone who steals, secretly gathers, purchases by bribery or illegally provides the national secrets or intelligence for any foreign institutions, organizations or agents shall be

sentenced to fixed-term imprisonment of not less than five years nor more than ten years. If the circumstances are especially serious, the sentence shall be fixed-term imprisonment of not less than ten years or life imprisonment. If the circumstances are relatively minor, the sentence shall be fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights."

Article 282 is as follows:

"Anyone who by means of stealing, espionage or bribery unlawfully obtains national secrets shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights. Where serious circumstances are involved, the sentence shall be fixed-term imprisonment of not less than three years nor more than seven years.

Anyone who illegally possesses documents, information or other articles which are national secrets or classified top secret information by the State, and refuses to explain their original sources and usages, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance."

Article 398 is as follows:

"Any state functionary who deliberately or negligently divulges any state secrets, in violation of the State laws on the protection of secrets, where serious circumstances are involved, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Where exceptionally serious circumstances are involved, the sentence shall be fixed-term imprisonment of not less than three years nor more than seven years.

A person who is not a state functionary who commits the crime provided in the preceding paragraph shall be punished in the light of the circumstances and according to the provisions in the preceding paragraph."

"Explanation II" also stipulates that anyone who organizes, plots, incites, instigates or assists cult members to commit suicide or to mutilate themselves shall be convicted in accordance with Article 232 and Article 234 of the Criminal Law. Article 232 of the Criminal Code is as follows:

"Anyone who intentionally commits homicide shall be sentenced to death, life imprisonment or fixed-term imprisonment of not less than ten years. If the circumstances are relatively minor, the sentence shall be fixed-term imprisonment of not less than three years nor more than ten years."

Article 234 of the Criminal Law is as follows:

"Anyone who intentionally inflicts bodily injury upon another person shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Anyone who commits the crime mentioned in the preceding paragraph, and thereby causes severe bodily injury to another person, shall be sentenced to fixed-term imprisonment of not less than three years nor more than ten years. In cases causing a person's death or severe bodily injury and disability using especially vicious means, the sentence shall be fixed-term imprisonment of not less than ten years, life imprisonment or death. Where this Law has other applicable provisions, such provisions shall prevail."

Even before this new regulation, the Supreme People's Court and the Supreme People's Procuratorate of China had passed an "Explanation on the Application of Laws on Crimes Committed by Organizing or Utilizing Cults " on October 9, 1999. Details of this "Explanation" can be found in *Tripod*, Vol. XIX, No. 114, pages 39-41, December 1999 (Chinese section); the article is entitled "China Promulgates the Application of Laws and Regulations Concerning Evil Cult Organizations."