DARKENED SCREEN

Constraints on Foreign Journalists in China

PEN AMERICA

The Freedom to Write

The Freedom to Write

DARKENED SCREEN

Constraints on Foreign Journalists in China

September 22, 2016

PEN America stands at the intersection of literature and human rights to protect open expression in the United States and worldwide. We champion the freedom to write, recognizing the power of the word to transform the world. Our mission is to unite writers and their allies to celebrate creative expression and defend the liberties that make it possible.

Founded in 1922, PEN America is the largest of more than 100 centers of PEN International. Our strength is in our membership—a nationwide community of more than 4,000 novelists, journalists, poets, essayists, playwrights, editors, publishers, translators, agents, and other writing professionals. For more information, visit pen.org.

Cover photograph: Jewel Samad/Getty Images staff

CONTENTS

INTRODUCTION

When President Obama descended to the tarmac for his last official visit to China in early September, 2016, the international news story was not just about the two global powers' complex relationship, nor about the sweeping climate change accord that Obama and his Chinese counterpart would soon sign. Instead, headlines were diverted to a subplot. For what seasoned correspondents said was the first time they could remember in years of travelling with U.S. presidents, Obama's travelling press corps was barred from seeing and photographing the President's disembarkation from the plane.[1] The journalists were kept back behind a taut rope, with anyone who tried to duck under it harshly rebuked by Chinese security agents.[2] At one point, when a White House official attempted to intervene on behalf of the White House press corps, a Chinese official responded, "This is our country. This is our airport."[3] The unprecedented level of media controls were maintained throughout the visit, with a promised half-dozen slots for journalists to record Obama and Xi taking a walk reduced to just two reporters.[4]

In the last three decades, China has undergone the fastest urbanization process in history, presided over the rise of hundreds of millions of its citizens out of poverty, and become the second-largest economy in the world after the United States. Foreign journalists trickled into mainland China in the late 1970s, after Deng Xiaoping implemented economic reforms and opened the country up to the world. Throughout the 1980s and 1990s, ambitious journalists—many of whom were fluent in Chinese and well versed in Chinese history and politics—descended on Beijing and Shanghai to cover one of the world's most dynamic stories. Today, China draws journalists from the world's largest and most influential news organizations, with nearly 700 accredited foreign journalists from more than 50 different countries.[5] These foreign reporters serve a vital role, reporting on the political, social and economic stories with a degree of candor that would endanger the livelihoods and lives of Chinese journalists. For even as China has modernized its economy and opened up to the world, the government's commitment to strict domestic censorship, both online and off, has remained steadfast and its methods of control both powerful and innovative.

The situation for mainland Chinese journalists (not to mention lawyers, academics and activists) continues to deteriorate under President Xi Jinping, who came to power in 2012 as general secretary of the Communist Party.[6] The Chinese government has long used a combination of surveillance, legal restrictions and financial incentives to either directly control local media or encourage self-censorship.[7] Xi Jinping has gone further in his attempt to consolidate his power and curb dissent in any form, leading some to compare his tactics to Mao Zedong's political purges. In February 2016, Xi conducted a well-publicized tour of the country's largest state media organizations, ordering their journalists to pledge absolute loyalty to the Communist Party.[8] In July, the Chinese government adopted a strict approach to enforcing a previously poorly enforced decree banning online companies from doing their own original news reporting.[9] Chinese commentators, reporters and publishers are increasingly forbidden from reporting on stories the government considers "sensitive," such as the country's stock market crash of 2015.[10] China now ranks 176 out of 180 countries in the most recent Press Freedom Index compiled by Reporters Without Borders.[11]

For even as China has modernized its economy and opened up to the world, the government's commitment to strict domestic censorship, both online and off, has remained steadfast and ***its methods of control both powerful and innovative.***

China is also among the world's biggest jailers of journalists. In 2015 it had the worst record globally, with 49 journalists behind bars, according to the Committee to Protect Journalists.[12] Even Chinese news outlets that used to be outspoken have now been effectively contained, according to media experts.[13]

As the crackdown on domestic media continues, the Chinese government also has strengthened its control over the country's narrative externally by sending more Chinese state media reporters abroad, buying radio stations internationally—at least 33 radio stations in 14 countries are now owned by state broadcaster China Radio International—and establishing start-up news media companies abroad that look and feel like independent news organizations but are in fact controlled by the Chinese Communist Party.[14]

In addition, the Communist Party increasingly uses state

Xinhua News Agency Shanghai Bureau.

media not only to burnish its image, but also to attack its critics. State media outlets publish a steady stream of news stories and "expert" opinion pieces aimed at discrediting human rights lawyers and other activists. The Communist Party complements these derogative pieces with negative cartoons and video footage aimed at both domestic and foreign audiences.[15] Foreign journalists have also been increasingly targeted by the state media and accused of being agents of their governments or holding biased views toward China.[16]

PEN America is gravely concerned by the Chinese government's growing efforts to muzzle the foreign press. As this report will demonstrate, foreign journalists face more restrictions now than at any other time in recent history on their freedom to report from the world's most populous country. In its most recent survey in 2015, the Foreign Correspondents' Club of China (FCCC),[17] a Beijing-based professional organization for foreign journalists representing reporters from over 40 nations, reported that 96 percent of respondents said conditions for foreign journalists working in China almost never meet international press freedom standards.[18] Thirty-three percent said working conditions had deteriorated, and 44 percent said conditions were about the same as in the previous year.[19] Not a single respondent said conditions had improved since the previous year. In the 2013 and 2014 survey, 70 percent and 80 percent of respondents, respectively, reported that conditions had worsened or stayed the same.[20]

The constricted situation for foreign journalists working in China poses a threat to press freedom rights and therefore to the world's understanding of this rising power and its global influence. Foreign journalists reporting in China provide an essential service, informing the world about the individuals, ideas, developments and trends shaping the world's fastest growing economy, largest single-country population and second-largest military power. Information gleaned and analyzed by foreign journalists forms the basis for critical decisions in investment, diplomacy, global security, trade and the environment. Given the strict controls on government information, domestic journalism and academic scholarship, the world has limited alternative sources that can compensate for gaps and blind spots in international news coverage of China. Moreover, foreign journalism provides an essential window for Chinese citizens eager to access information about their country and curious to understand how China is understood globally. Despite tight controls on information access, the use of virtual private networks, travel abroad, and other avenues help ensure that foreign coverage of China does permeate inside, offering at least some Chinese citizens an alternative to information and vantage points proffered by their government. The vital importance of foreign news coverage for both Chinese citizens and for the rest of the world underscores the risks posed by an increasingly restrictive press freedom environment.

OUTLINE AND METHODOLOGY

This report aims to document and analyze the challenges foreign journalists in China have faced since Xi Jinping came to power in late 2012.

This report begins with a brief summary of Chinese law and international human rights law, highlighting the obligations of the Chinese government to uphold press freedoms. This analysis includes a discussion of Chinese regulations affecting foreign journalists; regulations affecting Chinese access to foreign media; and regulations affecting foreign media and Chinese internet access.

The second section of the report outlines topics, such as stories about the wealth of top leaders and their families, which can trigger negative reactions from the Chinese authorities against foreign journalists. The third section presents two case studies—one on Bloomberg News and the other on *The New York Times*—that illustrate the Chinese government's negative response to, and repercussions against, critical foreign reporting.

The fourth section of the report outlines the various pressures that foreign journalists and foreign media face. This includes the harassment that journalists themselves may face: visa denials, monitoring, restrictions of press freedoms and a hostile atmosphere. As well, Chinese news assistants can be targeted for their work with foreign media, as can sources who speak to foreign journalists. Foreign media companies can face not only China's "Great Firewall"—its system of online censorship—but also cyber-attacks and other forms of monitoring. The final section of the report comprises an analysis of the way foreign media may choose to respond to these pressures, and what variables may affect their response. This section includes information on how Reuters has increased the time and effort put into seeking Chinese government responses to sensitive stories—a move some of its employees consider to hinder timely reporting. The section also explains the difference in what foreign media outlets publish in Chinese versus English.

This report is based on a review of news stories and reports from non-governmental organizations, as well as in-depth interviews with 42 journalists in Beijing, Shanghai, Hong Kong and elsewhere who cover China now or who have covered the country in the last few years. PEN America also interviewed media experts and several Chinese news assistants to foreign media outlets. PEN America conducted interviews primarily in person but sometimes via Skype, mobile telephone, WhatsApp or email. All interviews were conducted between February and early September 2016. Many foreign journalists requested anonymity, either because they did not have permission from their organizations to give interviews, or (in at least two cases) because they feared that appearing in this report could jeopardize their resident journalist visas. All of the Chinese news assistants who spoke to PEN America requested anonymity because they were concerned the Chinese authorities would place them under greater scrutiny or make their jobs more difficult. Given the serious concerns of those who requested anonymity, we have left out identifying information for many of our interview sources.

Additionally, PEN America reached out to foreign media outlets and to various Chinese government agencies. While several media outlets responded, we received no response from the Chinese government. This information is further detailed in the Report Appendix.

Reading morning newspapers in Shanghai.

COURTESY OF JAMES YEO

KEY FINDINGS

- Stories most likely to trigger reprisals from the Chinese authorities are those the Chinese government perceives to be critical of the Chinese economy or top officials. In meetings with international news organizations, Chinese government officials have increasingly demanded "balanced coverage" of economic issues. However, access to accurate and up-to-date economic data necessary to discern trends and assess economic conditions is becoming more difficult. And previously available expert sources on economic and business issues are less willing to share information or opinions with foreign media for fear of government reprisal.

- The Chinese government's campaign to stifle dissent from lawyers, journalists and bloggers, feminists, labor activists, and ethnic minorities since Xi Jinping came to power in 2012 has made many Chinese citizens—especially those with government connections—increasingly reluctant to serve as sources for international media.

- Chinese officials increasingly perceive the foreign media as biased against China, and officials often view journalists from countries such as the United States, Britain, France and other democracies as fronts for their governments.

- The general working environment is becoming more difficult for foreign journalists to navigate. This can be seen through the aggression demonstrated by certain officials and security officers in their treatment of foreign journalists and news assistants.

- In response to pressure from China, some foreign media outlets appear to refrain from publishing stories on their Chinese language websites that would anger the Chinese government.

Xinhua News Agency advertisement at Times Square, New York.

COURTESY OF JJ MERELO

LEGAL AND REGULATORY ENVIRONMENT FOR FOREIGN MEDIA IN CHINA

The Right to Freedom of the Press Under International Law

Article 19 of the Universal Declaration of Human Rights establishes that the right to freedom of opinion and of expression includes the freedom "to seek, receive and impart information and ideas through any media and regardless of frontiers."[21] Article 19 of the Declaration is widely acknowledged to constitute customary international law.[22]

Article 19 of the International Covenant on Civil and Political Rights (ICCPR) contains a similar codification of the right to freedom of expression, including the right to freedom of the press.[23] The United Nations Human Rights Committee, the body that provides authoritative interpretations of the ICCPR's provisions, has explicitly recognized the value of a free press to an open society:

> "A free, uncensored, and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society. … The free communication of information and ideas about public and political issues between citizens, candidates, and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. The public also has a corresponding right to receive media output."[24]

The United Nations Human Rights Committee has affirmed that the right to freedom of expression, as present in the ICCPR, protects both the dissemination of news and the process of newsgathering.[25] The Committee has also noted that freedom of the press applies broadly, as journalism may be performed not only by professional full-time reporters, but also by "bloggers and others who engage in forms of self-publication in print, on the internet, or elsewhere."[26] It has further acknowledged the increasing importance of online media, urging parties to the ICCPR "to take all necessary steps to foster the independence of these new media and to ensure access of individuals thereto."[27]

Permissible Restrictions on Freedom of Expression Under the ICCPR

Freedom of expression, including freedom of the press, may be subject to certain restrictions under international law, but these are strictly limited.[28] Limitations on press freedom implemented in the name of protecting public order must satisfy certain conditions, as the Human Rights Committee has explained:

"It is for the State party to demonstrate the legal basis for any restrictions imposed on freedom of expression… When a State party invokes a legitimate ground for restriction of freedom of expression, it must demonstrate in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat."[29]

The Committee has further specified that "[t]he penalization of a media outlet, publishers or journalists solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression."[30]

Under most circumstances, deliberate interference with newsgathering violates international law. According to the Human Rights Committee, restrictions on journalists' movements are rarely justified, and the Committee has noted specifically that journalists' access to "conflict-affected locations, the sites of natural disasters and locations where there are allegations of human rights abuses" should not be restricted.[31] Furthermore, the Committee states that attacks against journalists or others involved in monitoring potential abuses of human rights, including physical assaults, arbitrary arrests, threats, and intimidation, should be "vigorously investigated" and the perpetrators should be prosecuted.[32]

China's Status Under the ICCPR

China became a signatory to the ICCPR in October of 1998. It has not yet ratified the treaty, despite promises to do so, and therefore the ICCPR's specific provisions are not yet binding on China.[33] However, as a signatory, China has the obligation to act in good faith and to not defeat the purpose of the treaty.[34]

The Right to Freedom of the Press Under Chinese Law

Freedom of the press is a constitutional right within China, with Article 35 of the 1982 Constitution declaring that citizens enjoy freedom of speech and of the press.[35] Despite this, other laws lay out a strict censorship system for publication within China, and carve out broad categories as exempt from—or above—freedom of the press.

The Regulation on the Administration of Publishing, introduced by the State Council in 2001, reaffirms the supremacy of basic constitutional principles, including

press freedoms.[36] Despite this, the Regulation creates a wide series of prohibitions against different types of content: Publications can be prohibited for "harming the unity, sovereignty, and territorial integrity of the country," "damaging the country's reputation and interests," "disrupting the social order," "harming social morality" or other broad considerations.[37]

To cover topics that affect national security or social stability, Chinese publishers must seek pre-approval from the government.[38] In the late 1990s, the General Administration of Press and Publication (GAPP) released a guide further detailing which topics would routinely be censored: these topics include former or current Chinese leaders, significant historical matters or figures, and 'problems' of nationality or religion.[39]

Additional laws passed in recent years—the 2015 Criminal Law, the 2015 National Security Law, and the 2016 Anti-Terrorism Law[40]—have spelled out additional penalties domestic media outlets and social media users may incur for violating vague or broad rules of speech and conduct. The 2015 Criminal Law, for example, states that "fabrication" of reports of danger or natural disasters can be punished by up to three years imprisonment,[41] while the Anti-Terrorism law defines terrorism broadly and prohibits the dissemination of details of terrorist activities that may lead to imitation and of "cruel and inhumane" scenes, raising the concern that it could be used to criminalize publications or political speech.[42] The 2015 National Security law expands the definition of national security, further whittling down the free space for press.[43]

Further, and as discussed within this report, vague criminal provisions such as "picking quarrels and provoking trouble" are regularly used to criminalize free speech or publication.

Chinese Regulations Affecting Foreign Journalists

Foreign journalists and media companies operating in China are subject to regulations that derive from at least six government organizations that operate under the State Council, China's primary administrative authority.[44] Through these regulations, the Chinese government limits its citizens' access to foreign news and constrains the ability of foreign correspondents to gather and disseminate information in and outside of China. The regulations also serve to essentially ban Chinese citizens from working as correspondents for foreign media outlets. Although the first regulation affecting foreigners reporting in China came into effect in 1981, the main regulations in effect today were adopted soon after the 1989 Tiananmen Square massacre. The rules have expanded and evolved to cover the advent of the internet and to reflect the rise in the number of foreign correspondents over the last three decades.

In the spring and summer of 1989, foreign journalists played a vital role in documenting and communicating to the world the Tiananmen Square demonstrations and the People's Liberation Army's violent suppression of the protests, during which hundreds of students and ordinary citizens died in and around the square.[45] The foreign coverage fueled widespread international criticism of the government response.[46] Against the backdrop of negative international news coverage of Tiananmen, and in order to better regulate foreign journalists' activities, in January, 1990, the State Council issued the Regulations on Foreign Journalists and Permanent Offices of Foreign Media Organizations ("the Regulations"), a decree that set out the basic rules for international news organizations and journalists that continue to govern today.[47] The Regulations categorized journalists into long-term resident journalists (those who stay in China for more than six months) and short-term visiting journalists (those who stay for less than six months). The Regulations also established the process for foreign journalists to obtain press credentials, visas, and residency permits.[48] They also kept in place an existing rule that foreign journalists must obtain permission from the government of a particular regional jurisdiction before reporting in that area or before interviewing Chinese citizens within the area.[49]

During China's bid to host the 2008 Olympic Games, journalist groups and human rights organizations hoped to use the Olympics as leverage to press the Chinese to give reporters broad and unfettered access to cover the games, and to allow open reporting on China thereafter.[50] In its bid, the Chinese government pledged that it would enact reforms to ensure press freedom and human rights in China, and assured the International Olympics Committee that conditions for journalists in China would meet international standards.[51] In January 2007, then Prime Minister Wen Jiabao signed a temporary decree to allow foreign journalists to travel freely within the country and conduct interviews so long as the interviewees gave consent.[52] In October 2008, the State Council promulgated a new regulation—the Regulations on News Coverage by Permanent Offices of Foreign Media Organizations and Foreign Journalist—to replace the 1990 decree and made this provision regarding expanded access permanent.[53]

Advocates hoped these measures would open up reporting on China for foreign reporters and make their jobs easier and safer, but Beijing failed to live up to its promises.[54] According to a Human Rights Watch (HRW) report issued in July 2008, foreign reporters said that Chinese officials or their agents continued to harass, threaten or detain them when they attempted to report on stories that would "embarrass the authorities, expose official wrongdoing, or document social unrest."[55]According to the HRW report, at least ten reporters told the Ministry of Foreign Affairs (MOFA) they had received death threats and had not received help in investigating these threats. PEN America interviews with long-time China correspondents confirmed these violations and most reporters told PEN

America the change in the regulations never translated into changes in reality. For example, reporters told PEN America that local officials continue to ignore—or are unaware—of the 2008 decree and detain or otherwise harass them when they travel outside Beijing or Shanghai.

And although the 2008 rules lifted some restrictions, they kept intact or added others. For example, the Tibetan Autonomous Region (TAR) was not covered under the new rules, and journalists are still required to apply for permission with the TAR Foreign Affairs Office before entering the region.[56] In addition, as detailed below in this report, the 2008 decree also restricted what Chinese nationals can do for foreign media to "auxiliary work" such as translating, arranging interviews, and organizing trips. Such prohibitions operate to prohibit Chinese nationals working for foreign outlets from holding the title "reporter."[57]

Chinese Regulations Over Access to Foreign Media

The Chinese government goes to great lengths to limit Chinese consumers' access to foreign media, imposing strict regulations on publication and dissemination of foreign-generated news within China. To limit access to printed materials, Chinese law bans the publication and printing of foreign newspapers and magazines for sale domestically in China. People in China can only buy a limited selection of imported, high-priced foreign newspapers and magazines through government-sanctioned companies and at selected locations, such as international hotels.[58]

Regulations issued by the State Council bar foreign companies from investing in the "publication of books, newspapers, and periodicals" in China.[59] Foreign news organizations cannot engage in their own publishing activities in China without a Chinese partner. Chinese periodicals can reprint content from foreign periodicals with appropriate copyright licensing and with government approval.[60]

In 2004, officials at the General Administration of Press and Publication (GAPP) announced a change of rules that would allow the printing of some foreign newspapers within China, but would continue to limit their distribution domestically.[61] Some in the foreign media welcomed the announcement, considering it a concession by the Chinese government to the international publishing industry inspired by the upcoming 2008 Beijing Olympic Games.[62] However, the plan was scrapped in 2005 after the "color revolutions" in Ukraine, Georgia and Kyrgyzstan, wherein authoritarian governments were toppled by popular revolts.[63] The head of the GAPP explained to the *Financial Times* that "the 'color revolutions' were a reminder not to let saboteurs into the house and that the door must be closed, so we have closed it temporarily."[64] To date, the intended plan has not been reinstated.

Foreign Media and Chinese Internet Access

The advent of the internet initially promised to provide Chinese citizens a new, convenient and affordable way to access all manner of information, including foreign news media. However, China has maintained extraordinary levels of control of the internet. China employs the world's most sophisticated system of internet censorship. Many companies, such as Google and Facebook, do not operate in China, because they cannot or are unwilling to comply with the restrictions. The government often blocks foreign news sites, especially those sites that offer Chinese-language versions. Although some foreign news sources, such as the *Financial Times* English- and Chinese-language sites, are readily available (*FT Chinese* recorded 2.4 million registered readers in China as of August 2015) many other foreign news sites are blocked by China.[65] Journalists and press freedom advocates are also concerned that a new round of restrictive digital media laws will further curtail online access to foreign news.

In February 2016, the Ministry of Industry and Information Technology (MIIT) and the State Administration of Press, Publication, Radio, Film and Television (SAPPRFT) (which resulted from the merger of the GAPP and the State Administration of Radio, Film, and Television) released new rules stipulating that companies with foreign ownership of any kind "shall not engage in online publishing services" in China.[66] Under this new provision, foreign-invested companies can, with government approval, work with Chinese companies to produce online content.[67] However, the published content must be hosted on servers inside China, which could subject the content to Chinese censorship and domestic laws.[68] Foreign news outlets' online publishing activities are currently not technically carried out in China, since their servers are all outside of the mainland.[69] But it is unclear whether the new rules will only be applied to China-based servers or will include sites aimed at users in China.[70] As far as PEN America is aware, no foreign news media outlet has publicly reported new problems since these rules came into effect in March 2016.

In March 2016, the MIIT posted a set of proposed new rules that would require all websites with "network access" in China to have domain names registered in China.[71] Doing so could potentially allow Beijing even greater control over internet access, as only registered—and therefore government-approved—sites would be accessible within China.[72] It is unclear whether this rule would require foreign news organizations to register a separate local Chinese domain for their websites, but advocates worry it could allow the Chinese government more control over the content foreign news media produce for their Chinese audience.[73]

SENSITIVE SUBJECTS

The News Coverage Context for Foreign Journalists

The Chinese government's system of pre-publication censorship for domestic news clearly indicates that certain subjects are seen as particularly sensitive. Although the Chinese government does not publicly acknowledge any topic of news coverage to be off-limits entirely for foreign news media, journalists told PEN America that particular topics are likely to elicit reprisals from authorities. The most sensitive stories are those that expose the wealth of senior leaders or their families (as outlined below in this report in the case studies of Bloomberg News and *The New York Times*) as well as stories that describe President Xi Jinping in terms officials deem unflattering.

China-based journalists told PEN America that the Chinese government has become increasingly displeased with the international media's coverage of President Xi, particularly stories that compare Xi to Mao Zedong or attempt to describe Xi's domestic support as a cult of personality. "[The government has] become so much more sensitive over the last three years about reporting on the leadership," said one Beijing-based bureau chief, "particularly about reporting on Xi Jinping. It approaches a kind of Chinese version of lèse-majesté," the bureau chief concluded, referring to laws that ban insults against a country's king.[74]

Tom Mitchell, the Beijing Bureau Chief at the *Financial Times*, told PEN America that in February, after the *FT* published a story that referred to Xi Jinping as the "core" of the Chinese Communist Party, MOFA officials called one of Mitchell's colleagues (Mitchell was on leave) and requested the newspaper not refer to Xi using such terminology.[75] The term "core" had, in the minds of Chinese officials, become associated with the claim that Xi was governing based on a cult of personality; such cults of personality are not tolerated within the Communist Party.[76] Mitchell said other news agencies whose articles spoke about Xi as the "core" of the Party were also summoned by MOFA.[77] In fact, foreign media reports discussing Xi as the party's "core" had actually lifted the term from an article in China's main state-owned newspaper, *People's Daily*, which had used it to describe Xi.[78]

China-based foreign journalists and their news assistants told PEN America that the Chinese economy has become the latest area of coverage to pique Chinese official sensitivities, especially since the stock market crash in the summer of 2015. In meetings with international news organizations, Chinese government officials have increasingly demanded "balanced coverage" on economic issues. Journalists told PEN America that in meetings with high-level officials, the officials would criticize their economic coverage as too pessimistic or unbalanced. "They are very nervous about negative coverage of the economy," said one bureau chief of a Western new organization.[79]

Journalists told PEN America that in meetings with high-level officials, the officials would criticize their economic coverage as too pessimistic or unbalanced.

The first signs that the economy had become a newly sensitive topic appeared in the spring of 2012, after a dip in the Chinese stock market. Many in the financial industry attributed the fall to short sellers who had alarmed investors by using the information from corporate filings to expose questionable Chinese corporate accounting procedures.[80] After the stock market fell, financial analysts, traders and lawyers reported that local branches of the State Administration of Industry and Commerce (SAIC) had begun to limit access to corporate filings.[81] Previously, only lawyers could request the filings, which contained information on company ownership as well as other details, including, sometimes, board members' addresses and phone numbers. But those lawyers often sold the information to anyone who was interested—most usually traders.[82] The restrictions aimed to curb short selling, but they posed a problem for business and economic reporters, journalists told PEN America. Some media outlets had previously hired lawyers to provide them with corporate filings—Bloomberg News and *The New York Times* relied heavily on these types of documents when reporting their articles on the wealth of the families of Xi Jinping and Wen Jiabao.[83]

In November 2014, the process for obtaining corporate filings improved somewhat when the SAIC launched the National Company Credit Information System, which put all of the information from corporate registries online, eliminating the need to contact local branches in person.[84]

Previously willing sources, especially government officials and academics, have become less willing to share information or opinions with foreign media for fear of reprisal. And some sources now refuse to speak to foreign reporters at all.

At the time of this report, the system is accessible to internet users both inside and outside of China. However, journalists said that corporate filings they get now are sometimes missing crucial information. "You can get them now, but they are a lot less useful," one correspondent based in Beijing told PEN America. "They are scrubbed or less complete."[85]

The situation for economic reporting worsened after Chinese stocks plunged in June 2015. To stabilize the stock market, the government pumped tens of billions of yuan into the market through dozens of securities companies, cut interest rates to a record low, limited short selling with threats of arrest and suspended new company listings.[86]At the same time, the Chinese government restricted state-controlled media from reporting on the stock market crash and censored social media.[87] The government ordered news organizations to trim coverage and tone down the language in order to avoid pessimism.[88] All radio and television stations received direct orders to, among other things, "discontinue discussions, expert interviews, and on-site live coverage," of the crash and its aftermath and not to "exaggerate panic or sadness," or use "emotionally charged words, such as 'slump,' 'spike,' or 'collapse.'"[89]

In August 2015, authorities arrested Wang Xiaolu, a reporter for the Beijing-based business magazine *Caijing*, after he published an article saying the China Securities Regulatory Commission was looking into ways for security companies to withdraw funds from the stock market.[90] Authorities accused Wang of "fabricating and spreading false information about securities and futures trade."[91] Wang appeared on television soon after his arrest and confessed to 'sensational' and 'irresponsible' reporting, in a statement observers believe the government compelled him to make.[92] Luo Changping, a deputy editor of *Caijing*, concluded after Wang's 'confession' that the standards for media censorship in China were "dropping lower on everyone. Many journalists are saying that nowadays, there is no media that is safe. Everyone lives in a comparatively dangerous situation."[93]

The crackdown on domestic media's financial reporting has caused difficulties for foreign journalists. Many journalists told PEN America that previously willing sources, especially government officials and academics, became less willing to share information or opinions with foreign media for fear of reprisal. And some sources now refuse to speak to foreign reporters at all. "It would have been very easy before to have somebody [discuss] criticism of economic theory or tell you that economic reform has been too slow. But I think that's become much harder," Hannah Beech, East Asia Bureau Chief of *Time* magazine, told PEN America.[94] "Access to decision makers, to the people who occupy key points in the policy-making process, is almost non-existent now," a correspondent for an American news organization told PEN America.[95] Another journalist said that sources were increasingly unwilling to give "scoops" that might be traceable back to them and were more aware that the government might be monitoring their conversations.[96]

Some journalists told PEN America that obtaining even the most basic government information is becoming more difficult—a problem that has been cited more broadly since Xi Jinping took office (Foreign academics, for example, have recently discussed the difficulty in accessing local government archives).[97] "I remember in the past there was a time when I could just call up a government agency and ask them for numbers, and they would just give them to me," one Chinese news assistant employed by a foreign media company told PEN America.[98] "Now I can't even get numbers even if I've sent millions of faxes. They will just not respond [even when it comes to] non-political, non-financial [numbers], such as something to do with public health, the one-child policy, the two-children policy or, for example, even how many teens are playing football—those kinds of statistics."[99]

The Chinese government also has warned local journalists—who often provide tips to foreign reporters on stories they cannot write themselves—not to talk to Western media outlets. In June 2014, SAPPRFT issued a notice to Chinese journalists not to give any information they come across in their research to foreign reporters.[100] The directive said that Chinese journalists would face punishment if they disclosed such information and required media organizations to form non-disclosure agreements with their employees.[101]

TWO CASES

Bloomberg News and *The New York Times*

Since 2012, the struggles of two media companies that operate in China have stood out as prominent examples of the challenges foreign news organizations face in that country. Both Bloomberg News and *The New York Times* have had their websites blocked, their journalists harassed and threatened, and visa applications for reporters denied by Chinese authorities. The Chinese government has punished both outlets for publishing high-profile stories that shed light on China's political leaders. These two cases, which illustrate the themes examined in this report, have sparked debate about press freedom, self-censorship, and how to deal with an increasingly assertive and repressive Chinese government.

Journalists at the 2008 Beijing Olympics

COURTESY OF NOEL HIDALGO

Bloomberg News

In June of 2012, Bloomberg News—the news subsidiary of Bloomberg, L.P.—published an article revealing the vast wealth held by the extended family of Xi Jinping, China's then vice president and heir-apparent to the presidency.[102] The story, written by Michael Forsythe, Shai Oster, Natasha Khan and Dune Lawrence, exposed major assets worth hundreds of millions of dollars tied to Xi Jinping's relatives, although it did not link any of this wealth directly to Xi or his immediate family.[103]

The timing of the article proved particularly problematic for Xi, who would soon launch the most aggressive anti-corruption campaign since the Communist Party took control of China in 1949.[104] Xi's anti-corruption campaign was widely viewed as being motivated by growing concerns within the government regarding popular disapproval toward Chinese government officials who were increasingly seen as self-indulgent, greedy and corrupt.[105] The image of extravagant, corrupt leaders had fueled the Arab Spring protests of 2010 and 2011, putting the Chinese government on notice of the risks for a government known for lavish treatment of its officials and lack of transparency in its financial dealings.[106] This exposé of the Xi family thus fed directly into characterizations of the Chinese government that they regarded as increasingly problematic, or even dangerous for the state.[107]

The Bloomberg News story was the first of its kind. No other media outlet—foreign or Chinese—had delved so deeply into the finances of a top Chinese leader's family. The article was published on June 29, 2012. Hours later, Bloomberg News' website became inaccessible in China.[108] In a statement, Bloomberg speculated that the site's inaccessibility was in reaction to the article's publication.[109]

The backlash against the story was not confined to the Bloomberg News site. The majority of Bloomberg LP's revenues come not from its news operation, but from sales of its data terminals that provide up-to-the-minute financial information to banks and government agencies worldwide.[110] China has only a few thousand of these terminals, out of nearly 300,000 around the world, but the country represents a huge potential market for the terminal business.[111] In fact, in late 2013, sales of Bloomberg financial terminals in Hong Kong brought in more than half a billion dollars a year for the company.[112] Bloomberg LP requires a separate license—in addition to its general news license—from the Chinese government to run this terminal business.

Additionally, Bloomberg LP's access to Chinese markets adds value to its terminal business globally, given China's importance within the global economy. As one anonymous Bloomberg employee described in a 2014 interview, Bloomberg had "bigger" concerns than selling terminals within China. "Really it's about continuing sales all around the world," the employee explained, highlighting a particular pressure point, "if Bloomberg can't promise having the fastest inside info from China."[113]

Before the Xi story even ran, prominent Chinese business executives who had heard it was in the works began quietly warning Bloomberg executives that publishing it could harm Bloomberg LP's relationship with China, according to one former Bloomberg employee interviewed by PEN America. At one point, the Chinese ambassador to Washington met with Matthew Winkler—the founding editor of Bloomberg News—and Bloomberg executives and told them "bad things" would happen to the company if it ran the story on Xi, and "good things" if the company did not.[114] The warnings made Bloomberg executives nervous,

and some of them ordered changes to the story before it could be published, the former Bloomberg employee told PEN America.[115] In addition, plans for a high-profile launch of the story, including videos to accompany it, were scrapped, the former employee said. After the story ran, the Chinese government ordered state-owned companies not to buy Bloomberg's financial terminal subscriptions.[116]

Reporters and news assistants who worked on the piece also came under pressure from Chinese officials or their proxies. Chinese news assistants came under more scrutiny from public security officers, prompting the company to relocate at least one Chinese researcher to Hong Kong, two former Bloomberg employees told PEN America.[117]

Michael Forsythe, then based in Beijing and employed by Bloomberg News, received threats, including a death threat.[118] Forsythe, who now works for *The New York Times* in Hong Kong, told PEN America he is bound by a non-disclosure agreement with Bloomberg, which prevents him from discussing issues related to his tenure there. In his book, *Age of Ambition: Chasing Fortune, Truth, and Faith in the New China* (2012), *New Yorker* reporter Evan Osnos recounts a relevant anecdote: the wife of a Chinese professor close to the Communist Party invited Osnos' wife to coffee after the story broke, and asked her to pass along a warning to Forsythe that "he and his family can't stay in China. It's no longer safe....Something will happen. It will look like an accident. Nobody will know what happened. He'll just be found dead."[119] Bloomberg investigated the threat and determined Forsythe was not in danger.[120]

Forsythe and his wife, along with their two sons, were in Hong Kong when the story came out. They returned to Beijing a few days later. While they were in Beijing, a manager from Bloomberg's Hong Kong bureau told Forsythe there had been threats against him and that he might be in danger.[121] Afraid to stay in their apartment, the family moved to a hotel for one night before leaving on a previously scheduled holiday to Europe.[122] During that holiday, Forsythe continued to receive threats, as well as the message passed along by Osnos' wife. "We spent the whole summer talking to China experts about whether it would be safe to return [to Beijing]," Forsythe's wife, Leta Hong Fincher, told PEN America in an email. "In the end, it was a conversation with a senior U.S. official that convinced me that Mike would not actually be killed because that would cause a huge diplomatic furor, and that the threat was just an effort to scare us (successful[ly]). It was too late to get the kids into a school in Hong Kong in late summer, so although I was traumatized, I thought it was still okay to return to Beijing and plan to leave the next summer, which we did."[123]

After the Xi story ran, Bloomberg began having trouble securing journalist visas.[124] Despite the repercussions, Bloomberg News reporters received support from editor-in-chief Mathew Winkler to continue work on another potentially explosive story exposing links between China's richest individual, entrepreneur Wang Jianlin, and top Chinese leaders.

But in October 2013, Winkler told reporters during a conference call that the story would not run.[125] "If we run the story, we'll be kicked out of China," Winkler told the reporters, according to *The New York Times*.[126] Reportedly, Winkler compared Bloomberg's presence in China with the self-censorship undertaken by foreign news bureaus aiming to remain active in Germany during Nazi rule, emphasizing his desire to ensure Bloomberg's continued presence in China.[127]

Winkler and other top editors at Bloomberg News publicly denied they had censored the Wang story, saying it had not been ready for publication.[128] Winkler told *The New York Times* that the story—as well as another story on the children of senior officials working for foreign banks—was "still active."[129] While a story on the children of senior leaders at foreign banks did in fact run in 2014, the focus appeared to shift significantly, to relatives of leaders at state-owned enterprises rather than the children of more senior Party officials. The Wang story, as of the time of this report, has not run.[130] A former Bloomberg employee who worked on both the Xi and Wang stories told PEN America that some top editors began turning down other story ideas on anything that might anger the top Chinese leadership. "You knew what they wanted and what they didn't, but these [stories we pitched] were good stories that should have been done," the former employee told PEN America. "So it was very frustrating."[131]

After Bloomberg News decided not to run the story, several Bloomberg News reporters and editors resigned, including Amanda Bennett, head of Bloomberg News' investigative unit and Ben Richardson, an editor who worked on the Xi and Wang stories.[132] Richardson said in an email to journalist Jim Romenesko that he resigned "because of how the company made misleading statements in the global press, and senior executives disparaged the team that worked so hard to execute an incredibly demanding story."[133] Bloomberg then suspended Michael Forsythe, reportedly on grounds that he was suspected of having leaked the details of the internal Bloomberg deliberations over whether to publish the second expose on Wang Jianlin.[134] With the departure of key editors and reporters, the investigative team previously led by Bennett was effectively dismantled.

The fallout over the Wang Jianlin story—or lack thereof—came at the same time that Bloomberg News was increasingly shifting its resources from investigative reporting to short, bullet-point news that would be easily digestible to traders using Bloomberg L.P.'s terminals.[135] One anonymous Bloomberg News employee, in a December 2013 article, described the impetus for the change: For "the bankers that run" Bloomberg L.P., Bloomberg News was seen as "a redheaded stepchild that is a rounding error in the scheme of things that is managing to create a lot of trouble."[136]

After finishing his three terms as mayor of New York City and returning to the helm of Bloomberg L.P., Michael Bloomberg took on those who criticized the company's China reporting– and was fairly explicit about the forces

"We get a lot of pressure, and the pressure has gotten more intense given Bloomberg's actions. They say, 'Bloomberg does it, why don't you?'"

at work. In January 2014, outgoing Bloomberg CEO Daniel Doctoroff asked Bloomberg about his company's news coverage of China.[137] The former mayor reportedly responded, "If a country gives you the license to do something with certain restrictions, you have two choices: You either accept the license and do it that way, or you don't do business there."[138] He went on to say that Bloomberg had nothing to be ashamed of and that "there are things the press shouldn't be doing and can't."[139]

Other Bloomberg L.P. executives have also acknowledged that the company has made peace with the parameters for coverage set by the Chinese. During a question and answer period after a speech he gave to the Asia Society in Hong Kong in March 2014, Bloomberg L.P. Chairman Peter Grauer said that the company's reporters were "primarily writing stories about the local business and economic environment, and you're all aware that every once in a while we wander a little bit away from that and write stories that we probably...should have rethought."[140] During that same visit to Hong Kong, Grauer told Bloomberg journalists there that the sales team had done a "heroic" job to repair damage done to the company's relation with Chinese officials after the Xi story and warned they should not write any more articles like it.[141]

It is notable that Bloomberg's official denials against pulling the story due to political pressure seem to contradict Michael Bloomberg's and Grauer's comments. Ben Richardson, one of the Bloomberg News employees who resigned in the wake of the cancelled Wang Jianlin story, commented in a March 2014 interview that he could not see how Grauer's comments could be reconciled with Bloomberg News' denials.[142]

A month after Grauer's Asia Society speech, the Chinese government began granting Bloomberg new journalist visas for the first time since the publication of the Xi story in June 2012. In April 2014, Shai Oster, who had worked with Forsythe on both the Xi Jinping and Wang Jianlin stories, received a temporary reporting visa to China.[143] In May, reporter Clement Tan received a new resident visa to join Bloomberg in Beijing.[144] Sources told PEN America that the company has had no further trouble obtaining new journalist visas for mainland China. However, Bloomberg's website remains blocked in China as of this writing.

In February 2015, Bloomberg News published a flattering profile of Wang Jianlin that did not contain relevant information obtained by Forsythe and Oster during their prior reporting on the entrepreneur.[145] According to a July/August 2015 story in Politico and confirmed by PEN America in an interview with a former Bloomberg employee, senior Bloomberg editors deleted portions in the draft story that addressed relations between Wang and China's political leaders.[146] Oster left Bloomberg in the summer of 2016 to serve as the Asia bureau chief for The Information, a subscription-only technology publication based in San Francisco.[147]

Journalists working for foreign news outlets in China told PEN America that in their private conversations with Chinese authorities, the officials have held up Bloomberg News as a role model, insisting that if Bloomberg could cooperate with the Chinese, other news organizations could too. One Beijing-based correspondent told PEN America that while Chinese authorities do not explicitly name the media outlet, they make clear reference to it: "Bloomberg now gets thrown in our faces as both a positive and a negative example. When they were on the black list, it was like, 'you see what can happen,' and now the line has shifted to 'once you get on that black list, you can see how hard it is to get off it.'"[148] A Beijing-based correspondent for another news organization told PEN America that Chinese officials touted Bloomberg's actions as an example of how to compromise. "We get a lot of pressure, and the pressure has gotten more intense given Bloomberg's actions. They say, 'Bloomberg does it, why don't you?'"[149]

The New York Times

On October 25, 2012, *The New York Times* published an exposé on the "hidden riches" of the family of Wen Jiabao, China's then prime minister.[150] The *Times'* Shanghai bureau chief, David Barboza, after examining corporate and regulatory filings, uncovered the vast wealth accumulated by Wen's relatives—including his mother, wife, brother and son—during Wen's time in office. The story laid out in detail the extraordinary efforts that were taken to conceal the relatives' ownership stakes as they accumulated shares of companies in industries such as banking, jewelry, infrastructure and telecommunications.[151] Barboza told PEN America that days before the story came out, high-level Chinese officials met with him and his colleagues at *The New York Times*, demanding *The Times* kill the story. At these meetings, the officials warned that there would be serious consequences if *The Times* published the story.[152] Several hours after the publication of the story, *The Times'* English-language website, as well as its Chinese-language site (launched only

four months earlier), became inaccessible in China.[153] In a statement, *The Times* said the company had requested the Chinese government restore access to its websites. "We will continue to report and translate stories applying the same journalistic standards that are upheld across *The New York Times*," the statement said.[154] The two websites remain blocked to this day.

Like Bloomberg's reporters, David Barboza suffered personally at the hands of Chinese authorities and security officers for his exposé (which won the Pulitzer Prize for international reporting in 2013). The harassment began before the story ran and continued for years after publication, Barboza told PEN America. "After 2012, I had a lot of problems. I was followed and tracked. I think there were two or three people who were assigned to me," Barboza told PEN America.[155]

Barboza's home internet access was blocked several times, and his *New York Times* email was hacked, forcing him to create new email accounts at least six different times.[156] At least twice, security officers stopped Barboza's car, saying they needed to conduct a routine ownership inspection.[157] One night, several security officers came to his home and questioned Barboza and his wife.[158] At the airport, security personnel stopped Barboza's wife, a Chinese national, before she flew, questioning her and inspecting her bags.[159] And Barboza and his wife also received death threats—anonymous letters, emails and texts with photos of the couple that said they would be murdered.[160] Barboza told PEN America that because of the harassment, he and his wife felt "angry, frustrated, annoyed and worried" and wanted to leave China.[161]

But Barboza did not leave, because *The Times* could not replace him. Newly hired correspondents must first apply for a visa at the Chinese embassy or consulate in their home countries, and, after they arrive in China, they must apply for a press card with the Ministry of Foreign Affairs or local foreign affairs offices.[162] When correspondents switch news organizations, they also have to apply for a new press card and a new visa that reflects their new employer.[163] According to the journalists whom PEN America interviewed, the processing time typically ranges from two to four months. But after the Wen story ran, the Chinese Ministry of Foreign Affairs stopped issuing visas to newly hired *Times* reporters assigned to postings in China.

In December 2012, *The Times* failed to obtain a visa for its newly appointed Beijing bureau chief, Philip P. Pan (who also served as the editor-in-chief of *The Times'* Chinese language website at the time), and newly hired Beijing correspondent, Chris Buckley.[164] Buckley, who had lived in China since 2000, had left the Reuters Beijing bureau to join *The Times* in September 2012, and *The Times* applied for his new visa that month (it had applied for Pan's visa in March 2012). By December 31, the Chinese authorities had not responded to Buckley's visa request and his earlier journalist visa from Reuters expired. He was forced to move to Hong Kong to cover China for *The Times*.[165] A spokeswoman at the Ministry of Foreign Affairs said during one of the ministry's daily news briefings that they had not rejected Buckley's visa application, but that they had not processed it because the ministry had not been properly informed of his employment change.[166]

President Xi Jinping responded to the question: "Let he who tied the bell on the tiger, take it off."

On November 13, 2013, *The Times* published another exposé involving the Wen family.[167] The story reported that American bank JP Morgan Chase had paid $1.8 million to a consulting firm run by Wen's daughter to help the bank secure business in China. The story also noted that in the two years it employed the daughter's firm, JP Morgan Chase did business with several Chinese companies at least partially owned by relatives of Wen Jiabao or their co-workers.[168] *The Times* did not consider holding the story, *Times* reporters told PEN America, despite the possibility it would exacerbate its visa troubles. At the end of 2013, nearly two dozen journalists from *The New York Times* and Bloomberg faced the prospect of having to leave China after Chinese officials stalled their visa renewal process.[169]

During a visit to China in December 2013, U.S. Vice President Joe Biden broached the topic of press visas during a private conversation with Xi Jinping and publicly criticized China's record on press freedom in an address to American businesses in Beijing, saying, "innovation thrives where people breathe freely, speak freely, are able to challenge orthodoxy, where newspapers can report the truth without fear of consequences."[170] Shortly after the Biden visit, the Chinese government appeared to relent, renewing the visas of Bloomberg journalists and several *New York Times* reporters in time to prevent their de-facto expulsion.

Reporter Austin Ramzy, who had joined *The Times* earlier in 2013, was not one of the lucky ones. Ramzy was not granted a new visa, and had to leave China in January of 2014. The Ministry of Foreign Affairs spokesman said that Ramzy had failed to cancel his previous visa immediately after leaving his previous employer (Ramzy had joined *The New York Times* from *Time* magazine's Beijing bureau), violating visa regulations. [171]

The FCCC called China's actions toward Ramzy and *The Times* "disingenuous," stating that the regulations were

"Free internet" signs at Pudong International Airport, Shanghai

COURTESY OF THOMAS GALVEZ

unclear and had not been applied to journalists in similar situations.[172] *The New York Times* stated that they had filed a visa application for Ramzy months before, and that authorities only raised the issue of Ramzy's previous visa when *The Times* asked for an update on this application in December.[173] *Times* reporters told the *Financial Times* that the action against Ramzy was due to the Chinese government's "vendetta" against *The Times*.[174]

In November 2014, during a joint press conference held by U.S. President Barack Obama and President Xi Jinping during Obama's visit to China, White House press secretary Josh Earnest called on New York Times reporter Mark Landler.[175] Landler told President Xi that several U.S. news organizations had been denied residency permits and asked Xi whether, "[in] the spirit of these reciprocal visa arrangements that you've agreed to this week with business people and students, isn't it time to extend that sort of right to foreign correspondents who seek to cover your country?"

Xi replied to the question a bit later with two sayings: "when a car breaks down on the road, perhaps we need to get out of the car to see where the problem lies," and "let he who tied the bell on the tiger, take it off."[176] This response was widely interpreted to suggest that the journalists had brought the visa restrictions upon themselves.[177] In response to Xi's comment, *The New York Times* wrote, "*The Times* has no intention of altering its coverage to meet the demands of any government—be it that of China, the United States or any other nation."[178]

It was not until 2015—three years after *The Times* ran its Wen Jiabao story—that the Chinese government finally granted new journalist visas to *The Times*. In late 2015, Buckley, the reporter who was forced to leave mainland China in 2012, finally obtained a visa allowing him to return to Beijing and reunite with his wife and young daughter, both of whom had stayed behind.[179] Around the same time, Chinese authorities issued another *Times* reporter, Javier Hernandez, credentials to enter the country, marking the first time a new *Times* reporter had received credentials in more than three years. Beijing-based Andrew Jacobs and Shanghai-based David Barboza, who had remained in their posts for four and eight years respectively—extending their stays to ensure continuity of coverage during the uncertain period for visas —finally left China at the end of the year. In June 2016, the Chinese government granted Hong Kong-based *Times* reporter Keith Bradsher a visa so that he could assume the role of Shanghai bureau chief for *The Times*. With Bradsher in Shanghai, *The Times* was able to increase its total number of mainland-based reporters to ten for the first time since the Wen story was published. [180]

GOVERNMENT HARASSMENT, INTERFERENCE, AND OTHER PRESSURES AGAINST FOREIGN JOURNALISTS

In their conversations with PEN America, foreign journalists, media experts, and Chinese news assistants all described an array of methods that Chinese officials use to hinder the work of foreign journalists. These methods include physical abuse, physical and online surveillance, denying or threatening to deny reporters' visas, restricting reporters' access to certain areas of the country, and harassment of sources and news assistants.

The Chinese government is not monolithic, nor is it always centrally coordinated, in its approach to foreign newsgatherers. PEN America found that different leaders and agencies with various agendas act to hinder the foreign press—particularly when they feel it could harm their particular interests. Sometimes, provincial-level officials harass or attack foreign journalists in contravention of China's own national laws and even the central government's directives. Different government institutions also compete to influence and control the operations of foreign media in China, at times issuing overlapping regulations. For example, the SAPPRFT, the Cyberspace Administration of China (CAC), and the Ministry of Industry and Information Technology (MIIT) all have regulatory powers over foreign news websites' online publishing operations, and these agencies have promulgated decrees that claim oversight over the same outlets and issues.[181]

The impulse to ascribe all pressures against foreign journalists to the Chinese central government at large would be overly simplistic. Taken as a whole, however, the variety of pressures against foreign journalists, along with their pervasive nature, demonstrate an atmosphere of constant and severe constraint on accurate and impartial reporting.

Physical Violence, Intimidation, and Surveillance

Of the journalists interviewed by PEN America, most of whom continue to report in China and some of whom have left China recently, many said that within the last four years they experienced physical abuse or other types of intimidation from Chinese officials or their agents that either interfered with their reporting or made them feel unsafe. The interviews conducted by PEN America support the findings of the FCCC, which published a 2015 working conditions report in which 72 percent of journalists surveyed reported interference or obstruction by police or unidentified individuals while reporting, up from two-thirds the year before.[182]

Though extreme forms of physical violence against journalists—such as kidnapping or killing—are rare in China,[183] PEN America found that harassment in the form of manhandling, tailing and blocking access to events or interviewees is prevalent. "I would say on four out of the last eight trips I've been on, undercover police—thugs—have tailed me at some point in the trip," one broadcast journalist told PEN America.[184]

Harassment in Urban Centers: Smiley Faces and Heavy Hands

In major cities, such as Beijing and Shanghai, violence, aggressive behavior and obstruction by authorities tends to happen when the government feels particularly defensive or concerned about domestic dissent, such as during street protests, the anniversary of the June 4th massacre in Tiananmen Square, or trials of well-known activists, according to journalists who spoke to PEN America.

Long-time China correspondents told PEN America that early 2011 marked a particular low point for harassment of journalists. It was at that time that the Arab Spring—a wave of demonstrations in the Middle East calling for democracy—raised the possibility of a similar set of "Jasmine Protests" occurring within China. The Chinese government responded forcefully to any attempt to trigger such a protest, and journalists told PEN America that their heavy response included increased harassment of foreign journalists.

In February 2011, in response to an online message calling for people to protest on Wangfujing shopping street in Beijing, hundreds of security officers were deployed to the area.[185] Although few protesters showed up, more than a dozen journalists who went to this part of town to cover the planned protest were harassed or assaulted by security officers.[186] A Bloomberg journalist was punched, kicked and dragged along the ground by his feet and had to seek treatment at a hospital.[187] After witnessing the assault, journalist Paul Mooney decided not to write about the protest. "It was really scary," he explained to PEN America. "To see this, I myself became afraid. I told myself there were no real protesters, no news, nothing to write about. Maybe I justified to myself that there was no story."[188]

Hannah Beech of *Time* magazine told PEN America that on the day the Jasmine Protest was to take place, unidentified men in civilian clothes were waiting at her door when she arrived home from a family outing.[189] The men questioned her and attempted to start a conversation with her two young sons. Later in the day, Beech's apartment building's security guard told her that the plainclothes

> *"I told myself there were no real protesters, no news, nothing to write about. Maybe I justified to myself that there was no story."*

men approached her children again, asking them where their mother was and what she was doing. "It was pretty clear that they were there . . . to see whether I was going to cover the non-existent protests," said Beech, alluding to the fact that few protesters actually showed at Wangfujing. Beech, who was not in fact covering the events that day, told PEN America, "the fact they would talk to the kids really pissed me off."[190]

Authorities also questioned reporters after the demonstrations. The FCCC noted that "dozens of foreign journalists" were summoned to interviews with police in the aftermath of the supposed Jasmine Protests, where journalists were informed that they had broken Chinese regulations and would "face consequences" if they persisted.[191] "I was called into the PSB [the Beijing Public Security Bureau], and got lectured. They basically threatened me that if I behaved in this way I would be thrown out [of the country]. It was very serious," Andrew Jacobs, a reporter for *The New York Times* who covered the event, told PEN America.[192]

Covering protests—large or small—continues to pose problems for many journalists. In one egregious episode in October 2014, Chinese authorities detained a reporter for 14 hours, chaining him to a metal chair in an interrogation room in Beijing, after he visited a street where petitioners gathered, according to an FCCC report.[193] The police accused the reporter of pushing a police officer and forced him to sign a statement that he had obstructed the police. After the reporter refused to sign, the police produced another document with the same charges, which he signed after police allowed him to add his objection.[194] The police also forced him to delete photos from his phones, and confiscated documents he had with him.[195]

Authorities are especially tense ahead of anniversaries of the Tiananmen Square massacre. Felicia Sonmez, a former reporter for both the AFP and the Wall Street Journal, spoke to PEN America about an unusual encounter she had with a man on a bike before the 25th anniversary of the Tiananmen Square massacre in June 2014.[196] Before the run-in, officials from the Ministry of Foreign Affairs had warned the AFP Beijing editors not to write too many stories about the anniversary.[197] After these warnings, Sonmez was biking around the Square when a man whom Sonmez suspected to be a patrolling plainclothes security officer crashed his bike into her after having followed her for some time.[198] "I had a feeling—my suspicion was that he could do this for having a pretext for calling the cops and say, 'hey this girl crashed into me' and they'd have a reason to stop me and take my press card if I had it with me," said Sonmez.[199]

Since approximately 2010, the Chinese government has increasingly engaged in crackdowns against human rights lawyers, using both judicial and extra-judicial methods.[200] Under Xi Jinping, this repression of rights lawyers has escalated and expanded to include other members of civil society.[201] During the month of July 2015 alone, police detained more than 200 lawyers and activists, sometimes without informing their families.[202] Chinese authorities have tried to control how the foreign press reports on detentions, assaults and legal action against activists and lawyers —most notably by impeding the coverage of court trials of prominent activists, journalists told PEN America.

In January 2014, police physically assaulted television journalists—and detained at least one—when the journalists attempted to cover the trial of prominent human rights lawyer Xu Zhiyong, who has represented death row prisoners, parents of children sickened or killed by tainted milk powder, and rural children fighting against injustices in the country's education system.[203] While covering the event, CNN reporter David Mackenzie was stopped by police and forced into a police van, which transported him away from the event. Much of the episode was caught on tape, which showed several police officers grabbing Mackenzie and shoving him against the side of the van as Mackenzie repeatedly identified himself as a reporter.[204]

A shaken but composed Mackenzie continued reporting after the incident, concluding: "This really shows how much China wants to manage the message. But in doing so, the irony is they betray some of the strong-arm tactics against journalists they use—including us—and obviously it's often far worse for Chinese nationals."[205]

In an interview included in the FCCC's 2015 annual report, a Sky News reporter told the FCCC about his own experiences trying to cover the trial: "Uniformed police prevented us from standing outside the courthouse. Plainclothes state security personnel, some wearing sunglasses, hoods and scarves, manhandled us away. I was ushered over a low wall, seriously damaging my ankle. My hand was cut and bruised as I protected my camera."[206] That same reporter, who spotted CNN's David Mackenzie being forcibly removed by the Chinese police, attempted to film Mackenzie's removal: "As I filmed the CNN team being dragged away into a van, my press card was ripped from

Photos taken by Becky Davis during her coverage of the Hu Shigen and Zhou Shifeng trials. (PEN America translation of你有病吗？为什么要危害中国？: "What's wrong with you? Why do you want to damage China?")

COURTESY OF BECKY DAVIS

around my neck. The police kept my press card for six weeks, which prevented me from reporting."[207]

Beijing officials also tried to tightly control the December 2015 trial of human rights lawyer Pu Zhiqiang, one of China's highest-profile human rights lawyers who has represented artist Ai Weiwei and other prominent activists.[208] On December 14, 2015, a reporter for a foreign news organization told PEN America that a day before Pu's trial, the police asked the reporter to come to their office for a meeting at nine o'clock in the morning the next day—the time Pu's trial would be in session.[209] The police officer on the phone refused to tell the journalist what the meeting would be about and only said it was "urgent." The reporter sent a colleague to attend the meeting instead, during which police simply asked that colleague what the news agency's plans for coverage were in 2016. Asking the journalist to attend a meeting had "obviously been [intended] to remove me from covering the trial," the journalist told PEN America.[210]

On the day of the trial, December 15, 2015, dozens of plainclothes security officers—wearing yellow smiley-face pins on their chests—yelled, pushed, and assaulted the large crowd of foreign journalists gathered outside of the courthouse trying to cover the event.[211] "One of the plain-clothes officers...forcefully placed his hand on this reporter's neck numerous times before throwing me to

the ground," wrote *Sydney Morning Herald* reporter Philip Wen.[212]

A more recent set of trials occurring early in August 2016—of activists Zhai Yanmin, Gou Hongguo, and Hu Shigen, and lawyer Zhou Shifeng—appeared carefully managed to control the extent of foreign coverage, although there was no violence. At the trials, held in the northern city of Tianjin, the authorities specifically invited five Hong Kong and Taiwan media outlets to the courtroom.[213] Foreign journalists who were not specifically invited were kept out by a large number of police who guarded the area around the court.[214] Some reporters were taken by a bus to a nearby hotel where they could watch a "live transcript" from the trial projected onto a screen, a new practice that had not occurred in earlier trials of activists, according to reporters.[215]

Meanwhile, foreign reporters were closely and constantly monitored by plain-clothes police. Becky Davis, the China correspondent for AFP, released a series of Twitter posts with pictures of plainclothes security officers conspicuously present in the press area. In one post, Davis described a cop "so dedicated he trailed" her to the restroom.[216] In another, Davis wrote that the "whole courthouse street teems" with plainclothes police officers.[217]

Harassment in Rural Areas: "Don't Write About Us Down Here"

Government interference frequently occurs during reporting trips to rural areas where local authorities have less experience handling foreign journalists. Reporters told PEN America that local officials sometimes seem not to know, or act like they do not know, the relevant rules and regulations applicable to the press. For example, police officers sometimes insist that journalists need to obtain government permission before reporting, which runs contrary to the reporting rules made permanent after the 2008 Olympics. Reporters also described to PEN America situations in which local officials seemed to fear they would be exposed in the press for wrongdoings, even when journalists did not intend to cover issues related to the local government. Some journalists attributed local authorities' increased uneasiness with foreign reporters to Xi Jinping's sweeping anti-corruption campaign. "I think that when we show up and we check in a hotel or we're seen about town, the police are being told by their leaders, by whoever's in charge, to look out for us because they're in trouble—the local leaders—because they're all corrupt, and they all know they have skeletons in their closet, and so they're under the gun right now. They're worried that I'm reporting on them," a broadcast journalist told PEN America.[218]

Even journalists whose presence is sanctioned by local officials can face harassment. One particularly alarming incident occurred in May 2015, when Al Jazeera correspondent Adrian Brown and his TV crew went to Linshui, in Sichuan, to report on the aftermath of a peaceful protest that had an ended in a violent confrontation between protestors and police. The local government, Brown wrote, had allowed Al Jazeera to report on the town's "return to normalcy," although it had also sent minders to accompany the crew.[219] But as Brown recounted later, at one point when he was recording a segment in the street, four men dressed in black battle fatigues and armed with assault rifles and shotguns came running towards us, shouting orders in Mandarin to lie on the ground."[220] Brown's cameraman was struck and his camera stripped from him.[221] Meanwhile, the official minders assigned to the TV crew were also pushed and yelled at, and seemed just as startled as the reporting team.[222]

Later, Brown and his crew found out that the armed men were police from nearby Chongqing.[223] The reporting crew's camera was later returned, but all their footage had been deleted. "The authorities," Brown concluded, "are literally trying to erase evidence of what happened."[224]

Sometimes reporters get caught in the middle when officials panic over how to handle them. On March 10, 2015, local police near Tianjin detained Matthew Sheehan, then a reporter for The Huffington Post, when he attempted to report on a village protest against alleged corruption at the village level.[225] Sheehan was detained soon after he arrived at the protest and taken to a police station, where he was questioned by officers who could not agree on how to deal with him.[226] Sheehan described an official from the village shouting at him for interfering in the village's affairs, while other police officers tried to calm the man down. "At two or three points, I was getting pretty nervous. I was surrounded and pushed by people," Sheehan told PEN America.[227] According to Sheehan, as the police arranged for a car to transport Sheehan out of the area, the village official seemed to be making calls to try and prevent Sheehan from leaving.[228]

Pressures against foreign journalists do not always come from authorities. In certain instances powerful private parties, or even thugs with unknown allegiances, have interfered with the work of journalists. In some cases local strongmen seem to be on notice that any unwelcome activity from reporters is to be forcefully prevented, whether by the police or otherwise. In those cases, local-level authorities appear at times to be focused more on the potential negative consequences for themselves than on ensuring press freedoms or journalists' safety.

One journalist for a Western news organization recalled for PEN America how representatives of a company in southern China called the police during the journalist's investigation into the company's work. The journalist described receiving a hostile reception at the police station. "Two or three people asked me in succession, 'Who are you? What are you doing here? Why are you here? You can't be here.' Back and forth."[229] The police also asked the reporter to delete pictures on the reporter's camera

and demanded the reporter not write about the encounter at the police station. "The cop who drove me to the bus station…said, "Oh you know whatever you do, don't write about us down here, because then I'm going to lose my job,' that kind of sob story," the reporter told PEN America.[230]

One broadcast journalist told PEN America that in 2014, during a reporting trip to a village in Sichuan province for a story on pollution from a petrochemical plant, a group of unidentified men harassed the reporter. "Within two minutes of talking to villagers, a bunch of thugs showed up and started roughing us up a little," the journalist said.[231] After the journalist was forced to leave the village, he was chased by cars driven by the same group of people. "I counted six cars following us . . . One of them was trying to hit us, or he was acting like he was trying to hit us."[232] The reporter then instructed his driver to drop the reporting team off at the first subway station they saw when they got into Chengdu, the capital city of Sichuan. "We ran into the subway station and we got onto a train really quickly, and then we lost them," the journalist said.[233] Authorities, instead of making an effort to identify the men, made the visa renewal process difficult when the journalist applied later that year, bringing up that incident.[234]

Visa Denials, Threats and Delays

Hurdles to obtaining and renewing visas are not limited to staff of *The New York Times* and Bloomberg News. The Chinese authorities have for some years made both the application for a new visa and the renewal of a visa at best uncertain and at times difficult or impossible for specific media companies or correspondents. Oftentimes, authorities use the occasion of visa applications as an opportunity to complain to journalists about their work and lecture them on being more 'objective' in their coverage of China. On other occasions, the authorities cancel—or threaten to cancel—existing visas, or deny new visas to media organizations who have displeased one or more ministries or officials, such as in the cases of Bloomberg and *The New York Times*. And in at least one case, journalists were refused press accreditation after being granted short-term journalist visas to enter to the country.[235]

Foreign journalists interviewed by PEN America had varying approaches to handling pressure from the Chinese government related to visas. Some journalists said they would like their own governments to punish China for visa denials by refusing visas to Chinese journalists, a proposition that the U.S. Congress has also considered but which it has not passed into law.[236] The FCCC encourages reporters and news organizations to go public with visa denials and delays, but some reporters choose not to, as they fear doing so could further jeopardize their applications.[237] "As a club we have to try to persuade them that being open is the best, most powerful thing we can do," *Los Angeles Times* Beijing bureau chief and former FCCC board member Julie Makinen told PEN America.[238]

Rejection of Visa Renewals and Abuse of Renewal Process

In May 2012, Chinese authorities refused to renew Al Jazeera correspondent Melissa Chan's press card and visa.[239] Chan had been working on a month-by-month visa since January of that year, after she was denied a one-year visa at the end of 2011.[240] It was the first time in 13 years a long-term resident foreign journalist was forced to leave China.[241] In 1998, Juergen Kremb, a reporter for German magazine *Der Spiegel*, and Yukihisa Nakatsu, a reporter for Japanese newspaper *Yomiuri Shimbun*, were expelled in separate cases for allegedly being in possession of secret documents, accusations both journalists denied.[242]

In Chan's case, a spokesman for MOFA said Chan had violated "relevant laws," but did not specify which ones. Chan told *The Los Angeles Times* that she did not believe she had broken any laws and that she was never told why her visa was not renewed, but suspected it could be related to her coverage of China's illegal detention centers, or "black jails."[243]

In response to Chan's visa rejection, Al Jazeera announced it had no choice but to close its English-language service bureau in China, as the outlet's requests for a visa for a new correspondent to replace Chan had gone unanswered.[244] The operation of Al Jazeera's Arabic-language service in China, which had several journalists based in Beijing, was not affected. Al Jazeera said in a statement that the media network hoped China "appreciate[d] the integrity" of their news coverage and said it would continue to work with Chinese authorities in order to reopen their Beijing bureau.[245] It was not until 2014 that Al Jazeera was able to re-establish an ongoing English-language presence in the country.[246]

In December 2015, Chinese authorities refused to renew the visa of Ursula Gauthier, a correspondent for the French weekly *L'Obs*, effectively expelling her from China.[247] On November 18, five days after the Paris terror attacks in which over 120 people were killed, Gauthier published an article in *L'Obs* in which she questioned Beijing's motives in expressing solidarity with France, suggesting that the Chinese may have been trying to garner international sympathy for their conflict with the Uyghur Muslim minority.[248] Gauthier argued that violent attacks that had happened in Xinjiang, often perpetrated by Uyghurs, were not comparable to the terror attacks in Paris because they stemmed from China's own repressive policies towards the Uyghur minority.[249]

Soon after the publication of the article, state-owned newspapers *Global Times* and *China Daily* published editorials censuring Gauthier for holding "such deep rooted prejudice against China."[250] Gauthier told *The New York Times* that MOFA summoned her three times and told her that if she did not admit the errors in her article and apologize, she would have to leave China by

"The FCCC encourages reporters and news organizations to go public with visa denials and delays. As a club we have to try to persuade them that being open is the best, most powerful thing we can do."

December 31.[251] She refused to recant, and on December 26, a MOFA spokesperson announced that Gauthier would be denied a visa for the next year and that her article condoned "acts of terrorism and acts of cruelly killing innocent civilians, triggering the Chinese people's outrage." Because she refused to apologize, the spokesperson continued, it was "not suitable for her to continue working in China."[252]

The French Foreign Ministry's statement in response to Gauthier's expulsion read: "We regret that the visa of Ms. Ursula Gauthier was not renewed. France recalls the importance of journalists being able to exercise their profession in the world."[253] Gauthier told PEN America that, before and after her effective expulsion, the French press and the French public showed her great support; meanwhile, she characterized the French government's response as "very weak."[254] The French press was "furious" at their own government's passivity, perhaps even more so than at the Chinese government's aggressiveness, Gauthier said. "We had an open letter, signed by journalists, editors, media executives and a group of former China correspondents. The letter criticized the Chinese government as well as the French government's—what we call—'doormat diplomacy,'" Gauthier recounted.[255]

Tom Mitchell of the *Financial Times* underscored the significance of Gauthier's case: "What happened to Ursula was quite an important development, I think, because for the first time [the government] made it quite clear that someone was effectively being expelled because they didn't like what she wrote. Whereas in the case of Melissa Chan from Al Jazeera, everyone thought it was because of what she'd done on the black jails, but I don't think it was so explicit."[256]

Although outright refusals to renew journalists' visas is still rare, Chinese authorities frequently use the occasion of visa renewal to either hassle journalists or to apply pressure on them about specific pieces or behavior they aim to discourage. A journalist for an American news organization described to PEN America the 45-minute-long conversation the journalist had with Chinese police officers during an interview for visa renewal. "[One officer] said, 'We know the human rights lawyers call you for every trial.' He asked questions like 'why do you think these human rights lawyers are good for China?' 'How do you know these people aren't lying when they say their land has been grabbed?'"[257] To show how closely they were monitoring the journalist, an officer pulled out his computer and showed the journalist the record of the trials the journalist covered and did not cover.[258]

The broadcast journalist who was chased by car for covering an environmental pollution story in Sichuan also encountered challenges with visa renewal at the end of 2014. Although the visa renewal application process began in November, the Ministry of Foreign Affairs "held it for a long time, uncomfortably long, until Christmas, and then they finally gave it to me," the journalist recounts.[259] This journalist said that a Ministry of Foreign Affairs official said that the delay might be related to the journalist tweeting photos of the license plates of the cars that were following the journalist.[260]

Denial of new visas or press credentials

The denial of new journalist visas—outside the cases of Bloomberg News and *The New York Times*—is relatively rare. However, PEN America found that in at least one case, Chinese authorities denied a new visa to a longtime China correspondent known for his human rights reporting. In November 2013, Chinese authorities denied American journalist Paul Mooney's application for a resident journalist visa to take up a new post with Reuters in Beijing.[261] Mooney had been reporting from China for various outlets, including *Newsweek* magazine, the *Chronicle of Higher Education*, and the *South China Morning Post* (SCMP), for 18 consecutive years and had returned to the U.S. at the end of 2012, when his most recent visa—with the SCMP—expired. In February 2013, Reuters offered Mooney a position as features writer, and filed his visa application for him in early March. Mooney said he had an uneventful interview at the Chinese consulate in San Francisco a month later.[262]

After eight months of delay, on November 8, MOFA informed Reuters that they would not grant Mooney the visa and declined to give a reason.[263] Mooney had frequently reported on, and tweeted about, China's human rights abuses, including illegal evictions and retaliation against human rights defenders.[264] Soon after the denial,

a Reuters spokesperson indicated the news agency would not continue to press China over Mooney's visa. Instead, the spokesperson said that Mooney would be considered for other reporting posts.[265] In 2014, Reuters assigned Mooney to Yangon, Myanmar.

Mooney saw his own visa denial as part of a broader theme, saying: "The situation around the country is getting worse and the Chinese leadership is getting increasingly nervous. Their decision to keep me out of China now is an indication of how much the Chinese leadership has regressed in recent years."[266]

During the G20 summit in September 2016 held in Hangzhou, the capital city of southeast Zhejiang province, three journalists for the German broadcaster Deutsche Welle were refused press accreditation to cover the event and access to summit venues, even though they had been granted short-term journalist visas to enter the country. Chinese authorities told the German government that "the journalists already knew why" they were not given press credentials. In his statement responding to the incident, Deutsche Welle Director General Peter Limbourg alluded to the possibly that the refusal was due to Deutsche Welle's coverage of China. "Whether this represents a 'punishment' for critical reporting or whatever motivation led to this situation is not the deciding matter. Whoever tries through such methods to hinder free reporting about an international event at which the German federal chancellor is participating is a poor host."[267]

Visa Denials and Bureau License Denials: Exclusion of Online Media

Although the Regulations on Foreign Journalists and Permanent Offices of Foreign Media Organizations do not explicitly exclude foreign online media from opening bureaus, there is evidence that the Chinese government, in practice, does in fact exclude online media ventures from establishing presences in China.[268]

In 2008, the Boston-based website GlobalPost's application to establish a permanent office was denied. This denial was repeated in 2011, when the online site tried to reapply under the umbrella of the television show, PBS News Hour. In 2009, the Chinese authorities denied the French online media organization Mediapart.fr its bureau application. The Ministry of Foreign Affairs told the site that 'blogs' could not open bureaus in mainland China.[269]

In addition to the hurdle of receiving a bureau license, reporters from online media have been blocked from receiving long-term residency visas. In 2014 and 2015, Matt Sheehan, then the China correspondent for The Huffington Post, was granted only an extended temporary journalist visa after The Huffington Post's informal request for a long-term residency visa went unanswered by the Ministry of Foreign Affairs.[270] Sheehan, who now writes about China from San Francisco, told PEN America that The Huffington Post reached out to MOFA officials to find out whether they might grant him a long-term residency visa for in 2014.[271] After seven months of silence, he said, he was about to give up, when the Ministry contacted him and said they would give him the short-term visa instead. When the visa expired, he asked his Ministry contacts if he could apply for the long-term visa. Instead, they again issued him a short-term visa.[272] Sheehan told PEN America he was given the impression that they did not want to issue an online news platform a long-term visa—which would, in essence, establish a bureau.[273]

A journalist for GlobalPost, on the other hand, was denied a short-term visa. Benjamin Carlson, who is now a correspondent for the AFP in Beijing, told PEN America that GlobalPost applied for a long-term residency visa for him around May 2014. "When I first met with MOFA at the beginning of the process, I was told it would be 'very difficult' for online media to get a visa because it didn't have a process to approve them," said Carlson.[274] But when, in November 2014, Xinhua reported that reporters for Chinese online news media were to gain press credentials similar to those granted other Chinese journalists, Carlson became hopeful that he would also be given at least a short-term visa.[275] However, almost a year after he applied, in June 2015, Carlson was told his application would not be approved.[276]

As of the writing of this report, as far as PEN America has been able to determine, China has not granted any journalist for an online news organization a long-term residency visa, which means no online organization has been able to officially set up a bureau. This series of refusals appears to operate as a de facto veto against allowing foreign online news organizations a standing presence within the country.

Travel Restrictions to Tibet and Xinjiang

Chinese officials attempt to tightly control reporting on the Tibetan Autonomous Region (TAR) and Xinjiang Autonomous Region (Xinjiang). Both areas are home to large populations of ethnic minorities and have been the cites of widespread, and sometimes violent, protests—often in reaction to Chinese policy, which many advocates consider to be repressive.[277] Foreign reporters told PEN America they face more problems from authorities in these two regions than anywhere else in China. Reporters told PEN America that in both regions they have faced bullying from local authorities and at times been forced to leave without being able to conduct any interviews. Reporters also said their sources in these regions have been harassed by authorities.

Since 2007, the only geographic area for which foreign journalists still require prior permission for entry is the Tibetan Autonomous Region. The policy reflects Beijing's extreme sensitivity about its sovereignty over the TAR, which many Tibetan scholars and advocates debate. In March 2008, after a wave of violent protests against Beijing's

rule broke out in Tibet, the Chinese government forced foreign journalists who were already in the region or had managed to enter the region in the aftermath of the violence to leave, putting them back on outbound flights.[278] Since then, tensions have remained high.

Many journalists who have applied to visit the TAR told PEN America their applications were rejected, and others said they did not bother applying because they felt certain their applications to the regional government would be denied. According to an FCCC survey on reporting conditions in Tibet released in 2015, nearly three quarters of the reporters who sought permission to visit the TAR were rejected.[279] Most of those who were granted permission were only allowed on reporting trips organized and controlled by the Ministry of Foreign Affairs.[280] Only one respondent to the FCCC survey reported receiving approval for an individual reporting trip.[281] Reporters told PEN America that although they are not legally required to obtain permission to visit Tibetan regions outside the TAR—which include areas in Sichuan, Gansu, Qinghai and Yunnan provinces—numerous checkpoints in those areas make reporting trips difficult. Local authorities often force reporters to leave.[282] "In the past couple of years, we've had real problems in the Tibetan plateau," Jo Floto, BBC's Asia Bureau Editor, told PEN America. "Even though you are entitled to be in these areas, you often get picked up and told that you need permission and sometimes either sent back or trailed for the rest of your trip, which makes it pretty useless."[283]

Reporting trips to the TAR or Tibetan areas organized by the Chinese government resemble regular travel tours for which journalists pay MOFA-specified tour agencies a fee for lodging, transportation and other expenses, and then visit places arranged by the agencies. During the trips, journalists have little chance to do independent reporting or to venture out on their own.[284] The FCCC survey shows that three such tour group trips were allowed in 2015, including more than a dozen foreign media outlets. During a November trip, journalists visited monasteries, schools and a factory.

In late August 2016, Jonathan Kaiman, Asia Correspondent for *The Los Angeles Times*, went on an eight-day government-sponsored trip to Ngawa Tibetan and Qiang Autonomous Prefecture, a Tibetan area in Sichuan province. During this time he and other foreign journalists visited places including natural scenic spots, a monastery, a school, the homes of local residents, and factories. Kaiman told PEN America that the journalists were closely watched. "At any given time, there were probably three times as many officials traveling on this tour as the foreign press, even though it was ostensibly billed as a foreign journalists' tour."[285] Kaiman said during the entire trip, he was unclear who those "officials" were. "When I asked who they were, they would just say 'I work here.' They would give you very vague answers. It was very shady."[286] Kaiman

Pictures Kaiman took of his trip to a Tibetan area of Sichuan. Kaiman explained to PEN America that the figures with cameras were state media journalists and government minders, describing it as "not surveillance in the strictest sense, though the overall effect wasn't much different."

COURTESY OF JONATHAN KAIMAN

said it was impossible to leave the tour to do independent reporting.[287] Kaiman told PEN America that there were also Chinese journalists who travelled with them whose job, he concluded, was "mainly to report on us [the foreign journalists] and how we felt about the tour."[288]

Xinjiang, China's westernmost province, is home to most of China's Uyghurs, a Muslim, Turkic- speaking minority, and was brought under Chinese control in the 18th century.[289]Although foreign journalists are technically permitted to travel to the province, it often proves difficult. Beijing tightly monitors and patrols the region, which has experienced widespread unrest due to resentment by the Uyghurs of Beijing's repressive policies and an influx of migrants from among the Han, China's largest ethnic group. In July 2009, widespread fighting erupted between Uyghurs and Han settlers, resulting in the deaths of nearly 200 people.

Journalists who have visited Xinjiang told PEN America that local authorities often claim that journalists need some form of local approval in order to gather information and conduct interviews. Some journalists have also reported they were tailed by security officers.[290] PEN America also heard reports of officers or plainclothes security personnel directly interfering with journalists' attempts to interview residents and take photos.[291] Local residents in Xinjiang are ordered not to speak with foreign journalists.[292] Those who do can face severe punishment (see examples below). Reporters told PEN America Chinese authorities became even more tense in 2014, after a series of deadly attacks allegedly carried out by Xinjiang militants led to the deaths of more than 100 people.[293]

Jo Floto, of the BBC, told PEN America, "On one trip [to Xinjiang], we had officials come to the hotel at 2 o'clock in the morning—they wanted to see our footage."[294] Officials also ordered the BBC journalists to delete footage. Floto said that in this case and other similar cases, the BBC crew "resists as far as it can and then sometimes the teams decide that there's no other choice but to delete it."[295]

One reporter for a news agency recalled a trip to Xinjiang in 2014. Police officers followed the reporting team every step of the way, starting the moment they landed in the area. "We split up, but they had three cars so they followed us everywhere. They intimidated people we spoke to, they followed me into the bathroom and they stayed in the same hotel. It was ridiculous," the reporter told PEN America.[296]

Julie Makinen of *The Los Angeles Times* told PEN America that during a trip to Xinjiang in 2014, authorities "camped out" in her hotels in Yarkent and Kashgar and followed her elbow-to-elbow in Yarkent.[297] She said she believes the authorities' harassment of reporters has led to a decrease in coverage of the area. "I think there's definitely less reporting [on Xinjiang]. I think people, after 2014, were pretty exhausted by the process of going there. It's expensive to go there. So I'd say the number of reports from Xinjiang in 2015 was definitely down. But I do know people who have gone there and have done good work," Makinen told PEN America.[298] She noted that issues such as terrorism and religious repression are only selectively covered by state media, and that many foreign journalists often rely on state media reports to get a sense of what is going on in a particular region. "If state media has gone dark on it, foreign media really doesn't know about it unless they go out there and look themselves. And you know, selling editors on a trip like that is not easy."[299]

Jailing and Harassment of Sources

Almost all of the journalists and news assistants PEN America interviewed said talking to sources has grown more difficult in the last two to three years. Some journalists told PEN America that police had visited their interview subjects to warn them not to talk to foreign media. Others said long-time sources have told them that they are no longer free to talk to foreign press. In a few instances, police have detained sources. According to the 2015 FCCC report, a quarter of journalists who responded to the survey said their sources were harassed, detained, questioned or punished at least once for speaking to them.[300]

In addition, over a dozen journalists told PEN America that fewer people are willing to talk to foreign journalists for fear of being swept up in the government's intensifying crackdown on all aspects of civil society. Amid this crackdown, interviews with foreign press are seen as grounds for attracting the ire of authorities. On August 1, 2016, for example, prominent human rights lawyer Wang Yu, who had been detained for over a year in Tianjin appeared on Hong Kong TV and confessed her alleged "wrongdoings," which included speaking to the foreign press. "I... accepted interviews with foreign media. For this, I feel ashamed and express remorse," Wang said. [301] Wang's is one of a set of recent 'confessions' by detained human rights lawyers and others that observers say are staged.[302]

One Beijing-based European correspondent told PEN America, "Outspoken voices who had been harassed before but did not fear before, now they don't [talk to me], and they specifically tell me it's because they think it's too dangerous for them or they've been specifically told by the police not to talk."[303]

Jailing of Sources

In January 2016, Tibetan entrepreneur and bilingual education advocate Tashi Wangchuk was detained by the police in Yushu, in the northwest province of Qinghai, and later charged with inciting separatism.[304] Tashi's lawyer, Liang Xiaojun concluded that Tashi was charged as a result of his 2015 interviews with *The New York Times*, and human rights groups have concluded the same.[305] *The Times* quoted Tashi in a November 2015 article, and he was the subject of a nine-minute documentary The

Times produced.[306] In the article and the documentary, Tashi expressed his concerns over the lack of Tibetan language education in Tibet and Tibetan culture at the hands of the ruling Chinese Communist Party. At the time of this report, Chinese officials have not publicly cited a reason for his arrest. Liang Xiaojun, however, has stated that his review of the police case files shows that the police focused their investigation on Tashi's interviews with *The Times*.[307]

In two recent cases, interviews with foreign media appeared to serve as grounds for prison sentences. In each case, the accused had spoken with Radio Free Asia, which is funded by the U.S. government, as well as with independent foreign media outlets. In January 2016, a court in Urumqi, in the Xinjiang Autonomous Region, sentenced Han activist Zhang Haitao to 19 years in prison for "inciting subversion of state power" and "providing intelligence overseas." Among other accusations, the court cited interviews Zhang gave to Radio Free Asia (RFA) and to other overseas-based Chinese-language media outlets.[308] And in May 2014, police in the Xinjiang capital, Urumqi, detained a Uyghur woman, Patigul Ghulam, one month after she granted an interview to RFA to discuss the disappearance of her son's after the 2009 riots in Xinjiang.[309] Authorities released Ghulam two years later in May 2016 after a closed trial. The verdict was never made public.[310]

On May 31, 2014, the *Financial Times* published an interview with Australian-Chinese artist Guo Jian about his art to commemorating the 25th anniversary of the Tiananmen Square massacre.[311] A day later, on June 1, the Beijing police detained Guo for alleged visa violations.[312] Tom Mitchell, who interviewed Guo, told PEN America that the FT first decided to hold off publicizing the detention because Mitchell thought Guo might be released within hours. "I thought rushing out a story might make the situation worse. When it became clear the next morning that this was not something that was going to go away, we ran an article." The *FT* published an article about Guo's detention on June 2.[313]

On June 6, The Foreign Ministry said that Guo "committed fraud to obtain a temporary residence permit and was discovered by the Beijing police." But friends of Guo as well as *FT* journalists believed Guo was targeted because of his outspoken interview with the FT.[314] Guo himself also believes his detention was the government's direct response to the interview. "The first thing the police officers did when they broke into my studio was to look for my Tiananmen artwork, and I immediately knew why they came," Guo told PEN America. "So when they told me that I violated visa regulations at the police station, I just gave up on defending myself."[315]

According to reports from Guo's friends and journalists at the scene, Beijing police accompanied Guo to his art studio dressed in detention center clothes, confiscated his computer and smashed the Tiananmen Square replica he had made.[316] Guo was summarily expelled from China after 15 days in detention.[317] Guo told PEN America that before his expulsion, the police took him to the hallway outside of his cell and forced him to sign an expulsion form. "It was very dark in the hallway, as we were far away from the lights, and I could not see what was written on the form. I believe the police intentionally did not want me to see what was in it. I signed the form under the circumstance that I was completely unclear what was written on the form."[318] After Guo signed the form, a police officer told him on their way to the airport that he could not enter China in the next five years.[319]

Harassment of Sources

Edward Wong, who has been in Beijing for *The New York Times* since 2008 and became bureau chief in 2014, told PEN America of several cases in which security forces (the police or Ministry of State Security officers) had contacted people quoted by *The Times*. Wong said that he had observed an increase in the number of incidents after the paper ran the Wen Jiabao wealth exposé and later during the tenure of Xi Jinping.

One broadcast reporter told PEN America about a 2014 trip to Sichuan province to cover a story on protests against a chemical plant. The journalist had arranged to interview a person recommended by a friend. "The source had been more than happy to talk to me, and we talked many times [over the phone]," the reporter told PEN America. But the reporter suspects the friend who put the journalist in touch with the interview subject had been under surveillance by local police, because when the journalist later called the source to confirm an in-person interview, "she was being interrogated by the police."[320]

News Assistants

News assistants at foreign media organizations are Chinese nationals who are hired to assist the work of foreign journalists. Some news bureaus call them "researchers," "analysts" or "producers." Under Chinese law they are not allowed to work as reporters for foreign organizations. On a personal level, news assistants complained to PEN that this prohibits them from developing professionally. More broadly, this infringes on press freedoms in that Chinese authorities prevent Chinese professionals from undertaking the full range of journalistic work simply because their employers are foreign companies.

Registration Requirements

Under the 2008 Regulations on News Coverage by Permanent Offices of Foreign Media Organizations and Foreign Journalists and related decrees, foreign media organizations or journalists can only "hire Chinese citizens to do auxiliary work, such as photographing, videotaping and organizing materials."[321] Chinese nationals are prohibited from holding the title of reporter and "cannot conduct

interviews or report independently."[322]

Foreign news organizations are required to hire Chinese nationals through the state-run Beijing Service Bureau for Diplomatic Missions (BDS), which is the news assistants' legal employer and which charges foreign news organization bureaus a management fee of approximately $100 a month for each assistant. Some foreign news bureaus choose not to register their assistants with the BDS to avoid paying the management fee as well as additional insurance fees charged by the government.

Before the 2008 Beijing Olympics, foreign correspondents had to hire news assistants from a pool selected by the BDS.[323] As a result, the assistants were considered loyal to the BDS, and it was assumed that they played a role in monitoring foreign journalists for government purposes.[324] In the run-up to the Olympics, the BDS became increasingly willing to accept news assistants hired independently by foreign news organizations as long as they registered with the BDS.[325]

Most journalists PEN America interviewed said they registered their assistants and thought it would be irresponsible not to do so. Several said that not registering them would give the Chinese authorities grounds to harass or even expel the foreign journalist. Others said registration was important for news assistants because it gave them legal standing in case they ran into trouble with authorities. "We're very strict about registering people with [the BDS]. It is a hurdle we have to go through but it gives them a press card. It gives them something to show [to authorities]," said Jo Floto of BBC.[326]

Detention of news assistants

Most journalists and news assistants told PEN America that Chinese authorities—particularly from the Ministry of State Security—have a long record of harassing news assistants. However, several incidents over the last three years have demonstrated that Chinese news assistants working for foreign media face significantly greater risks when performing their duties while enjoying less protection than do their foreign colleagues.

The most egregious treatment of a news assistant in recent years was the nine-month detention of news assistant Zhang Miao. In late September 2014, Zhang and her boss, Angela Köckritz of German newspaper *Die Zeit,* were in Hong Kong reporting on the pro-democracy Umbrella protest movement.[327] On October 1, Zhang returned to Beijing and planned to interview Chinese supporters and opponents of the Hong Kong democracy campaign. Köckritz remained in Hong Kong.[328] On the afternoon of October 2, Zhang was on her way to a poetry reading organized by artists in support of the Hong Kong protests when police stopped her and forced her into a police car.[329]

Zhang shared with PEN America her experience following that point (edited phone conversation):

"I was taken to a detention center. They [the police] left me there, without saying a word to me. I was so cold and hungry. It was not until 5am in the morning that they started to interrogate me. I told the police officers what I did in Hong Kong, who I met, etc. I wasn't allowed to sleep for about two or three days straight as they were constantly asking me questions. Later, they covered my head in a black hood and took me to a place I still have no idea where it was. I couldn't see but I could hear. When I arrived, I heard an officer shouting, 'Where is Zhang Miao? Where is Zhang Miao?' I heard a person who was also detained ask, 'Where are we going now?' The officer replied, 'To bury you alive!' I heard a lot of rattling noises. It felt like they were doing something to completely seal the place. Every time when I wanted to go to the restroom, they put the black hood over my head again. They didn't beat me, but I was not allowed to sleep for the first three days and four nights. I counted this in my head. There were 10 people, paired in twos, who took turns to watch and interrogate me. I was ordered to sit in the chair all the time and was prevented from standing up to walk."[330]

Zhang's treatment is indicative of how Chinese news assistants can face harsh the full brunt of coercive measures from authorities. PEN America notes that the treatment of Zhang may rise to the level of ill-treatment or torture; the UN Committee Against Torture, for example, has commented on sleep deprivation and hooding as a form of ill-treatment or torture.[331]

After Zhang was detained, Köckritz notified the German embassy and the FCCC. Köckritz and Zhang's brother and step-mother went to the Beijing No.1 Detention Center, where they suspected she was held, but the police refused to tell them anything. Police did not allow Zhou Shifeng, the lawyer retained by Zhang's family, to meet with her.[332] On October 8, Zhang's family was served a detention notice that Zhang was detained on suspicion of "picking quarrels and provoking trouble"—a catch-all charge under China's criminal law frequently deployed by authorities to silence critics[333]—and confirmed that she was being held at the No.1 Detention Center.[334]

On October 12, Köckritz met with police officers, who accused Köckritz of organizing the Hong Kong protests and suggested she might be a spy. Fearing for her own safety, Köckritz fled China the following day.[335] In November, Zhang was transferred to a detention center in Tongzhou, a suburb of Beijing, where she learned that the police had arrested about 100 artists and activists who voiced their support for the Hong Kong protests, including six who had attended the poetry reading.[336] In January 2015, after closed-door diplomatic efforts between the German government and the Chinese government failed to secure Zhang's freedom, Köckritz published an article on *Die Zeit* detailing the story of Zhang's detention.[337]

Zhang told PEN America that on July 9, 2015, an officer

The Umbrella protest movement in Hong Kong, which Zhang Miao was covering before her detention.

COURTESY OF STUDIO INCENDO

called her in and abruptly told her that she was free to go.[338] She later learned that the Tongzhou People's Procuratorate in Beijing, the governing prosecutor for her alleged offense, had decided not to file charges against her.[339] Zhang told PEN America that after she was released, the police continued to call her and visit her home ordering her to keep quiet. On the urging of her family, Zhang fled China to Germany shortly thereafter.

Die Ziet had not registered Zhang as a news assistant with the BDS. Some journalists told PEN America that if she were registered *Die Zeit* would have been in a stronger position to advocate on her behalf, a view that Zhang shares.[340] In fact, Zhang was not the only foreign media employee who tried to attend the poetry reading. BBC reporter Celia Hatton documented that she and her crew, including a news assistant, were manhandled away by the police before they could meet with the artists. The police took Hatton and her colleagues' press cards away, but did not detain them.[341]

In a press conference held in October 2014, a MOFA spokesperson said that Zhang's lack of accreditation meant she was working illegally and that authorities were handling her case according to the law.[342] Zhang informed PEN America, "When I was detained, I told them about my job. They said since I had no credentials, I was not a journalist, and accused me of being a spy. They wanted to make an example of me as a way to warn the whole foreign media in China."[343]

Angela Köckritz wrote in *Die Ziet* that, "Quite a few editorial offices haven't registered their assistants for some time because that would have meant more monitoring from the Ministry of State Security—and it's also more expensive. Now I'm wondering if that would have somehow protected her. The authorities will undoubtedly exploit this fact. I feel guilty."[344] Moritz Mueller-Wirth, an editor at *Die Zeit*, told the *Washington Post* that *Die Zeit's* editorial board decided not to register Zhang to shield her from "the supervision of state security."[345] Köckritz did not respond to PEN America's request for an interview to discuss the case further.

The last time a news assistant had been jailed for such a prolonged period of time was over a decade ago. In September 2004, *New York Times* news assistant Zhao Yan was arrested after the newspaper published an article correctly predicting the retirement of former President Jiang Zemin from the top position of China's military.[346] Zhao was accused of leaking the information, allegations *The New York Times* denied.[347] He was sentenced to three years after being convicted of an unrelated fraud charge.[348]

On May 13, 2014, police authorities in Chongqing picked up Xin Jian, a news assistant for Japanese financial newspaper *Nihon Keizai Shimbun* (*Nikkei*), from her home on suspicion of "picking quarrels and provoking trouble."[349] Xin's detention was apparently related to the investigation of prominent human rights lawyer Pu Zhiqiang, who had been detained earlier under the same charge. Xin had assisted *Nikkei's* reporter with an interview with Pu. Xin's

arrest came amid a clampdown on Chinese journalists, lawyers and human rights activists just prior to the 25th anniversary of the Tiananmen Square massacre.[350] Xin was released on June 7 without being charged.[351]

Harassment of News Assistants

Harassment and surveillance of news assistants are more common than long detentions. Foreign journalists told PEN America that news assistants are regularly asked by Chinese authorities from various agencies to "have tea," a euphemism for being summoned for questioning. During the questioning sessions, officers often demand that assistants report on the activities of their foreign colleagues. Edward Wong, Beijing bureau chief of *The New York Times*, told PEN America that security officers had in recent years increased their efforts to meet regularly with bureau researchers and ask for information about reporting and stories. "It seems to be getting more frequent now than at any other time in my eight years in Beijing," said Wong.[352]

There are no laws or regulations stating that news assistants have a duty to report their foreign colleagues' activities, but authorities frequently resort to appeals to patriotism to try to persuade them to cooperate, according to news assistants who spoke with PEN America. One line frequently used by security officers is that Western media serves as arms of their governments, which want to undermine the rise of China, and that Chinese people have a duty to defend their country's interests, the assistants told PEN America.

Former news assistant Zhang Miao said that soon after she took the job as *Die Zeit* reporter Angela Köckritz's news assistant, the police called her and demanded that she spy on Köckritz for them. "They said, 'this is your duty as a Chinese citizen,'" She recounted. "I refused and they threatened me: 'We can either resolve our difference within the Chinese law or we can resolve it outside of the law.'"[353]

Journalists and news assistants told PEN America that the practice of questioning news assistants about the activities of their foreign colleagues can create mistrust within the foreign press community. "You hear he may be a spy for the government, and suspect she may also be a spy. The goal is to reduce trust between each other and dismantle the unity of the community," said one Beijing-based news assistant.[354]

Authorities sometimes resort to indirect ways to intimidate news assistants. A Beijing correspondent for a Western news agency said police once visited the parents of a bureau news assistant. "Uniformed officers showed up at the dad's office and the mom's office, calling the parents out of the workplace." The conversation, this bureau chief explained, contained "the usual warnings: 'Remind your child to be a good Party member.'"[355]

Jo Floto, Beijing Bureau chief for the BBC, recounted a similar story. "I had one assistant picked up outside the office, at about 9 o'clock at night, and driven around town." The objective, Floto said, was to intimidate the assistant.[356]

David Barboza of *The New York Times* said the effort he spent on protecting his news assistants was "exhausting." "After 2012, I was targeted more. I cut down the work of news assistants, I told them only a small part of what I was doing. I found other people to do the work. It made my job ten times harder. I was acting like a spy. I had many email accounts. I waited last minute to book tickets. When I travelled, I didn't tell [the assistants] until I left."[357]

Cyber Attacks and the Great Firewall: Pressures Against Foreign Media on the Web

Within China, the CCP's policy of "cyberspace sovereignty" explicitly prioritizes the goal of government control over the internet within the country. China's sophisticated and pervasive online censorship system—dubbed "The Great Firewall"—allows the government to block websites from view, and authorities apparently have not hesitated to use this power against media outlets—or against specific stories that they regard as too critical. But beyond this, evidence suggests that foreign media outlets are targets for cyber-attacks from state-sanctioned Chinese hackers.[358] Almost all reporters with whom PEN America spoke about online security issues shared their belief that their online communications are monitored by Chinese authorities.

The result is the creation of several layers of censorship. Not only are offending online stories censored by the government, but foreign journalists consistently engage in second-guessing and monitoring what they say over the telephone or on social media, fearful of communicating online out of the concern that their words are not private.

Monitoring, Hacking, Phishing: Cyber-Attacks Targeting Foreign Journalists and their Sources

In January 2013, the *Wall Street Journal* and *The New York Times* released back-to-back articles revealing how they had been hacked by groups believed to have links with the Chinese government. *The New York Times* article, which ran January 30, reported that Chinese hackers had "persistently attacked" the media outlet over the past four months, ever since *The Times* ran the article on Wen Jiabao's family wealth, which led to its being blocked online.[359] The next day, the *Wall Street Journal* reported that its own computer systems had been infiltrated by Chinese hackers, "apparently to monitor its China coverage."[360] Chinese officials have denied that the government was involved.[361]

The New York Times said that the hackers broke into the email accounts of David Barboza and former Beijing bureau chief Jim Yardley. "What they appeared to be looking for," *The Times* concluded, "were the names of people who might have provided information to Mr. Barboza."[362] The *Wall Street Journal* similarly found that its journalists in Beijing were among the targets of the email hack against them, and noted that "Journal sources on occasion have

become hard to reach after information identifying them was included in emails."[363]

In reporting on their own hacks—for which both media outlets hired cybersecurity specialists to investigate—both *The Times* and the *Journal* dug deeper into the prevalence of Chinese state-sanctioned hacking of foreign media outlets. *The Wall Street Journal* reported that "Chinese hackers for years have targeted major U.S. media companies,"[364] and *The Times* reported Chinese hackers had begun targeting Western journalists in 2008.[365] According to cybersecurity consultancy firm Mandiant, there is evidence that Chinese hackers had stolen emails, contacts and files from more than 30 journalists and executives at Western media outlets. Additionally, certain journalists are on hackers' "short list" and are repeatedly hacked.[366]

Other targets for Chinese hackers may have included Bloomberg News and the Associated Press. After it published the Xi Jinping story in June 2012, Bloomberg News discovered the company computer system had been compromised. A spokesman for Bloomberg confirmed that hackers had made attempts to infiltrate the company's computers but that "no computer systems or computers were compromised."[367] The Associated Press revealed that it was also a victim of cyberattacks, seemingly intended to uncover identities of sources for news articles that were critical of the Chinese government.[368]

Chinese government-sanctioned hacking appears to be ongoing. Edward Wong of *The New York Times* told PEN America that the newspaper has become aware of other more recent instances in which security officers have attempted to monitor the internet network in *The Times's* Beijing office.[369] In March 2015, Chinese government-related hackers attacked Github, a website that hosts code for programmers, in an apparent effort to force Github to stop making the websites of *The New York Times* accessible to people inside China without using a Virtual Private Network (VPN) to circumvent censorship.[370]

Although attacks targeting media company computer systems make news headlines, journalists also struggle with everyday technological problems that seem to indicate their electronic communications are compromised. Journalists told PEN America that they act under the assumption that all their electronic communications in China are monitored.

One news assistant from a Western media company told PEN America that the assistant's Gmail account has shown the message "your account is under state-sponsored attack" several times;[371] Gmail displays such a message when its systems indicate a government-sponsored third-party is trying to access a user's account.[372] During meetings with the police, officers told the same news assistant explicitly that his phone conversations were monitored.[373]

Reporters from one news organization told PEN America that shortly after Bloomberg News ran the Xi story, at least two reporters there received suspicious emails purporting to be from Michael Forsythe, the lead reporter of the Bloomberg story. These emails asked the staff about what stories the news organization planned to write. The reporters told PEN America that the email from Forsythe was well-crafted and "really sounded like him."[374] When the reporters contacted Forsythe to verify that Forsythe had sent the emails, however, Forsythe denied that the emails came from him.[375] Those that PEN America spoke with acknowledged that they could not confirm who was behind the phishing incident; however, they assumed because of the timing and the nature of the emails that it could have been the government's attempt to monitor the news organization's upcoming stories.

It is important to note in these instances, it has been impossible to confirm who was involved. No government is in the habit of transparency regarding its cyber-activities, and government cyber-activity is even harder to trace than in-person monitoring or harassment. The Chinese government has consistently denied allegations that it engages in any form of cyber-attacks. However, these incidents are useful in or illustrating cyber-tactics that may have been used by unknown parties against foreign outlets in China, and for demonstrating the depth of concern that foreign journalists have about the safety of their confidential newsgathering information.

The Great Firewall: Blocking the Websites of Foreign Media

The Chinese government has a practice of blocking websites of international news media after they report on politically sensitive topics, but it does not target every news outlet. Those websites more likely to be blocked are news outlets with a large audience or with international name recognition. "I think the authorities focus on big media. It's really about influence," one European reporter told PEN America.[376]

The blocking of international news organizations' websites has inevitably resulted in lower website traffic and decreased readership for those websites. Though people in China can still use Virtual Private Networks (VPNs) to circumvent the Great Firewall and reach banned sites, the number of Chinese citizens using VPNs is still low: one 2015 study estimates that less than 5% of China's population uses circumvention tools.[377] Use of VPNs—for both organizations and individuals—is highly restricted in China.[378] And in recent years, Chinese authorities have begun to intermittently block certain VPNs, making evading internet censorship even more difficult.[379]

Lu Wei, the founding director of China's Cyberspace Administration, who stepped down this year, promoted the idea of individual nations holding "internet sovereignty" and defended China's right to block foreign news websites.[380] When asked by a reporter why websites such as Facebook have been blocked in China, Lu said he did not know of any sites being blocked, but added that China could "choose who can come to our home and be our guest."[381]

The websites of Spain's largest circulation Spanish newspaper, *El País*, the French daily, *Le Monde*, and the Canadian Broadcasting Corporation (CBC) all became inaccessible in mainland China in January 2014 after the sites published reports on relatives of current and former Chinese leaders using secretive offshore companies to hide their wealth.[382] The news outlets' reports included details of offshore holdings of President Xi Jinping's brother-in-law and former Prime Minister Wen Jiabao's son and son-in-law. Five of the former and current members of the Politburo Standing Committee, China's most powerful governing body of seven people (previously nine), were also implicated in the revelation. The CBC had previously been blocked for several months in 2008, after it aired a documentary about the banned religion Falun Gong.[383]

After suffering intermittent blocking in 2012 and 2013, in June 2014, both the English and Chinese sites of the *Wall Street Journal* were blocked, ostensibly for their coverage of the 25th anniversary of the Tiananmen Square protests.[384] The websites remain blocked as of the writing of the report.

The Chinese-language site of Reuters was blocked for a month in November 2013, allegedly for its reporting on a story about JP Morgan Chase's financial relationship with Wen Jiabao's daughter.[385] And on March 20, 2015, Reuters reported that all languages of its news sites, including those in Chinese and English, were blocked in mainland China.[386] "It was not immediately clear why users were hindered from using the Reuters sites," the Reuters story on the incident said.[387] However, according to an internal company memo obtained by PEN America, the block was the Cyberspace Administration's response to a February 25 article published on Reuters' English language website about authorities handing down a four-year sentence to a Chinese dissident for writing articles criticizing China's propaganda chief, Liu Yunshan.[388] The Cyberspace Administration had threatened to punish Reuters if the news agency did not take down the article from its website as well as its terminals.[389] It was only after Reuters refused to comply, citing company principles, that Reuters's websites were blocked. "They [the CAC] saw the article as an attack on Liu Yunshan," a Reuters source told PEN America.[390]

In April 2016, the websites of the *Economist* and *Time* magazine became inaccessible, apparently over the magazines' critical cover stories of President Xi Jinping.[391] Both articles discussed the growing power Xi had amassed, the cult of personality he had built, and the tightening control he was exerting on China.[392] Hannah Beech of *Time* told PEN America that she was summoned to MOFA after the story was published. During the meeting, the MOFA official asked Beech whether the *Economist* and *Time* had collaborated to run covers of Xi the same week. "I explained that this was a pure coincidence, and they did not seem to believe that. They intimated that the Western media was an arm of Western governments and that our coverage was indicative of a hostility that the Western governments—and in particular the American and British governments—had toward China."[393]

Rosie Blau of the *Economist* told PEN America that the magazine's Beijing Bureau Chief, John Parker, was also called in for a meeting at MOFA after the Xi story came out. In addition, diplomats from the Chinese embassy in London visited the *Economist's* London office, expressing their dissatisfaction with the story.[394]

Rebecca Blumenstein, now Deputy Editor-in-Chief and former Beijing bureau chief of the *Wall Street Journal*, recounted to PEN America that "Jeremy Page, of the *Journal*, was the one who broke the Bo Xilai story, which was a groundbreaking story" in terms of in-depth investigative coverage of high-ranking Chinese officials.[395] It was Page's coverage in 2012 which revealed that Bo Xilai, a high-level Party member, may have covered up the murder of a British businessman. The allegations would eventually lead to Bo's conviction under charges of embezzlement and other crimes.[396] In response, however, the *Wall Street Journal*'s website was shut down for a time before eventually being allowed to reopen.[397]

Besides blocking entire websites of certain major news organizations, authorities frequently block individual stories (by blocking the story's URL) that the Chinese government judges to be politically damaging. For example, on January 22, 2014, *The Guardian's* story exposing the offshore companies of relatives of China's top leaders was quickly blocked.[398] In April 2016, after articles on the Chinese leadership's links to the Panama Papers were published, *The Guardian's* entire site was blocked. Shortly after, the site became accessible again, except for the articles on the Panama Papers.[399] BBC and CNN's TV channels went black temporarily during segments about the Panama Papers, a common practice by the Chinese government to censor sensitive TV news by foreign media.[400]

A year after the blocking of its Chinese and English news websites, in October 2013, *The New York Times* launched nytStyle, a Chinese-language lifestyle site modeled after its English-language style site, T Magazine.[401] For a brief time, the site was the only *Times* site accessible within China. But a month later, on November 13, 2013, when *The New York Times* published a story on Wen Jiabao's daughter's ties to the American investment firm JP Morgan Chase, authorities blocked that site as well.[402] Philip Pan, Asia Editor of the *Times*, told PEN America that that there was no content on the lifestyle site that the Chinese government would have found sensitive, and that the blocking of the website "appeared solely intended to punish a foreign media company commercially for its editorial policies rather than to block any objectionable material."[403] In April 2015, the site was re-launched with a new domain name and has remained accessible to this day.[404]

THE REACTION OF MEDIA ORGANIZATIONS

There is broad debate, not just among media outlets but across various professions and fields, about how international organizations should respond when faced with pre-conditions, censorship, or other restrictions from the Chinese government. Businesses in general weigh the strength of their opposition to censorship against their desire to access China and their acknowledgment that China's government is the gatekeeper. PEN America most recently examined these questions in relation to the U.S. publishing industry's response to censorship of Western books when published in translation in China. For media, there is the question of balancing the commitment to unfettered, probing news coverage against the risk of being unable to report from the country at all. There is also the threat of being barred from the Chinese marketplace for those news organizations that sell information services. These are questions that confront news organizations in many countries worldwide where they seek to operate both journalistically and as businesses. The importance of China in the global dynamic raises the stakes significantly, however.[405]

Media organizations accept a special obligation to hew to the standards of impartiality, transparency, and honesty: These are the standards, after all, which define journalism.[406] Furthermore, in a context where domestic Chinese media is heavily restricted and tightly controlled by the state, foreign media reporting plays an essential role in uncovering and publicizing stories in the public interest: not just for international audiences, but for Chinese audiences. As a result, foreign media have a particular obligation to insist on their rights to report without interference.[407]

Veteran China correspondents told PEN America that as media organizations have come under increasing pressure from the Chinese government, there is some reluctance to stand up publically to China. Although most reporters said their organizations allowed them to work freely and did not ask them to censor themselves, media organizations as a whole tended not to speak out on China's poor record on protecting the rights of the press. "It's about intimidation," said Jocelyn Ford, former Beijing Bureau Chief for Marketplace, an American public radio program. "So how do you fight against a bully is the question—a rich bully."[408]

In some cases, PEN America found that media organizations are bowing directly to Chinese pressure, rather than fighting it. One theme that emerges from a review of media responses to Chinese pressure is that some media entities seem willing to define themselves as, or confine themselves to, reporting on financial and economic issues. As David Schlesinger, former editor-in-chief of Reuters, told PEN America, "I think a lot of news organizations that have gone to China have defined their Chinese site as being much more economics, business, or lifestyle oriented than political. [Because] if you define yourself as a Chinese politics and economics site, then you have to write the Xi Jinping stories and you will get blocked."[409]

"A lot of people rationalize it and say it's not self-censorship," The Times *quotes one unnamed employee.* *"I disagree with them."*

Bloomberg and Code 204

As previously discussed, the majority of Bloomberg L.P.'s revenues within China come from sales of its financial data and news terminals within the country. According to *The New York Times*, Bloomberg has long applied a system of self-censorship to the news reported on these terminals.[410] In 2013, *The Times* reported that Bloomberg used a unique signifier—Code 204, also known as Class 204 internally—to ensure that certain stories did not appear on its terminals in China. The system had reportedly been in place since 2011.[411] Bloomberg employees explained that stories were designated 'Code 204' if editors deemed the story might upset Chinese leaders, and complained to *The Times* that the code was loosely applied and kept many important stories off of terminals placed in China.[412] "A lot of people rationalize it and say it's not self-censorship," *The Times* quotes one unnamed employee. "I disagree with them."[413]

Reuters' increased vetting requirements

Three Reuters journalists told PEN America that soon after all Reuters websites were blocked in March 2015, the company instituted a new vetting system that requires every human rights story about China to be cleared by the Reuters Beijing bureau chief or the Shanghai bureau chief.[414] If either bureau chief "thinks they are explosive," as one reporter said, the stories must be further vetted by Alix Freedman, the global editor for ethics and standards based in New York. The journalists told PEN America that Reuters does not subject other stories about China or human rights stories outside China to this level of scrutiny. In addition, the journalists said, Reuters has begun requiring reporters to make multiple requests for comment from the

government and to wait longer for responses on human rights and other politically sensitive stories in China, especially stories involving online censorship.

According to PEN America's interview with these sources, Reuters editors told reporters that the new system is intended to ensure the news agency gives Chinese authorities a fair chance to respond to potentially negative stories. But the Reuters reporters with whom PEN America spoke said the system has made it more difficult to publish news stories on human rights in a timely fashion, because the Chinese authorities often do not respond or delay responding. These stories had previously been treated the same as other Reuters stories, which are routinely cleared for publication after a reporter requests comment either by fax or telephone. "I think it's self-censorship," one Reuters reporter told PEN America in describing the new vetting system. The reporter added: "You're writing a story and it's about something sensitive. Suppose it's about a dissident, and you say this guy was taken into custody. You give a factual assessment based on what their lawyer said or their spouse said. You won't get police comment because they won't comment. There are all these layers of vetting.... If it gets to Alix [Freedman], there are all these different questions, but you can't get the answers. Because you can't get the answers to the questions, you go back to the story and water down the story. The end result is the story gets softened."[415]

"I had three human rights stories, pitched and accepted, reported and written, and they were spiked at the final leg," another Reuters reporter told PEN America.[416] The reporter said editors killed one of the articles after insisting that it include an official statistic that the government does not collect. The layers of vetting create a disincentive for some reporters and have resulted in Reuters publishing fewer human rights stories, according to this reporter.[417]

Reuters does produce hard-hitting human rights stories. In November 2015, Reuters began a series of investigative stories on China's efforts to expand its influence abroad. One piece described the intimidation tactics that China used at the United Nations Human Rights Council in Geneva to stifle critics of the country's human rights record.[418] Another story explained how Beijing used agents to infiltrate and spy on Uyghur exile communities.[419] A third piece examined China's covert financial support of a Buddhist sect that helped it spread negative stories about the Dalai Lama, the spiritual leader exiled from Tibet in 1959.[420] Reporters who criticized the new vetting system said it primarily affected shorter stories, or those about lesser-known activists. One reporter said it appeared that editors were unwilling to risk upsetting the government unless the stories were particularly significant and would earn the news agency "prestige."[421]

Another Reuters reporter told PEN America that the stricter rule regarding seeking comment from the government could be a result of increased pressure from authorities which regulate Reuters' websites as well as its data terminals in China. Because Reuters is only licensed to provide economic and financial information to its terminal subscribers in China, officials have complained about "non-economic stories" appearing on Reuters terminals in China.[422] According to this Reuters reporter, for example, government officials complained to Reuters about an article on a new book that presented evidence suggesting China's former premier Zhou Enlai was gay, asking how the book related to the Chinese economy.[423]

Selectivity in Terms of What to Publish in Chinese

China has about 700 million internet users, a huge market for news consumption.[424] Major international news organizations' Chinese language sites—when not blocked—are widely popular in China because they often publish material that more tightly controlled domestic sites cannot. Because of this popularity, however, the Chinese authorities tend to be far more concerned about these international news sites produced in Chinese than they are about English language sites. This poses a challenge for foreign media companies seeing to tap the large and upwardly mobile Chinese market.

David Bandurski, a researcher with the China Media Project at the University of Hong Kong, believes that foreign media companies will inevitable face trade-offs between journalistic integrity and freedom in covering all aspects of China, and continued and unfettered access to the Chinese market. "It is ridiculous, almost, to imagine that you can push the envelope and do great coverage in Chinese, and not be impacted on your bottom line," Bandurski told PEN America.[425]

John Fitzgerald, a professor at Swinburne University in Melbourne, has accused Australia's public broadcaster, Australian Broadcasting Corporation (ABC), of censoring coverage on sensitive political subjects in exchange for market access.[426] He cites the April, 2016 "Panama Papers" disclosures, Chinese cyber attacks on the Australian Bureau of Meteorology, and Chinese dissident artist Ai Weiwei's Australian exhibition as among the politically sensitive topics that the ABC's Chinese-language site did not cover.[427] The ABC denied the allegations but also said Chinese site was not intended to be a news website and is instead designed to "present and promote Australian stories, values and perspectives" in China.[428]

It is not just Western outlets that may choose to differentiate their Chinese-language and their English-language coverage. Most recently, the South China Morning Post (SCMP), Hong Kong's main English newspaper, abruptly shuttered its Chinese-language in early September of 2016.[429] Current and past employees of the SCMP reportedly were not informed beforehand about the decision to shutter the site, and as of this report it is unclear the reasons behind the closure, although a company spokesperson said the closure would allow the company

Xinhua Gate of Zhongnanhai, Beijing. Zhongnanhai serves as the central headquarters for the Communist Party of China and the State Council of the People's Republic of China.

COURTESY OF KANEGEN

to "align resources towards further growth."[430] The SCMP was bought in December 2015 by Chinese magnate Jack Ma's company AliBaba.[431] A spokesperson for AliBaba at the time described the rationale for buying the SCMP as challenging "negative" portrayals of China in the Western media, and though they promised not to censor articles, a former SCMP editor argued the move might increase the urge for SCMP employees to self-censor on sensitive political issues.[432]

There are several reasons why stories may differ between two different-language sites. Some editors told PEN America they did not have enough money or translators to translate very story that appears in English into Chinese. But in a detailed examination of Chinese-language sites, PEN America found that foreign media companies may not translate the most sensitive stories from their English language sites—such as those on human rights or potentially corrupt behavior by top Chinese leaders.

Lost in Translation: A Review of 'Panama Papers' Coverage

In order to document the differences in content between the English-language webpages for leading media outlets and their Chinese-language pages, PEN America selected a few commercial news outlets and compared their coverage of the April 2016 Panama Papers story in their original language with the coverage on their Chinese sites in the days after the news broke of the leaked documents—which detailed a network of shell companies and offshore accounts set up by Panama law firm Mossack Fonseca to help some of the world's richest and most politically connected people hide their money. The Papers mentioned the names of at least eight relatives of top Chinese leaders who were associated with the network of tax havens set up by Mossack Fonseca.

The Chinese government moved quickly to censor news of the leak. A Communist Party directive ordered all Chinese news organizations to "please self inspect and delete all content related to the Panama Papers' leak," according to the China Digital Times, a website that documents Chinese censorship.[433] In addition, Chinese censors blacked out stories broadcast on CNN and the BBC on the papers and blocked stories on the papers on the website of the British newspaper *The Guardian*.[434]

On April 3, the *Financial Times* published dozens of stories on the leaks. Among them, at least two articles dealt specifically with Chinese ties to the leaks: "Panama Papers prompt muted China response" on April 5 and "Panama Papers tie more top China leaders to offshore companies" on April 6.[435] The former—on the Chinese government's silence about the revelation—was translated into Chinese and published on FTChinese, while the latter—about relatives of Chinese top leaders who were tied to the papers—was not.[436]

A search of the name "Deng Jiagui," a business tycoon and Xi Jinping's brother-in-law, who was implicated in the papers, on *FT's* English site showed seven articles containing the name.[437] PEN America's search indicated that only two of them have been translated into Chinese and published on FTChinese.[438]

The Economist's English-language website, blocked since April after a cover story on Xi, published an article titled "the Panama papers embarrass China's leaders" on April 7.[439] The article did not appear on the *Economist's* bilingual mobile app. Each month, 30 articles from the *Economist's* website are translated into Chinese and published in both English and Chinese on the app, which is accessible in China. The app, the Economist Global Business Review, displays articles that focus on finance, business and technology sectors. In the month of April, during which time much of the Panama Papers were leaked, of the 30 articles the app published, only one article was about the leaks but made no mention of China.[440]

In response to queries from PEN America, the *Economist* responded that their policies for article selection for the Global Business Review "most certainly are not the result of pressure from any government. GBR is a global bilingual business product, and offers global stories for a global audience … The two stories you refer to[441] … would not have been published in GBR regardless of what country they were about because they fall outside the scope of the app's business mandate."[442]

All of Reuters' news websites have been inaccessible since March 2015.[443] The English language site published two articles on the Chinese government's censorship of coverage of the Panama Papers and its reaction to the disclosures in the Papers: "China limits coverage and denounces Panama Papers' tax haven revelations," on April 4 and "China foreign minister says clarification needed on Panama Papers" on April 8.[444] Neither of the articles appeared on Reuters' Chinese site.[445] However, the Chinese site translated several articles on other world leaders who were implicated in the leaks, such as then British Prime Minister David Cameron and Russian President Vladimir Putin.[446] A search of "Deng Jiagui," Xi Jinping's brother-in-law, on Reuters' English site resulted in two articles.[447] Neither of the articles appears on the Chinese site. [448]

PEN America's research also shows that many of the human rights related stories on Reuters' English language site were not published on Reuters' Chinese language site. A search of the name of prominent human rights lawyer "Pu Zhiqiang," who was jailed from 2014 to 2015, on the English language site, resulted in 48 articles, but only two articles mentioned his name on its Chinese site—and both were published in 2013.[449] There is no mention of the name "Gao Yu," the prominent journalist who was also imprisoned from 2014 to 2015, on the Chinese website, while 35 articles mentioned her name on the English site, according to search results on Reuters' websites.[450]

Every English story that Reuters reporters write appears on the company's financial data terminals; unlike Bloomberg, Reuters does not have a formalized designation system for keeping any of its English language stories off of terminals in China. But sources told PEN America that Reuters' Chinese language team does not report or translate sensitive topics such as human rights for the Chinese-language terminals or the Chinese-language website.[451] "It is sort of a long-standing policy that what we do in English on sensitive political stories doesn't get translated," a Reuters source told PEN America.[452]

In early April, the website of *Fortune* magazine published many articles on the Panama Papers leaks, at least three of which focus on Chinese connections to the leaks.[453] However, PEN America did not find a single article about the Papers on the magazine's Chinese site.[454]

PEN America's research did not identify a difference in *The New York Times's* coverage of the leaks on its English site and the Chinese site. In the days following the leaks, *The New York Time*s published two articles on Chinese top leaders' linkage with the Panama Papers.[455] Both articles appeared in Chinese on the *Times's* Chinese site, which is blocked, and its Chinese mobile app, which is not blocked.[456] *The New York Time*s mobile app, previously blocked, has been accessible since late 2015, according to Philip Pan, Asia Editor of *The Time*s.[457] *The New York Time*s worked with GreatFire, an internet freedom advocacy group, in creating an Android app in an attempt to circumvent China's blockage of the site.[458]A search of the name "Deng Jiagui" on the English site of *The Time*s resulted in eight articles. All eight articles were translated into Chinese and appear on the Chinese site.[459]

CONCLUSIONS

A Shrinking Space for Foreign Journalism

There has never been a time when foreign media has operated without restriction in China. But as this report demonstrates, increased pressures are being brought to bear against both foreign journalists and foreign media outlets. The tenure of Xi Jinping—as General Secretary of the Communist Party and as President of the People's Republic of China—has been marked by an increased set of pressures against foreign journalists. Crackdowns against human rights lawyers and others have fostered an environment where sources are particularly reluctant to speak to foreign media. At the same time Xi's anti-corruption drive has stiffened state secrecy over business and economic information that might reflect poorly on China's elites or the Party. Lack of access to various places—from courtrooms and airports, to Tibet and Xinjiang, to the Internet—is compounded by lack of access to information. Regular bureaucratic interactions—such as applying for a visa—become opportunities for authorities to challenge foreign journalists' ability to report in China.

Physical areas where traditional reporting ordinarily occurs—high-profile trials, anniversaries of major events, demonstrations or expected protest actions—have become contested spaces for media freedom, with journalists often placing themselves at risk simply by trying to gain access. When CNN reporter David Mackenzie was physically removed from trying to cover a high-profile trial in early 2014, his ouster reflected China's stance that foreign journalists may be brazenly obstructed from covering even matters of significant global interest.

PEN America's report also suggests that China is reconceiving the unwritten boundaries of what coverage is considered acceptable. Foreign reporters and media outlets are facing increased pressure not to report on economic and financial issues, as well as matters of politics and human rights. As authorities widen their definition of what is 'off-limits', the space for unimpeded reporting on one of the world's most important stories is narrowing. Authorities increasingly will not respond even to inquiries about governmental statistics, illustrating how even basic information is becoming harder to come by. As the world's need to better understand an increasingly powerful and globally integrated China increases, the information available to foster such understanding is being choked off.

The hostile environment against foreign journalists is being fueled by efforts to publicly mark Western media outlets as not only biased, but part of a coordinated international effort to damage China's reputation. Western journalists have been accused of being propagandists for their home countries, of encouraging people or organizations seen as subversive or dissident, or of coordinating critical stories in a deliberate effort to paint a negative picture of China. Chinese journalists have been forbidden, under threat of punishment, from providing information and research to foreign counterparts. This suspicion on the part of Chinese authorities fosters an antagonistic relationship with foreign press, both in individual interactions and through laws and regulation.

Journalists do not operate in a vacuum; instead, they rely on sources willing to speak with them and assistants able to help them navigate less familiar terrain. Within China, these pillars upholding the work of foreign journalists have been targeted. Within this report are stories of sources canceling interviews, Chinese news assistants facing sustained harassment, and outlets facing retaliation and cyber-attacks for publishing. The sum of all these pressures take their tolls on foreign journalists; operating in such an environment is, as The New York Times' David Barboza described it, "exhausting."

Media Responses

In response to these pressures, it appears that media outlets have chosen varying approaches. One is to define an outlet's presence within China (or more specifically, its Chinese-language presence) in limited terms, focusing coverage on areas of business or lifestyle issues that may be seen as less likely to provoke censorship. PEN America notes, however, that as Chinese authorities increase their control over information that involves economic, finance or business concerns, this approach may become even more difficult. The Panama Papers, for example, were in many ways a story about finance and banking, as well as a story about global elites. Another response appears to involve additional vetting measures for stories deemed controversial; such measures may have the benefit of ensuring that such stories are particularly strong before publication, but they also give rise to concerns of self-censorship. A different tactic involves restricting which stories reach Chinese audiences in the Chinese language. And some media simply resign themselves to being blocked, rather than implement a separate standard for their Chinese operations.

The question of what compromises a media organization should make, in a constrained media environment, is not an easy one. Journalists and editors around the world face decisions over how to balance hard-hitting coverage with the desire for continued access, not only to people and institutions but to entire countries. PEN America is not in a position to say that media constraints in China should

simply be ignored, or that foreign media outlets should be willfully blind to the national media environment.

But news organizations cannot allow others to define their journalistic mission for them, and they cannot readily concede to pressure to constrict their reporting. As this report demonstrates, Chinese authorities appear quite willing to advance their own vision of what role foreign media should play within the country: one that is actively responsive to authorities' demands and that accepts governmental definitions as to what stories are too controversial.

In the face of these pressures, press outlets operating in China must offer a united response to censorship attempts: this includes a public commitment to supporting journalists who work on the frontlines; a refusal to pull stories of legitimate public interest as a result of government pressure, and a commitment to running all stories of serious import; regardless of the thematic subject or sensitive nature of the story. Without this unified commitment, concessions from one outlet can—and are—used by the Chinese as a basis to demand that others follow suit.

RECOMMENDATIONS

On the basis of this report's findings, PEN America has developed this set of recommendations for the various agencies of the Chinese government; for foreign media outlets operating within the People's Republic of China; and for other involved parties.

To the Government of the People's Republic of China

- Ratify the International Covenant on Civil and Political Rights Ease restrictions on domestic journalism within China, including through the removal of the system of pre-publication censorship.
- Ensure that the visa process for foreign journalists is not used arbitrarily or in a political manner as a means to punish journalists based on their reporting.
- Refrain from harassment or intimidation of foreign journalists and Chinese news assistants. This includes physical harassment, detention or legal charges in connection to their reporting, or monitoring which creates a hostile atmosphere.
- Refrain from harassment of interview sources for foreign journalists. Refrain from using interviews with foreign media outlets as either elements of any criminal charge, nor evidence in itself of criminal behavior.
- Set in place clear rules allowing for adequate and objective reporting on events of public import, including criminal trials.
- Lift travel restrictions on media visitations to all parts of the country, including Tibet Autonomous Region and Xinjiang.
- Commit to making public information more openly available, both to media outlets and to the public.
- Revise the Regulations on Foreign Journalists and Permanent Offices of Foreign Media Organizations to adequately ensure media freedoms and freedom of expression. Revisions should include allowing Chinese nationals to work independently as reporters for foreign news organizations.
- Revoke any standing regulations preventing domestic journalists from sharing research with foreign journalists.
- Permit foreign media outlets to publish and be disseminated within the country.
- End the practice of online censorship of foreign media sites. This includes both the practice of censoring individual articles and of blocking entire media sites.

To foreign media outlets operating within the People's Republic of China:

- Commit to full support of both foreign journalists and Chinese news assistants who are targeted by Chinese authorities for their work, including through intimidation, harassment or threats to their digital security and physical safety.
- Ensure that newsrooms and editorial decisions are insulated from business considerations, and that editorial independence is maintained
- Support other outlets facing pressure or harassment from authorities, including by amplifying and building upon stories considered 'sensitive' so that no one outlet can be singled out for recrimination by authorities.
- Undertake periodic independent reviews to ensure that decisions about what stories to cover, and where and when to publish these stories, are not unduly affected by political or commercial considerations. Journalists should be afforded confidentiality during these reviews to ensure they can honestly raise concerns.
- Put in place clear procedures to ensure that Chinese news assistants working with the outlet are protected from pressures that may be brought against them by Chinese authorities.
- Take steps to ensure that stories of interest to Chinese readers are made accessible where possible, even if these stories involve information or themes considered 'sensitive' or by Chinese authorities, or are otherwise targets for censorship within China.
- Take affirmative steps to indicate to Chinese readers where stories of interest can be obtained in Chinese or in English.

- Commit to translating stories that involve Chinese leaders or major Chinese entities into Chinese, regardless of sensitivity of subject matter or theme.

To other parties:

- Governments, including through their diplomatic presences within China, should commit to supporting press freedom within the country, including through raising their concerns directly with the Chinese government when such press freedoms are impeded.
- Foreign leaders or dignitaries visiting China should commit to having unimpeded foreign and domestic press coverage of their visit, as a pre-requisite to their visit.

- Foundations and non-profit organizations with relevant mandates should consider investing in investigative coverage of China, to ensure that economic incentives do not diminish the flow of accurate and hard-hitting investigative stories within the country.

ACKNOWLEDGMENTS

This report was researched and written by Yaqiu Wang, human rights researcher in China. The report was edited by James Tager, Free Expression Programs Manager at PEN America; Roger Normand, Interim Director of Free Expression Research and Policy; and Sarah Schafer, consultant (disclosure: Schafer is married to an editor for *The New York Times*). Report design was done by Suzanne Pettypiece. PEN America thanks all those who kindly agreed to be interviewed for this report. PEN America extends special thanks to Ryan Lavigne and Katherine Chin for research assistance.

APPENDIX

Requests for Comment and Interview Requests

PEN America faced a series of difficulties and obstacles in conducting the research necessary for this report; in particular, we did not receive responses from the Chinese government despite multiple attempts to reach out, and we received limited responses from foreign media outlets.

The Government of the People's Republic of China

In preparing this report, PEN America was repeatedly informed about the increasing difficulty in reaching Chinese government agencies for comment or response, especially in regards to press freedoms and other human rights issues. In fact, PEN America found it difficult to even contact the Chinese government, let alone solicit responses to our questions. We made repeated attempts to contact seven different entities within the Chinese government—the Cybersecurity Administration of China, the Beijing Public Security Bureau, the Chinese Embassy to the United Kingdom, the Ministry of Foreign Affairs, the Ministry of State Security, the Shanghai Public Security Bureau, and the State Council Information Office—to offer them opportunity for comment. We received no responses.

PEN America sent repeated inquiries, via e-mail and fax, to these agencies where that information was available. PEN America sent information both in English and in Mandarin. PEN America additionally sent requests for comment through automated "Contact Us" forms to several agencies.

Failing to receive a response from our efforts to reach individual agencies, PEN America repeatedly sent copies of all Requests for Comment—in Mandarin and English—to the Chinese Embassy to the United States, requesting that they forward these Requests to the relevant agencies. We similarly sent Mandarin-language copies of all Requests for Comment to the Chinese Permanent Mission to the United Nations, and to the Chinese Embassy to the United Kingdom, with a similar request.

Despite the entirety of these efforts, PEN America did not receive any response from any government agency.

Media Organizations

PEN America also reached out to various media organizations who are prominently mentioned in the report, either to arrange an interview or to request comments. Although many current and former employees of media organizations have their stories included in this report, we also wished to ensure that foreign media organizations themselves were afforded the opportunity to respond.

For interviews, PEN America reached out to Reuters, the *Wall Street Journal, The New York Times*, and Bloomberg News to request an interview. Bloomberg News and Reuters declined to be interviewed. *The New York Times* did not respond. *The Wall Street Journal* responded, setting up a phone interview with Deputy Editor-in-Chief Rebecca Blumenstein. Additionally, Rebecca Blumenstein provided PEN America with the below statement, reproduced in full:

> "Since its launch, 40 years ago, WSJ Asia has grown into an authoritative, trusted news source for coverage, analysis and insight on China's growing influence on everything from global markets and economics to the political landscape. With hundreds of journalists and translators across more than a dozen bureaus, WSJ Asia has created a legacy of impactful reporting like 2007's Pulitzer Prize winning 'Naked Capitalism' and Jeremy Page's Bo Xilai coverage. It is a legacy we are committed to furthering."

PEN America also reached out to *The Economist*, *Fortune Magazine*, and the *Financial Times*, requesting comment on differences between English-language coverage and Chinese-language coverage, in early August. PEN America similarly reached out to *Die Zeit* requesting comment on any editorial policies regarding registering Chinese news assistants. *The Economist* responded; their response has been included within the body of the report, and is reproduced in full below. *Fortune Magazine*, the *Financial Times*, and *Die Zeit* did not respond.

PEN America includes in this Appendix an English-language version and a Chinese-language version of our Request for Comment to the Ministry of Foreign Affairs, as an example of the requests sent to seven different entities within the Chinese government. Additionally, PEN America includes our request for comment to the *Economist*, and the *Economist* reply.

PEN AMERICA

The Freedom to Write

Mr. Lu Kang
Director
Information Department
Ministry of Foreign Affairs of the People's Republic of China
No. 2 Chaoyangmen Nandajie
Chaoyang District, Beijing 100701

August 17, 2016

Dear Director Lu Kang,

I am writing on behalf of PEN America, an organization of writers and journalists dedicated to defending free expression and celebrating literature, and part of a network of over 140 PEN Centers worldwide.

PEN America is preparing a report on restrictions faced by foreign journalists and news bureaus operating in the mainland, in light of China's obligation to protect free expression under its Constitution as well as international law. The report focuses primarily on challenges faced by foreign journalists and news organizations reporting on sensitive issues in a manner that is perceived to be critical of the government and its officials.

We would like respectfully offer the Ministry of Foreign Affairs (MOFA) the opportunity to respond to allegations covered in our report that the Ministry, among other departments of the Chinese government, has been involved in pressuring foreign journalists and news organizations to restrict their coverage. We will be sure to include, or respond to, any responsive comments that the Ministry is prepared to provide before Friday, August 26th 2016.

1. Officials at the MOFA have called or met with journalists at foreign news organizations in China to complain about critical coverage;
2. Officials at the MOFA have threatened to not renew foreign journalists' press credentials to pressure the journalists not to work on stories critical of the Chinese government or certain government officials;
3. Officials at the MOFA have postponed the processing of foreign journalists' press card applications to express displeasure with the journalists' critical coverage of China or certain government officials.

Thank you for your attention to this matter. If you would like more information about the allegations concerning the Ministry, we would be happy to provide. I look forward to your reply.

Sincerely,

Suzanne Nossel
Executive Director
PEN America

PEN AMERICA 588 Broadway, Suite 303, New York, NY 10012 | (212) 334-1660 | pen.org

PEN AMERICA

The Freedom to Write

外交部新闻司 陆慷司长
朝阳门南大街 2 号
朝阳区 北京 100701

2016 年 8 月 17 日

尊敬的陆慷司长：

您好！我谨代表美国笔会中心，一个由作家组成，关注言论自由与推广文学的组织。我们也是全球一百四十个国际笔会中心的一员。

我们正在着手准备一份关于外国记者与媒体在华之现状的报告，我们也将提到中国在宪法与国际法下对保护言论自由的承诺。这份报告关注的重点包括外国在华记者与媒体在采访政府及其官员较敏感话题时所面对的挑战。

我们希望可以向外交部提供一个对这份报道评论的机会。具体来讲，我们在报道中提到，外交部与中国政府的其他机构一起，曾经对外国记者与媒体的选题进行过一些限制。 我们将把外交部的见解包括在报告之内，或者对你们的评论进行回复。如若中国政府能在八月二十六日前提供关于以下内容的回复，我们将十分感谢：

1. 外交部的官员曾经通过电话或者面对面的形式，告知外国媒体在华记者对批判性报道的不满；
2. 外交部的官员曾经威胁外国媒体的记者，称不为他们的记者签证进行续签，以对记者进行的对中国政府及其官员的批判性报道进行施压；
3. 外交部的官员曾经延迟处理外国记者的记者证申请，从而向外国记者进行的对中国政府及其官员的批判性报道表示不满。

十分感谢您的关注。如果你们希望得到更多关于这些内容的信息，我们将十分乐意提供。我们希望得到您的回复。

专此，敬颂
时祺

Suzanne Nossel
美国笔会中心
执行主任

PEN AMERICA 588 Broadway, Suite 303, New York, NY 10012 | (212) 334-1660 | pen.org

PEN AMERICA

The Freedom to Write

Ms. Zanny Minton Bedoes
Editor in Chief
Economist
750 Third Avenue
5th Floor
New York, NY 10017

August 8, 2016

Dear Ms. Minton Bedoes,

I am writing on behalf of PEN America, an organization of writers dedicated to defending free expression and celebrating literature, of which I am the executive director. PEN is preparing a report examining the pressures faced by foreign news organizations and journalists reporting on mainland China. The report will explore challenges including the politicization of decisions to approve visa applications and renewals for foreign journalists, restrictions on where foreign journalists are permitted to travel and what issues they can cover, a campaign of harassment and intimidation against Chinese news assistants who work closely with foreign outlets, and other forms of retaliation against news outlets.

PEN's goal for this report is to illuminate the increasingly difficult reporting environment on the mainland, and to underscore the consequences if Chinese authorities continue to crack down on foreign reporting. As you know, the foreign press is virtually the only source of information and scrutiny concerning essential developments of profound national and international concern, including the 2008 tainted milk scandal and the recent volatility of China's stock market. The need for access to objective reporting on the country and its government is more important than ever. Reliable, thorough investigative journalism is essential to efforts to bring more transparency to the decisions of the Chinese government and state-owned businesses, and to Chinese citizens' ability to demand accountability of their officials. Good journalism also supplies a crucial flow of information from mainland to diplomats and policymakers in countries with close ties to China, as well as to the numerous corporations and investors that do business in China.

The report will also discuss actions taken by different news outlets which may reflect a response to the various pressures exerted by Chinese authorities, or editorial decisions which may have been affected by these pressures. In this regard, PEN writes to the Economist for comment.

As part of the research for this report, PEN has conducted a comparison of reporting on China available on the English- and Chinese-language sites of several international news organizations. Our comparison of the Economist's English- and Chinese-language sites indicated that while an April 7 Economist article "The Panama Papers embarrass

PEN AMERICA 588 Broadway, Suite 303, New York, NY 10012 | (212) 334-1660 | pen.org

China's leaders," was offered on the Economist's English-language website, it did not appear on the bilingual mobile app The Economist Global Business Review, accessible in China in both English and Chinese. Additionally, the Economist cover story "Beware the cult of Xi" was similarly not published on the bilingual app.

PEN is writing to offer the Economist an opportunity to comment on whether these apparent differences in the Economist's coverage on its main website and its coverage on the Economist Global Business Review are the result of specific editorial decisions or procedures, whether formal or informal. More generally, any information you could provide on the Economist's procedures for determining which English-language articles are selected for translation and placement on the Chinese site would be appreciated.

We look forward to your reply, and thank you for your consideration of this request.

Sincerely,

Suzanne Nossel
Executive Director
PEN America

PEN AMERICA 588 Broadway, Suite 303, New York, NY 10012 | (212) 334-1660 | pen.org

The Economist

The Economist
25 St James's Street
London SW1A 1HG
[redacted]

From the Editor-in-Chief

Suzanne Nossel
Executive Director
PEN America
588 Broadway, Suite 303
New York, NY 10012
USA

BY E-MAIL: SNOSSEL@PEN.ORG

August 17 2016

Dear Ms Nossel

Thank you for your letter. I appreciate the opportunity to clarify *The Economist*'s products and processes regarding content in Chinese, as I fear there may have been some misunderstanding about what we do.

In your letter you say that your research involves a "comparison of reporting on China available on the English and Chinese language sites". However, unlike some other international news organisations, we do not have a Chinese-language site for the weekly *Economist.* Our Global Business Review is a bilingual app offered to readers globally that presents a selection of our best business, finance and technology stories from around the world. It is not, and was never intended to be, a Chinese-language version of the weekly newspaper. Your letter also asks whether differences between our weekly newspaper and GBR are the "result of specific editorial decisions or procedures", raising the question of whether they "reflect a response to various pressures exerted by Chinese authorities". The answer is yes, they are the result of clear and well-established editorial procedures—and no, they most certainly are not the result of pressure from any government. GBR is a global bilingual business product, and offers global stories for a global audience. The choice of which business, finance and science stories to translate is made by the editor of GBR, who reports to me. The two stories you refer to in your letter, about Chinese politics, would not have been published in GBR regardless of what country they were about because they fall outside the scope of the app's business mandate.

I hope this clarification is useful. If you have any further questions, please do not hesitate to get in touch.

With best wishes

Zanny Minton Beddoes
Editor-in-Chief

The Economist Newspaper Limited Registered Office: 25 St James's Street London SW1A 1HG Registered in England Number: 236383

ENDNOTES

1. William Wan, *Obama's China Visit Gets Off to a Rocky Start, Reflecting Current Relations*, The Washington Post (Sept. 3, 2016), https://www.washingtonpost.com/world/obamas-china-visit-gets-off-to-rocky-start/2016/09/03/a188b2c6-71df-11e6-b786-19d0cb1ed06c_story.html; Rebecca Morin, *Tarmac Altercation, Press Dispute Mar Opening of Obama's Trip to China*, Politico (Sept. 3, 2016), http://www.politico.com/story/2016/09/chinese-officials-clash-with-press-susan-rice-227708

2. Rebecca Morin, *Tarmac Altercation, Press Dispute Mar Opening of Obama's Trip to China*, Politico (Sept. 3, 2016), http://www.politico.com/story/2016/09/chinese-officials-clash-with-press-susan-rice-227708

3. William Wan, *Obama's China Visit Gets Off to a Rocky Start, Reflecting Current Relations*, The Washington Post (Sept. 3, 2016), https://www.washingtonpost.com/world/obamas-china-visit-gets-off-to-rocky-start/2016/09/03/a188b2c6-71df-11e6-b786-19d0cb1ed06c_story.html;

4. Rebecca Morin, *Tarmac Altercation, Press Dispute Mar Opening of Obama's Trip to China*, Politico (Sept. 3, 2016), http://www.politico.com/story/2016/09/chinese-officials-clash-with-press-susan-rice-227708

5. 储 艳 Chu Xinyan, 驻华记者新年招待会举行 近700国外记者在华常驻 *[New Year Gala Held for Foreign Correspondents, More Than 700 Long-term Foreign Correspondents in China]*, The Beijing News (Feb. 16, 2015), http://www.bjnews.com.cn/news/2015/02/16/354062.html

6. *See e.g.* Chun Han Wong, *In Rare State Media Tour, Xi Jinping Takes the Anchor's Chair*, The Wall Street Journal (February 19, 2016), http://blogs.wsj.com/chinarealtime/2016/02/19/in-rare-state-media-tour-xi-jinping-takes-the-anchors-chair/

7. Ashley Esarey, *Speak No Evil Mass Media Control in Contemporary China* (February 2006), Freedom House, https://freedomhouse.org/sites/default/files/inline_images/Speak%20No%20Evil-%20Mass%20Media%20Control%20in%20Contemporary%20China.pdf

8. *Xi Jinping Asks for 'Absolute Loyalty' from Chinese State Media*, Associated Press (Feb. 19, 2016), https://www.theguardian.com/world/2016/feb/19/xi-jinping-tours-chinas-top-state-media-outlets-to-boost-loyalty

9. Elian Peltier, *The Chinese Government Has Banned News Operations by Internet Companies*, Vice News (July 25, 2016), https://news.vice.com/article/the-chinese-government-has-banned-news-operations-by-internet-companies; *China to Enforce Ban on News Sites' Independent Reports*, China Digital Times (Jul. 25, 2016), http://chinadigitaltimes.net/2016/07/china-enforce-ban-news-portals-independent-reporting/

10. Haeryun Kang, *Chinese Authorities Have Successfully Censored The Stock Market Crash*, UN Dispatch (September 10, 2015), http://www.undispatch.com/chinese-authorities-have-successfully-censored-the-stock-market-crash/

11. *2016 World Press Freedom Index*, Reporters Without Borders (Retrieved September 9, 2016), https://rsf.org/en/ranking

12. Elana Beiser, *China, Egypt imprison record numbers of journalists*, Committee to Protect Journalists (December 15, 2015), https://cpj.org/reports/2015/12/china-egypt-imprison-record-numbers-of-journalists-jail.php

13. Yaqiu Wang, *In China, Last of the Liberals Under Pressure to Toe Party Line*, Committee to Protect Journalists (September 11, 2015), https://cpj.org/blog/2015/09/in-china-last-of-the-liberals-under-press-to-toe-p.php

14. James Griffiths, *From Xi to Shining Xi: China's Propaganda Machine Goes into Overdrive,* CNN (February 23, 2016), http://www.cnn.com/2016/02/23/asia/china-xi-jinping-propaganda/; Zhang Xiaoling, *Chinese State Media Going Global*, East Asian Policy, Vol. 2, No. 1, Jan/Mar 2010, http://www.eai.nus.edu.sg/publications/files/Vol2No1_ZhangXiaoling.pdf; Koh Gui Qing & John Shiffman, *Beijing's Covert Radio Network Airs China-Friendly News Across Washington, and the World*, Reuters (November 2, 2015), http://www.reuters.com/investigates/special-report/china-radio/

15. Sarah Cook, *How China's Crackdown on Lawyers Affects Media Freedom,* The Diplomat (August 12, 2015), http://thediplomat.com/2015/08/how-chinas-crackdown-on-lawyers-affects-media-freedom/

16. Lucy Clarke-Billings, *British Press Full of 'Gossip Fiends' and 'Barbarians' Says Chinese Paper*, Newsweek (May 13 2016), http://www.newsweek.com/british-press-full-gossip-fiends-and-barbarians-says-chinese-paper-459600

17. The FCCC, while a professional organization, is not officially accredited as an NGO by the Chinese government.

18. *FCCC Annual Working Conditions Report 2015*, Foreign Correspondents' Club of China (May 27, 2015), http://www.fccchina.org/2015/05/27/fccc-annual-working-conditions-report-2015/

19. Id.

20. Id.

21. UN General Assembly, Universal Declaration of Human Rights, 10 December 1948.

22. E.g. Article 19, International Guarantee, https://www.article19.org/pages/en/international-guarantee.html. See also Restatement (Third) of the Foreign Relations Law of the United States (1987); see additionally Hurst Hannum, *The Status of the Universal Declaration of Human Rights in National and International Law*, Georgia Journal of International and Comparative Law, Vol. 25, 287-376, 289 ("Many of the Universal Declaration's provisions also have become incorporated into customary international law, which is binding on all states.")

23. U.N. Human Rights Comm., General Comment No. 34, Article 19: Freedoms of Opinion and Expression ¶¶ 11-12, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011) [hereinafter General Comment No. 34], http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf

24. General Comment No. 34 at ¶ 13.

25. Id. at ¶¶ 11-14.

26. General Comment No. 34 at ¶ 44 (noting, in addition, that "journalism is a function shared by a wide range of actors…"); see also Special Rapporteur on the Situation of Human Rights Defenders, Fourth Rep. on the Situation of Human Rights Defenders ¶ 122, U.N. Doc. A/HRC/19/55 (December 21, 2011), http:// www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-55_en.pdf ("The protection of journalists and media workers active on human rights issues should not be limited to those formally recognized as such, but should include other relevant actors, such as community media workers, bloggers and those monitoring demonstrations.").

27. General Comment No. 34 at ¶ 15.

28. ICCPR at art. 19 (3) (restrictions on freedom of expression are limited to situations which implicate the rights of others or for the protection of national security, public order, public health, or morals); General Comment No. 34 at ¶ 21.

29. General Comment No. 34 at ¶¶ 27-35.

30. Id. at ¶ 42.

31. Id. at ¶ 45.

32. Id. at ¶ 23.

33. *Status of Ratification Interactive Dashboard*, United Nations Human Rights: Office of the High Commissioner (Retrieved September 9, 2016), http://indicators.ohchr.org

34. United Nations, *Vienna Convention on the Law of Treaties*, 23 May 1969, United Nations, Treaty Series, vol. 1155, p. 331, Article 18: Obligation not to Defeat the Object and Purpose Prior to its Entry into Force.

35. *Constitution of the People's Republic of China,* The National People's Congress of the People's Republic of China, (Retrieved on September 2, 2016), http://www.npc.gov.cn/englishnpc/Constitution/2007-11/15/content_1372964.htm

36. *Regulation on the Administration of Publishing*, Congressional-Executive Commission on China (Retrieved on September 2, 2016), https://www.cecc.gov/resources/legal-provisions/regulation-on-the-administration-of-publishing-chinese-and-english-text

37. Id.

38. Id.

39. 中华人名共和国新闻出版总署新闻报刊司, 图书、期刊、音像制品、电子出版物重大选题备案办法 *(1997.10.10),* 新出图〔1997〕860号, http://www.gapp.gov.cn/baokan/oldxwbks/contents/3774/143590.html; *Notice Regarding the Printing and Promulgation of the Measures on the Recording of Important Topics of Books, Periodicals, Audio/Visual Productions and Electronic Publications* (English Version) (1997.10.10), Congressional-Executive Commission of China, http://www.cecc.gov/international-agreements-and-domestic-legislation-affecting-freedom-of-expression#importanttopicslaw/. Other relevant regulations include include the Regulations Regarding Strengthening the Administration of Publications Describing Major Party and National Leaders (1990) and the Urgent Notice Regarding Reaffirming the Strengthening of the Administration of Books Reflecting the Work and Life Circumstances of the Major Leaders of the Party and the Nation (1997). *See Regulation on the Administration of Publishing*, Congressional-Executive Commission on China (Retrieved on September 2, 2016), https://www.cecc.gov/resources/legal-provisions/regulation-on-the-administration-of-publishing-chinese-and-english-text

40. The Anti-Terrorism law was passed at the end of 2015, but did not come into effect until 2016. *See* Zunyou Zhou, *China's Comprehensive Counter-Terrorism Law*, The Diplomat (Jan. 23, 2016), http://thediplomat.com/2016/01/chinas-comprehensive-counter-terrorism-law/

41. *People's Republic of China Criminal Law Amendment (9)*, China Law Translate (Retrieved on September 2, 2016), http://chinalawtranslate.com/criminallawam92/?lang=en

42. 中华人民共和国反恐怖主义法 (2015.12.27)，全国人民代表大会常务委员会, http://news.xinhuanet.com/politics/2015-12/27/c_128571798.htm; Counter-Terrorism Law of the People's Republic of China (2015.12.27) (English version), Standing Committee of the National People Congress, http://chinalawtranslate.com/%E5%8F%8D%E6%81%90%E6%80%96%E4%B8%BB%E4%B9%89%E6%B3%95-%EF%BC%882015%EF%BC%89/?lang=en; *See also* Ben Blanchard, *China passes controversial counter-terrorism law*, Reuters (December 28, 2015), http://www.reuters.com/article/us-china-security-idUSKBN0UA07220151228; Abhished Pratap Singh, China's First Anti-Terrorism Law: An Analysis, Institute for Defense Studies and Analyses (March 29, 2016), http://www.idsa.in/idsacomments/china-first-anti-terrorism-law_apsingh_290316

43. The Assembly of Delegates of PEN International, the yearly international gathering of all PEN chapters, has previously indicated its concern over this National Security Law. Resolution #4, People's Republic of China, The Assembly of Delegates of PEN International, 81 World Congress, Quebec, Canada, October 2015, http://www.pen-international.org/wp-content/uploads/2014/10/4.RESOLUTION-China.pdf

44. The State Council Information Office, the State Administration of Press, Publication, Radio, Film and Television (SAPPRFT), the Ministry of Industry and Information Technology, the Cyberspace Administration, the Ministry of Foreign Affairs, and the Ministry of Public Security and local public security bureaus under it.

45. The actual number of those killed remains contested. *See* Seth Faison, *The Persistent Mystery: How Many Died in 1989?*, The New York Times (June 4, 1999), http://www.nytimes.com/1999/06/04/world/the-persistent-mystery-how-many-died-in-1989.html

46. *How the world reacted to the Tiananmen Square bloodbath,* Executive Intelligence Review Volume 16, Number 25, Page 30-31 (June 16 1989), http://www.larouchepub.com/eiw/public/1989/eirv16n25-19890616/eirv16n25-19890616_030-how_the_world_reacted_to_the_tia.pdf

47. 国务院 The State Council, 外国记者和外国常驻新闻机构管理条例[Regulations on Foreign Journalists and Permanent Offices of Foreign Media Organizations], The Ministry of Foreign Affairs (Jan. 19, 1990), http://www.mfa.gov.cn/web/ziliao_674904/tytj_674911/tyfg_674913/t9812.shtml

48. Regulations of the People's Republic of China on News Coverage by Permanent Offices of Foreign Media Organizations and Foreign Journalists, http://www.china-embassy.org/eng/ywzn/mtyw/press_1/t944225.htm

49 外国记者在华指南 (Handbook on work of foreign correspondents in China), http://ipc.fmprc.gov.cn/chn/zxtz/P020070308346420472390.pdf; *Handbook for foreign journalists in Beijing,* International Press Center of the Ministry of Foreign Affairs, http://ipc.fmprc.gov.cn/eng/zxtz/P020070308346831720854.pdf

50. *Beijing 2008—The Olympic Games Come to China: Will Human Rights?* International Council of Sports Science and Physical Education, Bulletin No. 48, Sport and Human Rights (October 2006), available at https://www.hrw.org/news/2006/10/06/beijing-2008-olympic-games-come-china-will-human-rights

51. Bob Dietz, *Jailed Journalist Gao Yu Saw What Was Coming. So Should the IOC*, Committee to Protect Journalists (April 17, 2015), https://cpj.org/blog/2015/04/jailed-journalist-gao-yu-saw-what-was-coming-so-sh.php

52 国务院 院 The State Council, 北京奥运会及其筹备期间外国记者在华采访规定 *[Regulations on Foreign Journalists in China during Beijing Olympics and its preparation]* (Dec. 1, 2006), http://news.xinhuanet.com/politics/2006-12/01/content_5417247.htm

53. Tini Tran, *China Eases Restrictions for Foreign Journalists*, USA Today (October 17, 2008), http://usatoday30.usatoday.com/news/world/2008-10-17-274782194_x.htm

54. *China: Olympics Media Freedom Commitments Violated*, Human Rights Watch (July 7, 2008), https://www.hrw.org/news/2008/07/07/china-olympics-media-freedom-commitments-violated

55. Id.

56. 唯色 Woeser, 中国人评外媒采访条例：*"一国两制"和"大西藏" [Commenting the Regulations on Foreign Correspondents as a Chinese Citizen: "One Country, Two Systems" and "The Mighty Tibet"]* (Oct. 24, 2008), http://woesermiddleway.typepad.co.uk/blog/2008/10/中国人评外媒采访条例一国两制和大西藏

57. Regulations of the People's Republic of China on News Coverage by Permanent Offices of Foreign Media Organizations and Foreign Journalists, http://www.china-embassy.org/eng/ywzn/mtyw/press_1/t944225.htm; *see also Jianchao Liu: there is no condition for Chinese citizens to hold reporter titles in foreign media* (刘建超：中国公民任外国媒体记者的条件尚不具备), China News (October 18th, 2008), http://www.chinanews.com/gn/news/2008/10-18/1416791.shtml; *Hiring Chinese Citizens to Do Auxiliary Work*, International Press Center (Retrieved on Aug. 22, 2016), http://ipc.fmprc.gov.cn/chn/bszn/t715618.htm;

58. Geoffrey A. Fowler and Juying Qin, *China curbs magazines from foreign publishers—Regulator restricts new lifestyle titles, Rolling Stone barred*, The Wall Street Journal (April 7, 2006), http://www.wsj.com/articles/SB114439326830919892; Foreign papers can be printed in China, China Daily (December 4, 2004), http://www.chinadaily.com.cn/english/doc/2004-12/04/content_397358.htm

59. 国家发展和改革委员会 National Development and Reform Committee and 商务部 Ministry of Commerce, 外商投资产业指导目录*[The Catalogue for the Guidance of Foreign Investment Industries]*, National Development and Reform Committee (April. 10, 2015), http://www.sdpc.gov.cn/zcfb/zcfbl/201503/W020150402620481787669.pdf.

60. 国家新闻出版广电总局 State Administration of Press, Publication, Radio, Film and Television, 中外期刊版权合作审批事项审查工作细则 *[Detailed Plan for Sino-Foreign Periodicals Corporation and Approval Issues]*, State Administration of Press, Publication, Radio, Film and Television (Oct. 29, 2015), http://www.gapp.gov.cn/govservice/6433/267333.shtml.

61. 新浪网 Sina, 中国传媒业开放脚步加快 外国报纸获准在华印刷*[The Chinese Media Industry Opens up More, Foreign Newspapers Allowed to be Printed in China]*, Sina (Nov. 26, 2004), http://news.sina.com.cn/c/2004-11-26/17264357635s.shtml. GAPP and SARFT merged to form SAPPRFT in 2013.

62. Preeti Bhattacharji and Carin Zissis, *Olympic Pressure on China*, Council on Foreign Relations (June 17, 2008), http://www.cfr.org/china/olympic-pressure-china/p13270

63. Mure Dickie, *Beijing Blocks Foreign Newspapers*, Financial Times (Nov. 16, 2005), https://next.ft.com/content/4cddea3c-56e5-11da-b98c-00000e25118c.

64. Id.

65. FT中文网 Financial Times Chinese Site, *FT*中文网创刊10周年——注册会员近240万*[10th Anniversary of Financial Times Chinese Site—Over 2.4 Million Registered Readers]*, Financial Times Chinese Site (Aug. 31, 2015), http://www.ftchinese.com/interactive/5148.

66. GAPP and the State Administration of Radio, Film, and Television (SARFT) merged to form SAPPRFT in 2013; Hardeep Matharu, *China set to ban all foreign media from publishing online*, Independent (Feb. 19, 2016), http://www.independent.co.uk/news/world/asia/china-set-to-ban-all-foreign-media-from-publishing-online-a6883366.html; Steve Dickinson, *China's New Online Publishing Rules*, China Law Blog (March 2, 2016), http://www.chinalawblog.com/2016/03/chinas-new-online-publishing-rules-another-nail-in-the-vie-coffin.html.

67. David Barboza and Paul Mozur, *New Chinese Rules on Foreign Firms' Online Content*, The New York Times (Feb. 19, 2016), http://www.nytimes.com/2016/02/20/business/media/new-chinese-rules-on-foreign-firms-online-content.html.

68. Id.

69. Id.

70. *China to Ban Foreign Firms from 'Online Publishing'*, Hong Kong Free Press (February 20, 2016), https://www.hongkongfp.com/2016/02/20/china-to-ban-foreign-firms-from-online-publishing/

71. 工业和信息化部政策法规司 Department of Policy and Law, Ministry of Industry and Information Technology, 公开征求对《互联网域名管理办法（修订征求意见稿）》的意见 *[Publically Soliciting Opinions on the Draft Regulations on Internet Domain Name Management]*, Ministry of Industry and Information Technology (March 25, 2016), http://www.miit.gov.cn/n1146295/n1652858/n1653100/n3767755/c4683125/content.html.

72. Lucy Hornby and Yu Lue, *China to Require Internet Domain Name Registration*, Reuters (December 22, 2009), http://www.reuters.com/article/us-china-internet-idUSTRE5BL19620091222

73. Paul Carsten and Michael Martina, *China Rejects Worry over Web Rules that Could Cut Access to Foreign Sites*, Reuters (March 30, 2016), http://www.reuters.com/article/us-china-internet-idUSKCNOWW1GM

74. In-person PEN America interview with Beijing-based news agency correspondent. See also Yaqiu Wang, China shuts down internet reporting as Xi's sensitivity begins to resemble lèse-majesté, Committee to Protect Journalists (July 28, 2016), https://www.cpj.org/blog/2016/07/china-shuts-down-internet-reporting-as-xis-sensiti.php

75. Telephone interview with Tom Mitchell, Beijing Bureau Chief, Financial Times, June 3, 2016. The article to which Mitchell refers was Lucy Hornby, *China Clashes Over Statue of Mao's Successor Hua Guofeng*, The Financial Times (Feb. 19, 2016), https://next.ft.com/content/b54af370-d6c9-11e5-829b-8564e7528e54.

76. Katsuji Nakazawa, Xi's *Burgeoning Personality Cult Stirs Controversy*, Nikkei Asian Review (Mar. 21, 2016), http://asia.nikkei.com/Features/China-up-close/Xi-s-burgeoning-personality-cult-stirs-controversy; *Beware the Cult of Xi*, The Economist (Apr. 2, 2016), http://www.economist.com/news/leaders/21695881-xi-jinping-stronger-his-predecessors-his-power-damaging-country-beware-cult

77. Telephone interview with Tom Mitchell, Beijing Bureau Chief, Financial Times, June 3, 2016.

78. 习近平主持中央政治局会议*[Xi Jinping Presides Over Central Politburo Assembly]*, 人民日报海外版[People's Daily Overseas Edition] (Jan. 30, 2016), http://paper.people.com.cn/rmrbhwb/html/2016-01/30/content_1651531.htm; 吴祚来(Zuolai, Wu), 观点： *2016——中共"习核心"元年？(2016—Is it a first year of an era of "Xi as the core" of Chinese Communist Party)*, BBC (January 31, 2016), http://www.bbc.com/zhongwen/simp/indepth/2016/01/160131_viewpoint_xi_jinping_core

79. In-person interview with bureau chief.

80. Brittany Lang and John R. McGowan, *Chinese Reverse Mergers: Accounting Fraud and Stock Price Collapse*, Journal of Forensic & Investigative Accounting (Vol. 5, Issue 2, July–December, 2013), http://web.nacva.com/JFIA/Issues/JFIA-2013-2_7.pdf.

81. *China Limits Access to Company Filings After Short-Seller Bids*, Bloomberg News (June 8, 2012), http://www.bloomberg.com/news/articles/2012-06-08/china-limits-access-to-company-filings-after-short-selling-bids

82. Id.

83. David Barboza, *Obtaining Financial Records in China*, The New York Times (Oct. 26, 2012), http://www.nytimes.com/2012/10/27/business/global/obtaining-financial-records-in-china.html; *see also Xi Jinping Millionaire Revelations Reveal Fortunes of Elite*, Bloomberg (June 29, 2012), http://www.bloomberg.com/news/articles/2012-06-29/xi-jinping-millionaire-relations-reveal-fortunes-of-elite; David Barboza, *Billions in Hidden Riches for Family of Chinese Leader,* New York Times (October 25, 2012), http://www.nytimes.com/2012/10/26/business/global/family-of-wen-jiabao-holds-a-hidden-fortune-in-china.html

84. Bingna Guo and Lining Shan, *China Launches Nationwide Company Credit Information System*, O'Melveny & Myers (November 4, 2014), https://www.omm.com/resources/alerts-and-publications/publications/china-launches-nationwide-company-credit-informa/

85. In-person interview with Beijing-based correspondent.

86. Charles Riley and Wayne Chang, *China is Blaming Short Sellers for its Stock Market Crash*, CNN (August 4, 2015), http://money.cnn.com/2015/08/04/investing/china-stock-market-short-selling/index.html

87. Duncan Hewitt, *Crackdown on Stock Market Reporting Shakes China's Financial Journalists—And Presents A Threat To the World's Markets*, International Business Times (October 15, 2015), http://www.ibtimes.com/crackdown-stock-market-reporting-shakes-chinas-financial-journalists-presents-threat-2142028

88. Chris Buckley, *China's Party-Run Media is Silent on Market Mayhem*, The New York Times (August 25, 2015), http://www.nytimes.com/2015/08/26/world/asia/chinese-news-media-largely-silent-amid-stock-market-turmoil.html?_r=0

89. *Minitrue: Rules on Stock Market Reporting*, China Digital Times (July 9, 2015), http://chinadigitaltimes.net/2015/07/minitrue-rules-on-stock-market-reporting/

90. *Chinese journalist jailed after stock market crash coverage*, Al Jazeera America (August 27, 2015), http://america.aljazeera.com/articles/2015/8/27/chinese-journalist-jailed-over-stock-market-crash-coverage.html

91. *In China, Journalist Reporting on Stock Market Held by Police*, Committee to Protect Journalists (August 26, 2015), https://cpj.org/2015/08/in-china-journalist-reporting-on-stock-market-held.php

92. E.g. Amie Tsang, *Caijing Journalist's Shaming Signals China's Growing Control over News Media*, The New York Times (September 6, 2015), http://www.nytimes.com/2015/09/07/business/media/caijing-journalists-shaming-signals-chinas-growing-control-over-news-media.html

93. Amie Tsang, *Caijing Journalist's Shaming Signals China's Growing Control over News Media*, New York Times (September 6, 2015), http://www.nytimes.com/2015/09/07/business/media/caijing-journalists-shaming-signals-chinas-growing-control-over-news-media.html

94. In-person interview with Hannah Beech, East Asia Bureau Chief, Time Magazine, June 11, 2016.

95. In-person interview with correspondent for an American news organization.

96. In-person interview with journalist.

97. Yojana Sharma, *China Restricts Academic Access to Historical Archives*, University World News (March 14, 2014), http://www.universityworldnews.com/article.php?story=20140311231740373

98. Whatsapp voice interview with Chinese news assistant.

99. Id.

100. State Administration of Press, Publication, Radio, Film and Televsion of the People's Republic of China 中华人民共和国新闻出版广电总局, 国家新闻出版广电总局印发《新闻从业人员职务行为信息管理办法》 规范新闻从业人员职务行为信息使用和管理*(Jul 8. 2014)*, http://www.gapp.gov.cn/news/1656/211765.shtml; *see also* Kiki Zhao, *Chinese Journalists Warned Not to Work with Foreign Media*, New York Times (Sinosphere Blog) (Jul. 10, 2014), http://sinosphere.blogs.nytimes.com/2014/07/10/chinese-journalists-warned-not-to-work-with-foreign-media/?_r=0

101. Id.

102. *Xi Jinping Millionaire Relations Reveal Fortunes of Elite*, Bloomberg (June 29, 2012), http://www.bloomberg.com/news/articles/2012-06-29/xi-jinping-millionaire-relations-reveal-fortunes-of-elite

103. Id. Forsythe was based in Beijing, Oster and Khan were based in Hong Kong and Lawrence was based in New York.

104. *China corruption crackdown 'netted 300,000 in 2015'*, BBC (March 7, 2016), http://www.bbc.com/news/world-asia-china-35741357

105. E.g. Macabe Keliher and Hsinchao Wu, *How to Discipline 90 Million People*, The Atlantic (Apr. 7, 2015), http://www.theatlantic.com/international/archive/2015/04/xi-jinping-china-corruption-political-culture/389787/

106. E.g. Ying Chen, *Is the Arab Spring Coming to China? The Missing Piece of the Puzzle*, Columbia SIPA Journal of International Affairs (Nov. 4, 2013), http://jia.sipa.columbia.edu/online-articles/arab-spring-coming-china-missing-piece-puzzle/

107. *See e.g.* Tom Mitchell and Yuan Yang, *Panama Papers Prompt Muted China Response*, The Financial Times (Apr. 5, 2016), ("any suggestion that the Chinese Communist party's anti-corruption campaign is sparing certain elite families remains taboo in China, given the potential embarrassment it could cause President Xi Jinping."), http://www.ft.com/cms/s/0/792b8d80-fb01-11e5-b3f6-11d5706b613b.html#axzz4JzdmkdzT

108. Michael Martina, *Bloomberg sites blocked in China days after Xi Family wealth story*, Reuters (July 4, 2012), http://www.reuters.com/article/us-china-censorship-bloomberg-idUSBRE86306820120704

109. Tania Branigan, *China Blocks Bloomberg for Exposing Financial Affairs of Xi Jinping's Family*, The Guardian (June 29, 2012), https://www.theguardian.com/world/2012/jun/29/china-bloomberg-xi-jinping

110. Aram Roston, *How Bloomberg Does Business*, The Nation (February 10, 2011), https://www.thenation.com/article/how-bloomberg-does-business/; *Signs of Change for Bloomberg Newsroom*, NY Times News Service (Dec. 1, 2013), http://www.taipeitimes.com/News/editorials/archives/2013/12/01/2003578039 (terminals comprise 85% of the company's revenue).

111. Luke O'Brien, *The Mayor vs. the Mogul*, The Politico Magazine (July/August 2015), http://www.politico.com/magazine/story/2015/06/mike-bloomberg-mayor-vs-mogul-119111_Page4.html#.V7YCZiN97BI (reporting "4000 terminals); The New York Times reported "2,000 to 2,500 terminals." Neil Gough and Ravi Somaiya, *Bloomberg Hints at Curb on Articles About China*, The New York Times (Mar. 20, 2014), http://www.nytimes.com/2014/03/21/business/international/bloomberg-should-have-rethought-articles-on-china-chairman-says.html?_r=0

112. *Signs of Change for Bloomberg Newsroom*, NY Times News Service (Dec. 1, 2013), http://www.taipeitimes.com/News/editorials/archives/2013/12/01/2003578039

113. James Fallows, *Another Bloomberg Editor Explains Why He Has Resigned, Over Its China Coverage*, The Atlantic (Mar. 25, 2014), http://www.theatlantic.com/international/archive/2014/03/another-bloomberg-editor-explains-why-he-has-resigned-over-its-china-coverage/359565/

114. Luke O'Brien, *The Mayor vs. the Mogul*, The Politico Magazine (July/August 2015), http://www.politico.com/magazine/story/2015/06/mike-bloomberg-mayor-vs-mogul-119111_Page4.html#.V7YCZiN97BI. Sources that PEN America spoke with confirmed the events as described in the Politico story, adding the detail that the Chinese ambassador also stated "good things" would happen if the company did not run a Xi story.

115. In-person interview with former Bloomberg employee.

116. Neil Gough, *Bloomberg Should Have Rethought Articles on China, Chairman Says*, The New York Times (March 21, 2014), http://www.nytimes.com/2014/03/21/business/international/bloomberg-should-have-rethought-articles-on-china-chairman-says.html?pagewanted=all&_r=1; Jillian Kay Melchior, *Bloomberg Buckles to Beijing*, The National Review (Mar. 26, 2014), http://www.nationalreview.com/article/374224/bloomberg-buckles-beijing-jillian-kay-melchior

117. In-person interview with former Bloomberg employee; online exchange with former Bloomberg employee.

118. Adam Taylor, *Bloomberg Employees Got Death Threats After Bombshell Xi Jinping Story*, Business Insider (October 29, 2012), http://www.businessinsider.com/xi-jinping-death-threats-2012-10

119. Osnos Evan. *"Age of Ambition: Chasing Fortune, Truth, and Faith in the New China,"* (Farrar, Straus and Giroux, 2014), p. 259.

120. Id, at 259-60.

121. Email exchange with Leta Hong Fincher, author of "Leftover Women: The resurgence of Gender Equality in China," (Zed Books, Ltd. 2014), August 18, 2016.

122. Id.

123. Email exchange with Leta Hong Fincher, author of "Leftover Women: The resurgence of Gender Equality in China," (Zed Books, Ltd. 2014), August 18, 2016.

124. *China Renews Press Cards for Bloomberg, Several New York Times Reporters*, Reuters (Dec. 19, 2013), http://www.reuters.com/article/us-china-media-accreditations-idUSBRE9BI0AQ20131219

125. Edward Wong, *Bloomberg News is Said to Curb Articles that Might Anger China*, The New York Times (November 8, 2013), http://www.nytimes.com/2013/11/09/world/asia/bloomberg-news-is-said-to-curb-articles-that-might-anger-china.html?_r=0

126. Id.

127. Id. Among the critical response to such an analogy was a piece by Dr. Rafael Medoff, director of the David S. Wyman Institute for Holocaust Studies in Washington, D.C. noting that there were several 'puff pieces' of Hitler prior to the outbreak of World War II, Medoff noted that "Editors understandably want access. But the desire for access can corrupt." Rafael Medoff, *Bloomberg News Encounters Nazi China*, Arutz Sheva (Nov. 17, 2013), http://www.israelnationalnews.com/Articles/Article.aspx/14115

128. Howard W. French, *Bloomberg's Folly*, Columbia Journalism Review, May/June 2014, http://www.cjr.org/feature/bloombergs_folly.php; Ellen Killoran, *Outgoing China Editor Ben Richardson Says Bloomberg News Tried to Muzzle Him*, International Business Times (Mar. 28, 2014), http://www.ibtimes.com/outgoing-china-editor-ben-richardson-says-bloomberg-news-tried-muzzle-him-1564545

129. Edward Wong, *Bloomberg News is Said to Curb Articles That Might Anger China*, The New York Times (November 8, 2013), http://www.nytimes.com/2013/11/09/world/asia/bloomberg-news-is-said-to-curb-articles-that-might-anger-china.html?_r=0

130. The 2014 article on the children of senior leaders at foreign banks was Cathy Chan and Keri Geiger, *Wall Street Girds for China Bribery Probe as IPOs Beckon*, Bloomberg Markets (Feb. 19, 2014), http://www.bloomberg.com/news/articles/2014-02-19/wall-street-girds-for-china-bribery-probe-as-ipos-beckon. In contrast to Bloomberg's lack of a critical story on Wang Jianlin, The New York Times published a critical story on Wang, authored by Michael Forsythe, in April of 2015, after Forsythe began working for the Times. Michael Forsythe, *Wang Jianlin, a Billionaire at the Intersection of Business and Power in China*, The New York Times (April 28, 2015), http://www.nytimes.com/2015/04/29/world/asia/wang-jianlin-abillionaire-at-the-intersection-of-business-and-power-in-china.html?_r=0

131. In-person interview with former Bloomberg employee.

132. Ellen Killoran, *Outgoing China Editor Ben Richardson Says Bloomberg News Tried to Muzzle Him*, International Business Times (March 28, 2014), http://www.ibtimes.com/outgoing-china-editor-ben-richardson-says-bloomberg-news-tried-muzzle-him-1564545

133. Jim Romenesko, *Ben Richardson Quits Bloomberg Over Handling of Investigative Piece*, JimRomenesko.com (March 24, 2014), http://jimromenesko.com/2014/03/24/ben-richardson-quits-bloomberg-news-over-handling-of-investigative-piece/.

134. Barbara Demick, *The Times, Bloomberg News, and the Richest Man in China*, The New Yorker (May 5, 2015), http://www.newyorker.com/news/news-desk/how-not-to-get-kicked-out-of-china; *see also* Edward Wong and Christine Haughney, *Bloomberg News Suspends Reporter whose Article on China was not Published*, The New York Times (Nov. 17, 2013), http://www.nytimes.com/2013/11/18/world/asia/reporter-on-unpublished-bloomberg-article-is-suspended.html

135. James Fallows, *Another Bloomberg Editor Explains Why He Has Resigned Over Its China Coverage*, The Atlantic (Mar. 25, 2014), http://www.theatlantic.com/international/archive/2014/03/another-bloomberg-editor-explains-why-he-has-resigned-over-its-china-coverage/359565/; *see also Signs of Change for Bloomberg Newsroom*, NY Times News Service (Dec. 1, 2013), http://www.taipeitimes.com/News/editorials/archives/2013/12/01/2003578039

136. *Signs of Change for Bloomberg Newsroom*, NY Times News Service (Dec. 1, 2013), http://www.taipeitimes.com/News/editorials/archives/2013/12/01/2003578039

137. Luke O'Brien, *The Mayor vs. the Mogul*, Politico (July 2015), http://www.politico.com/magazine/story/2015/06/mike-bloomberg-mayor-vs-mogul-119111

138. Id.

139. Id.

140. Peter Grauer, *The Bloomberg Story (Complete)*, Asia Society (March 20, 2014), http://asiasociety.org/video/peter-grauer-bloomberg-story-complete;Howard W. French, *Bloomberg's Folly*, Columbia Journalism Review (May 2014), http://www.cjr.org/feature/bloombergs_folly.php

141. Howard W. French, *Bloomberg's Folly*, Columbia Journalism Review (May 2014), http://www.cjr.org/feature/bloombergs_folly.php

142. Ellen Killoran, *Outgoing China Editor Ben Richardson Says Bloomberg News Tried to Muzzle Him*, International Business Times (Mar. 28, 2014), http://www.ibtimes.com/outgoing-china-editor-ben-richardson-says-bloomberg-news-tried-muzzle-him-1564545

143. Barbara Demick, *The Times, Bloomberg News, and the Richest Man in China*, The New Yorker (May 5, 2015), http://www.newyorker.com/news/news-desk/how-not-to-get-kicked-out-of-china.

144. Clement Tan, *Resume*, http://www.clementtan.com/?page_id=37.

145. Zijing Wu and William Mellor, *Chinese Billionaire is Ready for his Hollywood Close-Up*, Bloomberg (Feb. 9, 2015), http://www.bloomberg.com/news/articles/2015-02-09/wang-boy-soldier-turned-billionaire-pursues-hollywood-studios

146. Luke O'Brien, *The Mayor vs. the Mogul*, Politico (July 2015), http://www.politico.com/magazine/story/2015/06/mike-bloomberg-mayor-vs-mogul-119111_Page5.html#.V4yJhJMrJTY.

147. *The Information Forms Asia Bureau; Hires Shai Oster as Bureau Chief*, Business Wire (August 5, 2016), http://www.businesswire.com/news/home/20160805005761/en/Information-Forms-Asia-Bureau-Hires-Shai-Oster

148. In-person interview with correspondent for a foreign news origination.

149. In-person with Beijing-based correspondent.

150. David Barboza, *Billions in Hidden Riches for Family of Chinese Leader*, The New York Times (Oct. 25, 2012), http://www.nytimes.com/2012/10/26/business/global/family-of-wen-jiabao-holds-a-hidden-fortune-in-china.html

151. Id.

152. Phone interview with David Barboza, Shanghai Bureau Chief, The New York Times, March 23, 2016.

153. Christine Haughney, *The Times is Introducing a Chinese-Language News Site*, The New York Times (June 27, 2012), http://mediadecoder.blogs.nytimes.com/2012/06/27/the-times-is-introducing-a-chinese-language-news-site/.

154. Keith Bradsher, *China Blocks Web Access to Times After Article*, The New York Times (Oct. 25, 2012), http://www.nytimes.com/2012/10/26/world/asia/china-blocks-web-access-to-new-york-

155. Phone interview with David Barboza, Shanghai Bureau Chief, The New York Times, March 23, 2016.

156. Id.

157. Id.

158. Id.

159. Id.

160. Id.

161. Phone interview with David Barboza, Shanghai Bureau Chief, The New York Times, March 23, 2016.

162. Regulations of the People's Republic of China on News Coverage by Permanent Offices of Foreign Media Organizations and Foreign Journalists, (Decree of the State Council of the People's Republic of China No. 537), Articles 9, 10, http://www.china-embassy.org/eng/ywzn/mtyw/press_1/t944225.htm; *see also* Elizabeth M. Lynch, *China Expels French Journalist Ursula Gauthier*, China Law and Policy (Dec. 28, 2015), http://chinalawandpolicy.com/2015/12/28/china-expels-french-journalist-ursula-gauthier/

163. Regulations of the People's Republic of China on News Coverage by Permanent Offices of Foreign Media Organizations and Foreign Journalists, (Decree of the State Council of the People's Republic of China No. 537), Articles 9, 13 (establishing that press cards are associated with news organizations as opposed to individual reporters regardless of organization); *see also* Elizabeth M. Lynch, *China Expels French Journalist Ursula Gauthier*, China Law and Policy (Dec. 28, 2015) (including explanation of procedures for journalists changing employers), http://chinalawandpolicy.com/2015/12/28/china-expels-french-journalist-ursula-gauthier/

164. *Visa Issue in China Forces Out Times Reporter*, The New York Times (Dec. 31, 2012), http://www.nytimes.com/2013/01/01/world/asia/times-reporter-in-china-is-forced-to-leave-over-visa-issue.html.

165. Kristen Hare, *The New York Times Hires Michael Forsythe*, Poynter (January 13, 2014), http://www.poynter.org/2014/the-new-york-times-hires-michael-forsythe/235713/; *Visa Issue in China Forces Out Times Reporter*, The New York Times (December 31, 2012), http://www.nytimes.com/2013/01/01/world/asia/times-reporter-in-china-is-forced-to-leave-over-visa-issue.html

166. Malcom Moore, *New York Times and Bloomberg Facing Expulsion from China*, The Telegraph (Dec. 5, 2013), http://www.telegraph.co.uk/news/worldnews/asia/china/10498086/New-York-Times-and-Bloomberg-facing-expulsion-from-China.html; *Reporter forced to leave China had problem with visa, officials say*, The New York Times (Jan. 4, 2013), http://www.nytimes.com/2013/01/05/world/asia/china-says-reporter-chris-buckley-was-not-expelled.html

167. David Barboza, Jessica Silver-Greenberg, Ben Protess, *JP Morgan's Fruitful Ties to a Member of China's Elite*, The New York Times (Nov. 13, 2013), http://dealbook.nytimes.com/2013/11/13/a-banks-fruitful-ties-to-a-member-of-chinas-elite/; with affiliated content *JP Morgan and the Wen Family* (Nov. 13, 2013), http://www.nytimes.com/interactive/2013/11/14/business/dealbook/JPMorgan-and-the-Wen-Family.html

168. Id.

169. Malcolm Moore, *New York Times and Bloomberg Facing Expulsion from China*, The Telegraph (5 Dec. 2013), http://www.telegraph.co.uk/news/worldnews/asia/china/10498086/New-York-Times-and-Bloomberg-facing-expulsion-from-China.html

170. Mark Landler and David E. Sanger, *China Pressures U.S. Journalists, Prompting Warning From Biden*, The New York Times (Dec. 4, 2013), http://www.nytimes.com/2013/12/06/world/asia/biden-faults-china-on-foreign-press-crackdown.html

171. Tania Branigan, *China Denies 'Deporting' New York Times Journalist Austin Ramzy*, The Guardian (Jan. 31, 2014), https://www.theguardian.com/world/2014/jan/31/china-denies-deporting-new-york-times-journalist. For further analysis, see Elizabeth Lynch, *Another One Bites the Dust But Does Anyone Care? Congress is Silent as NY Times Reporter Leaves Beijing*, China Law and Policy (Feb. 9, 2014), http://chinalawandpolicy.com/2014/02/09/another-one-bites-the-dust-but-does-anyone-care-congress-is-silent-as-ny-times-reporter-leaves-beijing/; Elizabeth M. Lynch, *Correction on NY Times Reporter's Departure from Beijing*, China Law and Policy (Feb. 10, 2014), http://chinalawandpolicy.com/2014/02/10/correction-on-ny-times-reporters-departure/

172. Charles Clover, *New York Times Reporter Austin Ramzy Forced to Leave China*, Financial Times (Jan. 30, 2014), http://www.ft.com/cms/s/0/31afe64a-8984-11e3-8829-00144feab7de.html#axzz4J3JHSa4r

173. Andrew Jacobs, *China Appears Set to Force Times Reporter to Leave*, The New York Times (Jan. 27, 2014), http://www.nytimes.com/2014/01/28/world/asia/times-reporter-faces-expulsion-from-china.html

174. Id.

175. E.g. Michael Calderone, *Chinese President Xi Jinping Suggests News Outlets Are the Ones to Blame for Visa Problems*, Huffington Post (Nov. 12, 2014), http://www.huffingtonpost.com/2014/11/12/china-new-york-times-xi-jinping_n_6146144.html

176. Carrie Gracie, China Week: *Summit Season*, BBC (Nov. 14, 2014), http://www.bbc.com/news/world-asia-china-30048578; The New York Times Editorial Board, *A Response to President Xi Jinping*, The New York Times (Nov. 12, 2014), http://www.nytimes.com/2014/11/13/opinion/a-response-to-president-xi-jinping.html

177. Carrie Gracie, China Week: *Summit Season*, BBC (Nov. 14, 2014), http://www.bbc.com/news/world-asia-china-30048578; The New York Times Editorial Board, *A Response to President Xi Jinping*, The New York Times (Nov. 12, 2014), http://www.nytimes.com/2014/11/13/opinion/a-response-to-president-xi-jinping.html

178. Id.

179. Benjamin Mullin, *New York Times Visa Gridlock in China Loosens a Bit,* Poynter (Nov. 9, 2015), http://www.poynter.org/2015/new-york-times-visa-gridlock-in-china-loosens-a-bit/383613/

180. Andrew Jacobs, *Notes on the China I'm Leaving Behind*, The New York Times (Nov. 28, 2015), http://www.nytimes.com/2015/11/29/sunday-review/notes-on-the-china-im-leaving-behind.html?_r=0; Eric Fish, '*I Don't Want to Think About Activating Change*': *NYT's David Barboza on Reporting in China*, Asia Society (Jan. 28, 2016), http://asiasociety.org/blog/asia/i-dont-want-think-about-activating-change-nyts-david-barboza-reporting-china; *Keith Bradsher Moving to Shanghai at The New York Times*, Cision (June 27, 2016), http://www.cision.com/us/2016/06/keith-bradsher-moving-to-shanghai-at-the-new-york-times/

181. Peter Corne, Ariel Fu and Robin Weir, *China Imposes New Restrictions on Internet Content*, Dorsey (March 25, 2016), https://www.dorsey.com/newsresources/publications/client-alerts/2016/03/china-imposes-new-restrictions-on-internet-content *(Example of the SAPPRFT and MIIT releasing a regulation together, showing that they regulate that the same outlets and issues)*

182. *FCCC Annual Working Conditions Report 2015*, Foreign Correspondents' Club of China (May 27, 2015), http://www.fccchina.org/2015/05/27/fccc-annual-working-conditions-report-2015/.

183. *2016 World Press Freedom Index*, Reporters Without Borders, https://rsf.org/en/ranking; A 2016 Reporters Without Borders report ranked China the 176th worst country for press freedom out of 180 countries.

184. In-person interview with broadcast journalist.

185. Tania Branigan, *China's Jasmine Revolution: Police but No Protesters Line Streets of Beijing*, The Guardian (Feb. 27, 2011), https://www.theguardian.com/world/2011/feb/27/china-jasmine-revolution-beijing-police

186. Id.

187. *Bloomberg Journalist Assaulted as China Heightens Security*, Bloomberg News (Feb. 27, 2011), http://www.bloomberg.com/news/articles/2011-02-27/bloomberg-journalist-assaulted-as-china-heightens-security

188. In-person interview with Paul Mooney, journalist, February 15, 2016.

189. In-person interview with Hannah Beech, East Asia Bureau Chief, Time Magazine, June 11, continued by telephone June 16, 2016.

190. Id.

191. Peter Ford, *Report on China's 'Jasmine Revolution'? Not if you Want your Visa*, Christian Science Monitor(Mar 3, 2011), http://www.csmonitor.com/World/Asia-Pacific/2011/0303/Report-on-China-s-Jasmine-Revolution-Not-if-you-want-your-visa.

192. In-person interview with Andrew Jacobs, reporter, The New York Times, March 21, 2016.

193. *Reporter Detained for More than 14 Hours and Locked in Restraining Chair for Interrogation*, Foreign Correspondents' Club of China (Oct. 23, 2014), http://www.fccchina.org/2014/10/23/reporter-detained-for-more-than-14-hours-and-locked-in-restraining-chair-for-interrogation/

194. Id.

195. Id.

196. In-person interview with Felicia Sonmez, former reporter for the AFP and the Wall Street Journal, May 17, 2016.

197. Id.

198. In-person interview with Felicia Sonmez, former reporter for the AFP and the Wall Street Journal, May 17, 2016. Both plainclothes and uniformed police officers are normally deployed, in significant numbers, to Tiananmen Square for anniversaries of the Tiananmen Square massacre. *See e.g.* Tania Branigan, *Tiananmen Anniversary: Chinese Police Patrol Square to Stop Commemorations*, The Guardian (Jun. 4, 2014) (describing "scores of plainclothes and uniform police" patrolling the square), https://www.theguardian.com/world/2014/jun/04/tiananmen-anniversary-chinese-police-patrol-square

199. In-person interview with Felicia Sonmez, former reporter for the AFP and the Wall Street Journal, May 17, 2016.

200. *See Plight and Prospects: The Landscape for Cause Lawyers in China*, Leitner Center for International Law and Justice & The Committee to Support Chinese Lawyers (2015), http://leitnercenter.org/files/Plight%20and%20Prospects_FULL%20FOR%20WEB.pdf; *see also* Austin Ranzy, *Human Rights Lawyers on Defense in China*, Time (Apr. 22, 2010), http://content.time.com/time/world/article/0,8599,1983765,00.html; *A Year On: China's Crackdown on Human Rights Lawyers*, Amnesty International (July 2016), https://www.amnesty.org/en/latest/campaigns/2016/07/one-year-since-chinas-crackdown-on-human-rights-lawyers/

201. E.g. *Mass Crackdown on Chinese Lawyers, Defenders and International Reactions: A Brief Chronology*, Human Rights in China, http://www.hrichina.org/en/mass-crackdown-chinese-lawyers-defenders-and-international-reactions-brief-chronology

202. *China: Latest Information on Crackdown Against Lawyers and Activists*, Amnesty International (July 31, 2015), https://www.amnesty.org/en/press-releases/2015/07/china-list-of-lawyers-and-activists-targeted/

203. *See e.g.* Evan Osnos, *Where is Xu Zhiyong?*, The New Yorker (Jul. 31, 2009), http://www.newyorker.com/news/letter-from-china/where-is-xu-zhiyong

204. The original segment remains accessible on YouTube at https://www.youtube.com/watch?v=m0Fk3yJhK2A (accessed Aug. 29, 2016).

205. Id.

206. *FCCC Annual Working Conditions Report*, Foreign Correspondents' Club of China (May 30, 2014), http://www.fcchina.org/2014/05/30/fccc-annual-working-conditions-report-2014/

207. Id.

208. For domestic profiles of Pu Zhiqiang within China, see 林珊珊&黄昕宇&张瑞&代双双，浦志强：对坏的制度，不会忍太久 & 林珊珊，浦志强：我守住了，他们没守住, 南方人物周刊（2013年第三期I），available at http://lawyerpu.com/southern-peoples-weekly/; 钱杨&张悦，浦志强－－金刚怒目，推倒劳教， 人物（2013）, available at http://lawyerpu.com/renwu-magazine/

209. Whatsapp interview with Beijing-based reporter for a foreign news organization.

210. Id.

211. Roy Gleenslade, *Journalists Beaten Back From Courtroom by Chinese Police*, The Guardian (Dec. 14, 2015), http://www.theguardian.com/media/greenslade/2015/dec/14/journalists-beaten-back-from-courtroom-by-chinese-police; Philip Wen, *Smiley Faces and Rough Tactics on Display as China Puts Pu Zhiqiang on Trial*, The Sydney Morning Herald (Dec. 15, 2015), http://www.smh.com.au/world/smiley-faces-and-rough-tactics-on-display-as-china-puts-lawyer-on-trial-20151214-glna5w.html; *see also* live coverage of the event from Tom Phillips Twitter feed, posted Dec. 15, 2015, at

https://twitter.com/tomphillipsin/status/676205637940965376/photo/1?ref_src=twsrc%5Etfw

212. Philip Wen, *Smiley Faces and Rough Tactics on Display as China Puts Pu Zhiqiang on Trial,* The Sydney Morning Herald (Dec. 15, 2015), http://www.smh.com.au/world/smiley-faces-and-rough-tactics-on-display-as-china-puts-lawyer-on-trial-20151214-glna5w.html

213. Julie Makinen, *China Puts Activists, Lawyer on Trial for Subversion*, The Los Angeles Times (Aug. 2, 2016), http://www.latimes.com/world/asia/la-fg-activist-trial-china-20160802-snap-story.html; 陈海峰, 翟岩民案一审宣判：有期徒刑三年缓刑四年, 中国新闻网 (2016.08.02), http://www.chinanews.com/gn/2016/08-02/7959177.shtml

214. Julie Makinen, *China Puts Activists, Lawyer on Trial for Subversion*, The Los Angeles Times (Aug. 2, 2016), http://www.latimes.com/world/asia/la-fg-activist-trial-china-20160802-snap-story.html

215 Id.

216. Available at https://twitter.com/rebeccaludavis/status/761047941473718272

217. Available at https://twitter.com/rebeccaludavis/status/761076391102164992

218. In-person interview with broadcast journalist.

219. Adrian Brown, *How a Violent Protest Unfolded in China*, Al Jazeera (May 19 2015), http://www.aljazeera.com/blogs/asia/2015/05/violent-protest-unfolded-china-150518145553715.html

220. Id.

221. Id.

222. Id.

223. Scott Murdoch, *Al Jazeera Veteran Adrian Brown Strikes Trouble in China*, The Australian (May 25, 2015), http://www.theaustralian.com.au/business/media/broadcast/al-jazeera-veteran-adrian-brown-strikes-trouble-in-china/news-story/e940d3a6da112bc9ef2202502e4482cf

224. Adrian Brown, *How a Violent Protest Unfolded in China*, Al Jazeera (May 19 2015), http://www.aljazeera.com/blogs/asia/2015/05/violent-protest-unfolded-china-150518145553715.html

225. Matt Sheehan, *In China, Only Leaders Are Allowed to Battle Corruption*, The Huffington Post (March 12, 2015), http://www.huffingtonpost.com/2015/03/12/china-leaders-corruption_n_6852596.html

226. *Incident Report: March 2015, Tianmu Village, Near Tianjin, Matt Sheehan, Huffington Post*, Foreign Correspondents' Club of China (Sept. 14, 2015), http://www.fccchina.org/2015/09/14/march-2015-tianmu-village-near-tianjin-matt-sheehan-huffington-post/

227. In-person interview with Matt Sheehan, former Beijing correspondent, Huffington Post, March 14, 2016.

228. Id.

229. In-person interview with journalist.

230. Id.

231. In-person interview with journalist.

232. Id.

233. Id.

234. Id.

235. *Deutsche Welle: China refuses accreditations for G20 Summit*, Deutsche Welle (September 3, 2016), http://www.dw.com/en/deutsche-welle-china-refuses-accreditations-for-g20-summit/a-19524892

236. *See e.g.* Emily T. Metgzar, *The Chinese Media Reciprocity Act, Public Diplomacy and the US-China Relationship*, Place Branding and Public Diplomacy (May 2013), Vol. 9, Issue 2, pp 76-87.

237. In-person interview with Julie Makinen, Beijing bureau chief, Los Angeles Times, May 18, 2016.

238. In-person interview with Julie Makinen, Beijing bureau chief, Los Angeles Times, May 18, 2016.

239. *Al Jazeera English Forced Out of China*, Al Jazeera (May, 9th, 2012), http://www.aljazeera.com/news/asia-pacific/2012/05/201257195136608563.html

240. Id.

241. Lucy Hornby, *China expels first foreign journalist in 13 years*, Reuters (May 7, 2012) http://www.reuters.com/article/china-media-idUSL4E8G286120120508

242. World: Asia-Pacific, *China Expels German Journalist,* BBC (Nov. 18, 1998), http://news.bbc.co.uk/2/hi/

asia-pacific/216814.stm; Hilary Whiteman, *Al Jazeera Closes English-Language Bureau in China After Visa Denial*, CNN (May 8, 2012), http://www.cnn.com/2012/05/08/world/asia/china-al-jazeera-journalist/;

243. Rosanna Xia, *Journalist Can't Explain Expulsion from China*, Los Angeles Times (May 14, 2012), http://articles.latimes.com/2012/may/14/local/la-me-Melissa-Chan-20120514

244. *Al Jazeera English Forced Out of China*, Al Jazeera (May, 9th, 2012) http://www.aljazeera.com/news/asia-pacific/2012/05/201257195136608563.html; Christopher Bodeen, *China Expels Sole English-Language Reporter Melissa Chan*, Claims Al Jazeera, The Independent (May 8, 2012), http://www.independent.co.uk/news/world/asia/china-expels-sole-english-language-reporter-melissa-chan-claims-al-jazeera-7722138.html. Gianluca Messofiore, *Al-Jazeera English Shuts China Bureau after Expulsion of Sole Reporter Melissa Chan*, International Business Times (May 8, 2012), http://www.ibtimes.co.uk/melissa-chan-al-jazeera-english-china-beijing-338398.

245. *Al Jazeera English Forced Out of China*, Al Jazeera (May, 9th, 2012), http://www.aljazeera.com/news/asia-pacific/2012/05/201257195136608563.html ; Christopher Bodeen, *China Expels Sole English-Language Reporter Melissa Chan, Claims Al Jazeera*, The Independent (May 8, 2012), http://www.independent.co.uk/news/world/asia/china-expels-sole-english-language-reporter-melissa-chan-claims-al-jazeera-7722138.html

246. *Al Jazeera English Signs Leading Asia Correspondent Adrian Brown*, Al Jazeera Media Network (May 30, 2014), http://pr.aljazeera.com/post/87278654175/al-jazeera-english-signs-leading-asia

247. Michael Forsythe, *Journalist Says China May Expel Her for Article on Uighurs*, New York Times (December 22, 2015), http://www.nytimes.com/2015/12/23/world/asia/journalist-says-china-may-expel-her-for-article-on-uighurs.html

248. Id.; Ursula Gauthier, *Après les attentats, la solidarité de la Chine n'est pas sans arrière-pensées*, L'Obs (Nov. 18, 2015), http://tempsreel.nouvelobs.com/attentats-terroristes-a-paris/20151117.OBS9681/apres-les-attentats-la-solidarite-de-la-chine-n-est-pas-sans-arriere-pensees.html

249. Ursula Gauthier, *Après les attentats, la solidarité de la Chine n'est pas sans arrière-pensées*, L'Obs (Nov. 18, 2015), http://tempsreel.nouvelobs.com/attentats-terroristes-a-paris/20151117.OBS9681/apres-les-attentats-la-solidarite-de-la-chine-n-est-pas-sans-arriere-pensees.html

250. *L'Obs' China Articles Biased, Unprofessional*, Global Times (Dec. 26, 2015), http://www.globaltimes.cn/content/960651.shtml;

251. Michael Forsythe, *Journalist Says China May Expel Her for Article on Uighurs*, New York Times (December 22, 2015), http://www.nytimes.com/2015/12/23/world/asia/journalist-says-china-may-expel-her-for-article-on-uighurs.html

252. Jeremy Page, *China Effectively Expels French Journalist Over Critical Article,* Wall Street Journal (Dec. 27, 2015), http://www.wsj.com/articles/china-effectively-expels-french-journalist-over-critical-article-1451143407

253. *The Expulsion from China of our Colleague Ursula Gauthier is Unjustifiable*, Le Monde (December 30, 2015), http://www.lemonde.fr/idees/article/2015/12/30/the-expulsion-from-china-of-our-colleague-ursula-gauthier-is-unjustifiable_4839571_3232.html

254. Telephone interview with Ursula Gauthier, February 24, 2016.

255. Id.

256. Telephone interview with Tom Mitchell, Beijing Bureau Chief, Financial Times, June 3, 2016.

257. Whatsapp interview with journalist.

258. Id.

259. In-person interview with journalist.

260. Id.

261. Andrew Jacobs, *Reporter for Reuters Won't Receive China Visa,* The New York Times (November 9, 2013) http://www.nytimes.com/2013/11/10/world/asia/reporter-for-reuters-wont-receive-china-visa.html

262. Id.

263. Bob Dietz, *Q&A: Paul Mooney on Reporting on China*, Committee to Protect Journalists (November 2013), https://cpj.org/blog/2013/11/qa-paul-mooney-on-reporting-in-china.php

264. E.g. Paul Mooney, *China's Rulers Stay Tough Despite the Olympics Hoopla*, US News (Aug. 25, 2008), http://www.usnews.com/news/world/articles/2008/08/25/chinas-rulers-stay-tough-despite-the-olympics-hoopla.

265. Andrew Jacobs, *Reporter for Reuters Won't Receive China Visa*, The New York Times (Nov. 9, 2013), http://www.nytimes.com/2013/11/10/world/asia/reporter-for-reuters-wont-receive-china-visa.html?_r=0

266. Bob Dietz, *Q&A: Paul Mooney on Reporting on China*, Committee to Protect Journalists (November 2013), https://cpj.org/blog/2013/11/qa-paul-mooney-on-reporting-in-china.php

267. *Deutsche Welle: China refuses accreditations for G20 Summit*, Deutsche Welle (September 3, 2016), http://www.dw.com/en/deutsche-welle-china-refuses-accreditations-for-g20-summit/a-19524892

268. Bureau licensing procedures, also known as the application to establish a permanent office, are further detailed in the decree Establishing a Permanent Office and Dispatching Resident Journalists in China, Ministry of Foreign Affairs (International Press Center), available at http://ipc.fmprc.gov.cn/eng/wgjzzhzn/t538137.htm

269. *Position Paper on Working Conditions for Foreign Correspondents in China*, Foreign Correspondents' Club of China (September 2014), http://www.fccchina.org/wp-content/uploads/2014/09/Position-Paper-FCCC-2014.pdf

270. Email exchange with Matt Sheehan, former Beijing correspondent, Huffington Post, August 18, 2016.

271. Id.

272. Id.

273. Id. Sheehan told PEN America that MOFA offered to renew this visa but that he returned to the U.S. for personal reasons.

274. Email exchange with Benjamin Carlson, journalist for GlobalPost, August 22, 2016.

275. *China Allows Online Media to Report News*, Xinhua (November 6, 2015), http://news.xinhuanet.com/english/2015-11/06/c_134791527.htm; Email exchange with Benjamin Carlson, journalist for GlobalPost, August 22, 2016.

276. Email exchange with Benjamin Carlson, journalist for GlobalPost, August 22, 2016.

277 Edward Wong, *Riots in Western China Amid Ethnic Tension*, The New York Times (July 5, 2009), http://www.nytimes.com/2009/07/06/world/asia/06china.html; Tibetan riots spread outside region, The New York Times (March 16, 2008), http://www.nytimes.com/2008/03/16/world/asia/16iht-tibet.4.11148124.html

278. *China's Forbidden Zones*, Human Rights Watch (July 6, 2008), https://www.hrw.org/report/2008/07/06/chinas-forbidden-zones/shutting-media-out-tibet-and-other-sensitive-stories

279. The Foreign Correspondents' Club of China, Tibet Survey, April 26, 2016, https://cpj.org/blog/04262016FCCCTIBETSURVEY.pdf

280. Id.

281. Id.

282. *China's Forbidden Zones*, Human Rights Watch (July 6, 2008), https://www.hrw.org/report/2008/07/06/chinas-forbidden-zones/shutting-media-out-tibet-and-other-sensitive-stories

283. In-person interview with Jo Floto, Asia Bureau Editor, BBC, May 18, 2016.

284. The Foreign Correspondents' Club of China, Tibet Survey, April 26, 2016, https://cpj.org/blog/04262016FCCCTIBETSURVEY.pdf

285. Phone Interview with Jon Kaiman, Asia correspondent, Los Angeles Times, August 31, 2016.

286. Id.

287. Id.

288. Id.

289. *Xinjiang Territory Profile—Overview,* BBC News (Oct. 14, 2014), http://www.bbc.com/news/world-asia-pacific-16860974. For a more comprehensive view of Xinjiang history, *see additionally* Preeti Bhattacharji, *Uighurs and China's Xinjiang Region*, Council on Foreign Relations (May 29, 2012), http://www.cfr.org/china/uighurs-chinas-xinjiang-region/p16870

290. Julie Makinen, *In Xinjiang, China, Journalists Work in the Shadow of Censorship*, Los Angeles Times (Oct. 26, 2014), http://www.latimes.com/world/asia/la-fg-china-yarkant-notebook-20141026-story.html

291. Id.

292. Id.

293. Ariana Eunjung Cha, *Death Toll Debated In China's Rioting*, The Washington Post (July 11, 2009) http://www.washingtonpost.com/wp-dyn/content/article/2009/07/11/AR2009071100464.html

294. In-person interview with Jo Floto, Asia Bureau Editor, BBC, May 18, 2016.

295. Id.

296. In-person interview with reporter.

297. In-person interview with Julie Makinen, Beijing bureau chief, Los Angeles Times, May 18, 2016.

298. Id.

299. Id.

300. *FCCC Annual Working Conditions Report 2015,* FCCC (May 27, 2015), http://www.fccchina.org/2015/05/27/fccc-annual-working-conditions-report-2015/

301 被捕女律師批外國炒作維權事件　圖搞亂中國 *[Arrested Female Lawyer Criticizes Foreign Hype about Rights Activism, "They Want to Destabilize China"]*, 東網 On.cc (August 1, 2016), http://hk.on.cc/cn/bkn/cnt/news/20160801/bkncn-20160801150029708-0801_05011_001.html

302. E.g. *A Human Rights Lawyer in China Details his Secret Confinement and Forced Confession*, The New York Times (July 12, 2016) (human rights lawyer Peter Dahlin discusses his forced confession after months of incommunicado detention) https://www.youtube.com/watch?v=ha1jVRMHkQk

303. In-person interview with European correspondent.

304. China: Release Tashi Wangchuk (UA 79/16), Amnesty International (Apr. 11, 2016), http://www.amnestyusa.org/get-involved/take-action-now/china-release-tashi-wangchuk-ua-7916

305 Edward Wong, *Police in China Push for Trial of Tibetan Education Advocate*, The New York Times (Aug. 30, 2016), http://www.nytimes.com/2016/08/31/world/asia/china-tibet-tashi-wangchuk.html?_r=0; TCHRD Calls for Release of Tibetan Language Advocate Tashi Wangchuk from Illegal Detention, Tibetan Centre for Human Rights and Democracy (July 11, 2016), http://tchrd.org/tchrd-calls-for-release-of-tibetan-language-advocate-tashi-wangchuk-from-illegal-detention/.

306. Edward Wong, *Tibetans Fight to Salvage Fading Culture in China*, The New York Times (Nov. 28, 2015), http://www.nytimes.com/2015/11/29/world/asia/china-tibet-language-education.html?_r=1; Jonah M. Kessel, *A Tibetan's Journey for Justice*, The New York Times (Nov. 28, 2015), http://www.nytimes.com/video/world/100000004031427/a-tibetans-journey-for-justice.html

307. Edward Wong, *Police in China Push for Trial of Tibetan Education Advocate*, The New York Times (Aug. 30, 2016), http://www.nytimes.com/2016/08/31/world/asia/china-tibet-tashi-wangchuk.html?_r=0

308. Simon Lewis, *Activist in China's Troubled Xinjiang Region is Handed 19 Years in Jail*, Time (Jan. 22, 2016), http://time.com/4189878/china-xinjiang-jail-zhang-haitao-uighur/

309. Sophie Richardson, *Dispatches: Mother's Search for Son Triggers Prosecution in China*, Human Rights Watch (Apr. 7, 2016), https://www.hrw.org/news/2016/04/07/dispatches-mothers-search-son-triggers-prosecution-china

310. *See Mother of Disappeared Uyghur Man Released After Two Years in Detention*, Radio Free America (May 31, 2016), http://www.rfa.org/english/news/uyghur/uyghur-patigul-05312016140100.html

311. Tom Mitchell, *Lunch With the FT: Guo Jian*, Financial Times (May 30, 2014), http://www.ft.com/cms/s/2/8f280a54-e5b5-11e3-a7f5-00144feabdc0.html#slide0

312. Jamil Anderlini, *Artist Guo Jian Detained in Latest Tiananmen Clampdown,* Financial Times (June 2, 2014), http://www.ft.com/cms/s/0/70078330-ea32-11e3-8dde-00144feabdc0.html#axzz4Ix6ZGHys

313. Id.

314. *Individuals Affected by Government Crackdown Around 25th Anniversary of Tiananmen Massacre*, Chinese Human Rights Defenders (May 29, 2014), https://www.nchrd.org/2014/05/individuals-affected-by-government-crackdown-around-25th-anniversary-of-tiananmen-massacre/

315. WeChat interview with Guo Jian, September 4, 2016.

316. Tom Mitchell, *Police Smash Tiananmen Replica as Artist Guo Jian Faces Expulsion*, Financial Times (June 6, 2014), http://www.ft.com/cms/s/0/b04d421e-ed33-11e3-98cc-00144feabdc0.html#axzz4FtT96aSo

317. Tania Branigan, *China to Deport Tiananmen Square Artist Guo Jian for Visa Fraud*, The Guardian (June 6, 2014), https://www.theguardian.com/world/2014/jun/06/china-deport-tiananmen-artist-guo-jian-australia. Michael Martina, Sui-Lee Wee and Ben Blanchard, *China to deport Australian artist after Tiananmen remarks*, Reuters (June 6, 2014), http://www.reuters.com/article/us-china-tiananmen-australia-idUSKBN0EH0YC20140606

318. WeChat interview with Guo Jian, September 4, 2016.

319. Id.

320. In-person interview with reporter.

321. *Hiring Chinese Citizens to Do Auxiliary Work*, International Press Center (Retrieved on Aug. 22, 2016), http://ipc.fmprc.gov.cn/eng/wgjzzhzn/t716850.htm

322. Id.

323. Falling Short (Chapter 10) - *An Opening: Foreign Journalists See Gains*, Committee to Protect Journalists (2007) https://www.cpj.org/Briefings/2007/Falling_Short/China/10.html

324. Id.

325. Falling Short (Chapter 10) - *An Opening: Foreign Journalists See Gains*, Committee to Protect Journalists (2007) https://www.cpj.org/Briefings/2007/Falling_Short/China/10.html; see also 外交部 Ministry of Foreign Affairs, 外交部就实施外国常驻新闻机构记者采访条例答问 *[Ministry of Foreign Affairs FAQ about Implementing the Regulation on News Coverage by Resident Offices of Foreign News Agencies and Foreign Correspondents]* , The Central People's Government of the People's Republic of China (Oct. 18, 2008), http://www.gov.cn/xwfb/2008-10/18/content_1124294.htm

326. In-person interview with Jo Floto, Asia Bureau Editor, BBC, May 18, 2016

327. In 2014, many Hong Kong residents protested against the Chinese government, demanding, among other things, that Hong Kong hold free elections for its chief executive.

328. Angela Köckritz,*They Have Miao: How my assistant got into trouble with Beijing's security apparatus and I got to know the Chinese authorities*, Die Zeit (January 14, 2015) http://www.zeit.de/feature/freedom-of-press-china-zhang-miao-imprisonment

329. Id.

330. Skype interview with Zhang Miao, former news assistant for Die Zeit, March 6, 2016.

331. United Nations Committee Against Torture, Concluding Observations on the Combined Third to Fifth Reports of the United States of America, UN Doc. CAT/C/USA/CO/3-5, 19 Dec. 2014, at 8-9 (finding that sleep deprivation constitutes a form of ill-treatment, and that sensory deprivation for a long period raises concerns of torture and ill-treatment); Concluding Observations of the Committee against Torture: Israel, Sept. 5, 1997, Comm. against Torture, U.N. Doc. A/52/44 (sleep deprivation for prolonged period constitutes torture; sensory deprivation through hooding may constitute torture and ill-treatment); Report on Mexico produced by the Committee under article 20 of the convention, and reply from the government of Mexico: Mexico. 05/26/2003. U.N. Doc. CAT/C/75 (2003) (a finding of torture is "particularly evident" when hooding is used in conjunction with other techniques). See also Civil and political rights, including the question of: torture and detention, report of the special rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights Resolution 2001/62, U.N. ESCOR, 58th Sess., Annex 1, Agenda Item 11(a), (f), U.N. Doc. E/ CN.4/2002/76 (2001). See additionally . Ireland v. United Kingdom, 25 Eur. H.R. Rep. (ser. A) (1978); Ocalan v. Turkey, 37 Eur. Ct. H.R. 238, ¶ 222 (2003); Aksoy v. Turkey, 1996-VI Eur. Ct. H.R. 2260 (1996); Aydin v. Turkey, 1997-VI Eur. H.R. Rep. 1866 (1997).

332. Angela Köckritz,*They Have Miao: How my assistant got into trouble with Beijing's security apparatus and I got to know the Chinese authorities*, Die Zeit (January 14, 2015), http://www.zeit.de/feature/freedom-of-press-china-zhang-miao-imprisonment

333. Edward Wong, *China Uses 'Picking Quarrels' Charge to Cast a Wider Net Online*, The New York Times (July 26, 2015), http://www.nytimes.com/2015/07/27/world/asia/china-uses-picking-quarrels-charge-to-cast-a-wider-net-online.html; *Updated: Quick Note on 'Picking Quarrels'*, China Law Translate (May 6, 2014), http://chinalawtranslate.com/quick-note-on-picking-quarrels/?lang=en

334. Angela Köckritz, *They Have Miao*, Die Zeit (Jan. 14, 2015), http://www.zeit.de/feature/freedom-of-press-china-zhang-miao-imprisonment

335. Angela Köckritz, *They Have Miao*, Die Zeit (Jan. 14, 2015), http://www.zeit.de/feature/freedom-of-press-china-zhang-miao-imprisonment

336. 北京宋庄艺术家诗歌会挺"占中"七人被刑拘, Radio Free America (Oct. 6, 2014), http://www.rfa.org/mandarin/yataibaodao/gangtai/ql2-10062014094021.html; Angela Köckritz, *They Have Miao*, Die Zeit (Jan. 14, 2015), http://www.zeit.de/feature/freedom-of-press-china-zhang-miao-imprisonment

337. Angela Köckritz, *They Have Miao*, Die Zeit (Jan. 14, 2015), http://www.zeit.de/feature/freedom-of-press-china-zhang-miao-imprisonment

338. Skype interview with Zhang Miao, former news assistant for Die Zeit, March 6, 2016.

339. *Chinese Journalist Released from Prison*, Committee to Protect Journalists (July 10, 2015), https://cpj.org/2015/07/chinese-journalist-released-from-prison.php

340. Skype interview with Zhang Miao, former news assistant for Die Zeit, March 6, 2016.

341. Celia Hatton, *Hong Kong Protests: China Police Bar BBC From Artists' Event*, BBC (2 Oct. 2014), http://www.bbc.com/news/blogs-china-blog-29456190

342. Chris Buckley, *Chinese Employee of German Weekly is Freed After 9-Month Detention*, The New York Times (July 9, 2015), http://www.nytimes.com/2015/07/10/world/asia/china-frees-zhang-miao-employee-of-die-zeit.html; 外交部发言人关于中方对当前香港"占领中环"问题的立场 *[Spokesperson of MoFA on China's Position on Occupy Central]*, Embassy of China in Spain (Oct. 13, 2014), http://www.fmprc.gov.cn/ce/cees/chn/ztyzdsj/null/t1199921.htm

343. Id.

344. Angela Köckritz, *They Have Miao*, Die Zeit (Jan. 14, 2015), http://www.zeit.de/feature/freedom-of-press-china-zhang-miao-imprisonment

345. William Wan, *China Harassing and Imprisoning Chinese Working for Foreign News Outlets*, Washington Post (Jan. 22, 2015), https://www.washingtonpost.com/world/asia_pacific/china-harassing-and-imprisoning-chinese-working-for-foreign-news-outlets/2015/01/21/3941bdc8-a0e6-11e4-91fc-7dff95a14458_story.html

346 Jim Yardley and Joseph Kahn, *China Gives Times Researcher 3 years*, The New York Times (August 25, 2006) http://www.nytimes.com/2006/08/25/world/asia/25zhaobox.html

347. Id.

348. Id.

349. Lucy Hornby, *China Holds Nikkei News Assistant Ahead of Tiananmen Anniversary*, Foreign Times (May 28, 2014), http://www.ft.com/cms/s/0/22344410-e657-11e3-bbf5-00144feabdc0.html#axzz4lx6ZGHys ; Andrew Jacobs, *Tiananmen Square Anniversary Prompts Campaign of Silence*, The New York Times (May 27, 2014), http://www.nytimes.com/2014/05/28/world/asia/tiananmen-square-anniversary-prompts-campaign-of-silence.html

350. *China Releases Journalists from Prison*, Committee to Protect Journalists (July 9, 2014), https://cpj.org/2014/07/china-releases-journalists-from-prison.php; *China Cracks Down on Media and Public in Lead Up to Tiananmen Square Anniversary*, International Federation of Journalists, (May 15 2014) (identifying her as an 'unidentified Chinese researcher' with Nikkei) http://www.ifj.org/nc/news-single-view/backpid/4/article/china-cracks-down-on-media-and-public-in-lead-up-to-tiananmen-square-anniversary/; *China Detains Journalists Amid Widening Crackdown*, Committee to Protect Journalists (May 29, 2014), https://cpj.org/2014/05/china-detains-journalist-amid-widening-crackdown.php. *Pu Zhiqiang: China rights lawyer gets suspended jail sentence*, BBC (December 22, 2015), http://www.bbc.com/news/world-asia-china-35157525

351. *China Releases Journalists from Prison*, Committee to Protect Journalists (July 9, 2014), https://cpj.org/2014/07/china-releases-journalists-from-prison.php

352. Phone interview with Edward Wong, Beijing Bureau Chief, The New York Times, June 11, 2016.

353. Skype interview with Zhang Miao, former news assistant for Die Zeit, March 6, 2016.

354. WhatsApp interview with Chinese news assistant.

355. In-person interview with Beijing bureau chief.

356. In-person interview with Jo Floto, Asia Bureau Editor, BBC, May 18, 2016.

357. Phone interview with David Barboza, Shanghai Bureau Chief, The New York Times, March 23, 2016.

358. Siobhan Gorman, Devlin Barrett, Danny Yadron, *Chinese Hackers Hit U.S. Media*, The Wall Street Journal, (Jan. 31, 2013), http://www.wsj.com/articles/SB10001424127887323926104578276202952260718; Nicole Perlroth, *Hackers in China Attacked The Times for Last 4 Months*, The New York Times (Jan. 30, 2013), http://www.nytimes.com/2013/01/31/technology/chinese-hackers-infiltrate-new-york-times-computers.html

359. Nicole Perlroth, *Hackers in China Attacked The Times for Last 4 Months*, The New York Times (Jan. 30, 2013), http://www.nytimes.com/2013/01/31/technology/chinese-hackers-infiltrate-new-york-times-computers.html

360. Siobhan Gorman, Devlin Barrett, Danny Yadron, *Chinese Hackers Hit U.S. Media*, The Wall Street Journal, (Jan. 31, 2013), http://www.wsj.com/articles/SB10001424127887323926104578276202952260718

361. Nicole Perlroth, *Hackers in China Attacked The Times for Last 4 Months*, The New York Times (Jan. 30, 2013); Siobhan Gorman, Devlin Barrett, Danny Yadron, *Chinese Hackers Hit U.S. Media*, The Wall Street Journal, (Jan. 31, 2013).

362. Nicole Perlroth, *Hackers in China Attacked The Times for Last 4 Months*, The New York Times (Jan. 30, 2013).

363. Siobhan Gorman, Devlin Barrett, Danny Yadron, *Chinese Hackers Hit U.S. Media*, The Wall Street Journal, (Jan. 31, 2013).

364. Id.

365. Nicole Perlroth, *Hackers in China Attacked The Times for Last 4 Months*, The New York Times (Jan. 30, 2013).

366. Id.

367. Id. *See also* Julie Moos, *Chinese Hackers Infiltrate The New York Times, Wall Street Journal*, Poynter (Jan. 31, 2013), http://www.poynter.org/2013/chinese-hackers-infiltrate-new-york-times-bloomberg/202400/

368. *NY Times: Chinese Hackers Attacked us for Months,* The Huffington Post (Jan. 31, 2013, updated Apr. 2, 2013), http://www.huffingtonpost.com/2013/01/31/ny-times-china-hackers_n_2588863.html

369. Phone interview with Edward Wong, Beijing Bureau Chief, The New York Times, June 11, 2016.

370. Paul Mozur, *China Appears to Attack GitHub by Diverting Web Traffic*, The New York Times (Mar. 30, 2015), http://www.nytimes.com/2015/03/31/technology/china-appears-to-attack-github-by-diverting-web-traffic.html

371. Whatasapp voice interview with news assistant.

372. Daniel Ionescu, *Google Warns Gmail Users over 'State-Sponsored Attacks'*, PCWorld (Jun. 6, 2012), http://www.pcworld.com/article/257039/google_warns_gmail_users_over_state_sponsored_attacks.html. Eric Grosse, vice-president of security at Google, explained that "our detailed analysis—as well as victim reports—strongly suggest the involvement of states or groups that are state-sponsored." Id.

373. Whatsapp voice interview with news assistant.

374. In-person interview with reporters.

375. Id.

376. In-person interview with reporter.

377. Sonya Yan Song, Robert Faris, John Kelly, *Beyond the Wall: Mapping Twitter in China*, the Berkman Center for Internet & Society at Harvard University (November 2, 2015), https://cyber.harvard.edu/publications/2015/beyond_the_wall

378. Elizabeth Weise & Calum MacLeod, *China blocks VPN access to the Internet*, USA Today (January 24, 2015), http://www.usatoday.com/story/tech/2015/01/23/china-internet-vpn-google-facebook-twitter/22235707/

379. Li Jing, China blocks VPN services that let users get round its 'Great Firewall' during big political gatherings in Beijing, South China Morning Post (Mar. 9, 2016), http://www.scmp.com/news/china/policies-politics/article/1922677/china-blocks-vpn-services-let-users-get-round-its-great

380. Paul Mozur and Jane Perlez, *Gregarious and Direct; China's Web Doorkeeper*, The New York Times (December 1, 2014), http://www.nytimes.com/2014/12/02/world/asia/gregarious-and-direct-chinas-web-doorkeeper.html

381. Minitrue: *Lu Wei Denies 'Closing' Foreign Websites*, China Digital Times (Oct. 30, 2014), http://chinadigitaltimes.net/2014/10/minitrue-lu-wei-denies-closing-foreign-websites/; *China's Web Regulator Denies Shutting Foreign Websites*, BBC (Oct. 30, 2014), http://www.bbc.com/news/world-asia-china-29828982

382. *China Blocks CBC Website After Story About Offshore Accounts*, CBC News (Jan. 22, 2014), http://www.cbc.ca/news/world/china-blocks-cbc-website-after-story-about-offshore-accounts-1.2507261

383. *CBC Protest to Chinese Envoy over Beijing's Blocking of its Websites*, The Guardian (Apr. 5, 2008), http://www.theguardian.pe.ca/World/2008-04-05/article-1292916/CBC-protests-to-Chinese-envoy-over-Beijings-blocking-of-its-websites/1

384. Brian Spegele & Josh Chin, *China Keeps Tiananmen Chatter Under Wraps Ahead of Anniversary*, The Wall Street Journal (Jun. 2, 2014), http://www.wsj.com/articles/china-keeps-tiananmen-chatter-under-wraps-ahead-of-25th-anniversary-of-crackdown-1401733469

385. *Discussion of Wen Jiaobo's Daughter Censored in China as More Foreign Media Sites Blocked*, South China Morning Post (Nov. 15, 2013), http://www.scmp.com/news/china-insider/article/1356549/discussions-wen-jiabaos-daughter-censored-china-more-foreign

386. Jason Subler, *Reuters Websites Become Inaccessible in China*, Reuters (Mar. 20, 2015), http://www.reuters.com/article/us-china-reuters-idUSKBN0MG0CV20150320

387. Id.

388 曹国星 Cao Guoxing, 路透社网站因铁流案报道提及刘云山被"惩罚"屏蔽 *[Reuters "Punitively" Blocked due to Reporting on Tie Liu]*, Radio France International (March 26, 2015), http://cn.rfi.fr/中国/20150326-路透社网站因铁流案报道提及刘云山被"惩罚"屏蔽.

389. Whatsapp interview with Reuters source.

390. Whatsappinterview with Reuters source.

391. Emily Feng, *China Blocks Economist and Time Websites, Apparently over Xi Jinping Articles*, The New York Times (Apr. 8, 2016), http://www.nytimes.com/2016/04/09/world/asia/china-blocks-economist-time.html

392. *Beware the Cult of Xi*, The Economist, (Apr. 2, 2016), http://www.economist.com/news/leaders/21695881-xi-jinping-stronger-his-predecessors-his-power-damaging-country-beware-cult; Ian Bremming, *Xi Jinping's Thin Skin Makes Him Look Week*, Time (Apr. 7, 2016), http://time.com/4284795/panama-papers-xi-jinping/

393. In-person and telephone interviews with Hannah Beech, East Asia Bureau Chief, Time Magazine, June 11 & June 16, 2016.

394. Skype interview with Roise Blau, China correspondent for the Economist, June 9, 2016.

395. Phone interview with Rebecca Blumenstein, Deputy Editor-in-Chief, The Wall Street Journal, Sept. 12, 2016.

396. Jeremy Page, *Bo Xilai Found Guilty, Sentenced to Life in Prison*, The Wall Street Journal (Sept. 22, 2013), http://www.wsj.com/articles/SB10001424052702303730704579090080547591654#project%3DCHONGQING0312%26articleTabs%3Dinteractive

397. Phone interview with Rebecca Blumenstein, Deputy Editor-in-Chief, The Wall Street Journal, Sept. 12, 2016.

398. Tania Branigan, *Guardian Blocked in China After Story About Leadership's Offshore Wealth*, The Guardian (Jan. 21, 2014), http://www.theguardian.com/world/2014/jan/22/guardian-blocked-china-leaderships-offshore-wealth

399. Tom Philips, *China Steps Up Panama Papers Censorship After Leaders' Relatives Named*, The Guardian, (Apr. 7, 2016), http://www.theguardian.com/world/2016/apr/07/china-ramps-up-panama-papers-censorship-after-leaders-relatives-named

400. Celia Hatton, *How Chinese State Blocks Foreign Broadcasts*, BBC (Oct. 15, 2014), http://www.bbc.com/news/world-asia-china-29630910

401. Colum Murphy & Andrew Browne, *New York Times Launches Alternative to Blocked Website in China*, Wall Street Journal (Oct. 10, 2013), http://www.wsj.com/articles/SB10001424052702304520704579127253577193112; Rachel Lu and David Wertime, *Did The New York Times Just Get Blocked in China—Again?*, Foreign Policy (Nov. 13, 2013), http://foreignpolicy.com/2013/11/13/did-the-new-york-times-just-get-blocked-in-china-again-updated/

402. Rachel Lu and David Wertime, *Did The New York Times Just Get Blocked in China—Again?* Foreign Policy (Nov. 13, 2013), http://foreignpolicy.com/2013/11/13/did-the-new-york-times-just-get-blocked-in-china-again-updated/

403. In-person interview with Philip Pan, Asia Editor of the New York Times, April 14, 2016.

404. A review of the accessibility of nytStyle has been made by GreatFire, and can be found at https://en.greatfire.org/cn.nytstyle.com

405. PEN America recorded a drop in foreign news bureaus in China, down from 445 in 2013 to 320 in 2015. *See* 梁淋淋 Liang Linlin, 外交部发言人制度30周年暨驻华记者新年招待会举行 *[Thirtieth Anniversary of MoFA Spokesperson Policy and New Year's Gala for Foreign Correspondents]*, Xinhua News (Dec. 13, 2013), http://news.xinhuanet.com/zgjx/2013-12/13/c_132964222.htm; 储信艳 Chu Xinyan, 驻华记者新年招待会举行 近700国外记者在华常驻 *[New Year Gala Held for Foreign Correspondents, More Than 700 Long-term Foreign Correspondents in China]*, The Beijing News (Feb. 16, 2015), http://www.bjnews.com.cn/news/2015/02/16/354062.html.

406. For examples of international codes of professional ethics in journalism, see International Principles of Professional Ethics in Journalism, Accountable Journalism (Retrieved on September 12, 2016). https://accountablejournalism.org/ethics-codes/International-Principles. See also IFJ Declaration of Principles on the Conduct of Journalists, International Federation of Journalists (Retrieved on September 12, 2016). http://www.ifj.org/about-ifj/ifj-code-of-principles/.

407. For another statement of this viewpoint, see Evan Osnos, What Will it Cost to Cover China, New Yorker (Nov. 18, 2013), http://www.newyorker.com/news/daily-comment/what-will-it-cost-to-cover-china "At a time when news organizations find their business models under assault, the prospect of taking an expensive stand against a foreign state is unappealing, especially when it might mean giving up their dreams for future growth in China. But this is a new incarnation of an old and weighty responsibility. As foreign correspondents, we have always borne the task of recording the events that journalists in their native countries are not permitted, by circumstance or by force, to record themselves."

408. In-person interview with Jocelyn Ford, Former Beijing Bureau Chief for Marketplace, May 20, 2016.

409. In-person interview with David Schlesinger, former Editor-in-Chief of Reuters, April 10, 2016.

410. Edward Wong, *At Bloomberg, Special Code Keeps Some Articles Out of China*, The New York Times (Nov. 14, 2013), http://cn.nytimes.com/world/20131114/c14bloomberg/en-us/

411. Id.

412. Id.

413. Id.

414. If the bureau chiefs are unavailable, stories go to the acting bureau chief, according to the source. In-person interview.

415. Telephone interview with Reuters reporter.

416. Whatsapp interview with Reuters reporter.

417. Id.

418. Sui-Lee Wee and Stephanie Nebehay, *At U.N., China uses intimidation tactics to silence its critics*, Reuters (October 6, 2015), http://www.reuters.com/investigates/special-report/china-softpower-rights/

419. Paul Mooney and David Lague, *Holding the fate of families in its hands, China controls refugees abroad*, Reuters (December 30, 2015), http://www.reuters.com/investigates/special-report/china-uighur/

420. David Lague, Paul Mooney and Benjamin Kang Lim, *China co-opts a Buddhist sect in global effort to smear Dalai Lama*, Reuters (December 21, 2015), http://www.reuters.com/investigates/special-report/china-dalailama/

421. Telephone interview with Reuters reporter.

422. Interview with Reuters reporter.

423. Interview with Reuters reporter.

424. Melanie Lee, *China's Nearly 700 Million Internet Users Are Hot for Online Finance*, Forbes (January 25, 2016), http://www.forbes.com/sites/melanieleest/2016/01/25/chinas-nearly-700-million-internet-users-are-hot-for-online-finance/#73c977713912

425. In-person interview with David Bandurski, China Media Project, University of Hong Kong, April 13, 2016.

426. *ABC's China website gives in to censorship, say academics*, Financial Review (April 14, 2016), http://www.afr.com/news/politics/world/abcs-china-website-gives-in-to-censorship-say-academics-20160414-go62mv

427. Quentin Dempster, *ABC's "soft diplomacy" in China looks like kowtow,* The New Daily (May 11, 2016) http://thenewdaily.com.au/news/2016/05/11/abcs-soft-diplomacy-china-looks-like-kowtow/

428. Amanda Meade, *ABC rejects criticism its Chinese web portal bows to Beijing censorship*, The Guardian (April 15 2016) http://www.theguardian.com/media/2016/apr/15/abc-rejects-criticism-its-chinese-web-portal-bows-to-beijing-censorship

429. Ilaria Maria Sala, *The South China Morning Post has Suddenly Shut Down its Chinese-Language Website*, Quartz (Sept. 9, 2016), http://qz.com/777906/the-south-china-morning-post-has-suddenly-shut-down-its-chinese-language-website/

430. Id.

431. David Barboza, *Alibaba Buying South China Morning Post, Aiming to Influence Media*, The New York Times (Dec. 11, 2015), http://www.nytimes.com/2015/12/12/business/dealbook/alibaba-scmp-south-china-morning-post.html?_r=0

432. Id.

433. Samuel Wade, *Minitrue: "Delete ALL Content Related to Panama Papers"*, China Digital Times (April 6, 2016), http://chinadigitaltimes.net/2016/04/minitrue-delete-content-related-panama-papers-2/

434. Tom Phillips, *China steps up Panama Papers censorship after leaders' relatives named*, The Guardian (April 7, 2016), https://www.theguardian.com/world/2016/apr/07/china-ramps-up-panama-papers-censorship-after-leaders-relatives-named

435. Tom Mitchell, *Panama Papers prompt muted China response*, Financial Times, (Apr. 5, 2016), http://www.ft.com/cms/s/0/792b8d80-fb01-11e5-b3f6-11d5706b613b.html; Patti Waldmeir and Tom Mitchell, *Panama Papers Tie More Top China Leaders to Offshore Companies,* Financial Times (Apr. 7, 2016), http://www.ft.com/cms/s/0/60e5acee-fc71-11e5-b3f6-11d5706b613b.html

436. *Panama Papers Prompt Muted China Response*, 中国对巴拿马文件泄露事件保持沉默, Financial Times (Apr. 5, 2016), http://www.ftchinese.com/story/001066959/ce

437. Search results available at https://next.ft.com/search?q=deng+jiagui

438. 金奇 Jin Qi, 不愿被"聚焦"的王健林*[Wang Jianlin escapes the Spotlight]*, FT Chinese (March 7, 2016), http://www.ftchinese.com/story/001066465.

439. *The Panama papers embarrass China's* leaders, The Economist (April 7, 2016), http://www.economist.com/news/china/21696504-panama-papers-embarrass-chinas-leaders

440. *After the Panama papers, Who next?*, The Economist April 16, 2016), http://www.economist.com/news/finance-and-economics/21696998-mossack-fonseca-and-its-homeland-are-not-alone-facing-closer-scrutiny-who-next

441. PEN America also inquired why its April cover story on Xi, which led to the outlet's English-language site being blocked, was not provided on the bilingual mobile app.

442. Letter from Zanny Minton-Bedoes, Editor-in-Chief of the Economist, Aug. 17, 2016.

443. Jason Subler, *Reuters Websites Blocked In China*, The Huffington Post (March 20, 2015), http://www.huffingtonpost.com/2015/03/20/reuters-blocked-china_n_6907418.html

444. Ben Blanchard, *China limits coverage and denounces Panama Papers' tax haven revelations*, Reuters (April 4, 2016), http://www.reuters.com/article/panama-tax-china-idUSL3N1780NA; Michael Martina, *China Foreign minister says clarification needed on Panama Papers*, Reuters (April 8, 2016) http://uk.reuters.com/article/uk-panama-tax-china-idUKKCN0X5180

445. *Website Search Results, "*巴拿马文件,*"* 路透 Reuters (Retrieved on August 23, 2016), http://cn.reuters.com/search/news?sortBy=&dateRange=&blob=巴拿马文件.

446 卡梅伦坦承曾持有海外信托股权 为"巴拿马文件"风波止血 *[Cameron Admits Holding Shares for Overseas Fund, Stopping Speculations around "Panama Papers"]* (April 7, 2016), http://cn.reuters.com/article/cameron-panama-papers-idCNKCS0X42XX; 普京与民众连线内容涉及民生国是 抨击"巴拿马文件" *[Putin Speaking about Civil Issues, Criticizing "Panama Papers"]* (April 15, 2016), http://cn.reuters.com/article/russia-putin-link-idCNKCS0XC0JO.

447. Clare Jim and Matthew Miller, *Dalian Wanda chairman says firm has no ties to top China politicians*, Reuters (October 30, 2015), http://www.reuters.com/article/dalian-wanda-xi-idUSL3N12U1SU20151030; Yimou Lee, *Small China developer defies slowdown with $3.3 billion buying* spree, Reuters (April14, 2014) http://www.reuters.com/article/us-china-property-excellence-idUSBREA3D1PQ20140414

448. *Website Search Results, "*邓家贵,*"* 路透 Reuters (Retrieved on August 23, 2016), http://cn.reuters.com/search/news?blob=邓家贵.

449. *Website Search Results*, "Pu Zhiqiang" Reuters (Retrieved on September 2, 2016) http://www.reuters.com/search/news?blob=Pu+Zhiqiang; *Website Search Results, "*浦志强,*"* 路透 Reuters (Retrieved on August 23, 2016), http://cn.reuters.com/search/news?sortBy=&dateRange=&blob=浦志强.

450. *Website Search Results,* "Gao Yu" Reuters (Retrieved on September 2, 2016), http://www.reuters.com/search/news?blob=Gao+Yu ; *Website Search Results, "*高瑜,*"* 路透 Reuters (Retrieved on August 23, 2016), http://cn.reuters.com/search/news?sortBy=&dateRange=&blob=高瑜

451. According to Reuters sources PEN America spoke with, translations into Chinese can be used for either the terminals, the web site, or both. There are no separate translation teams.

452. In-person interview with Reuters source.

453. Scott Cendrowski, *The 'Panama Papers' Fallout In China*, Fortune (April 5, 2016) http://fortune.com/2016/04/05/the-panama-papers-fallout-in-china/; Mincin Pei, *China's Top Leaders Have Every Reason to Fear the Panama Papers*, Fortune (April 6, 2016), *http*://fortune.com/2016/04/06/china-pama-papers-xi-jinping/; Hannah Beech, *China's Communist Party Censors the 'Panama Papers' Even As It Publicly Fights Corruption*, Fortune (April 7, 2016) http://fortune.com/2016/04/07/china-panama-papers/

454. *Website Search Results, "*巴拿马文件,*"* 财富网 Fortune China (Retrieved on August 23, 2016), http://www.fortunechina.com/search/all/巴拿马文件.

455. Michael Forsythe and Austin Ramzy, *China Censors Mentions of 'Panama Papers' Leaks*, The New York Times (April 5, 2016) http://www.nytimes.com/2016/04/06/world/asia/china-panama-papers.html; Michael Forsythe, *Panama Papers Tie More of China's Elite to Secret Accounts*, The New York Times (April 6, 2016) http://www.nytimes.com/2016/04/07/world/asia/china-panama-papers.html

456. Michael Forthyse and Austin Ramzy, 权贵家族上榜，中国封锁"巴拿马文件"相关报道 *[China Censors Mentions of 'Panama Papers' Leaks as Power Families Appear on the List]* (April 6, 2016), http://cn.nytimes.com/china/20160406/c06chinapanama/; Machael Forthyse, 巴拿马文件再撼中共高层 *[Relatives of China's Top Leaders Are Identified in Panama Papers]* (April 7, 2016), http://cn.nytimes.com/china/20160407/c07chinapanama/.

457. In-person interview with Philip Pan, Asia Editor of the New York Times, April 14, 2016.

458. *The New York Times vs. The Chinese Authorities*, Greatfire (May 7, 2016), https://en.greatfire.org/blog/2016/may/new-york-times-vs-chinese-authorities.

459. *Website Search Results, "Deng JiaGui,"* The New York Times (retrieved on Aug. 16, 2016), http://query.nytimes.com/search/sitesearch/?action=click&contentCollection&region=TopBar&WT.nav=searchWidget&module=SearchSubmit&pgtype=Homepage#/deng+jiagui/since1851/document_type%3A%22article%22/; *Website Search Results, "*邓家贵,*"* 纽约时报中文网 The New York Times Chinese Site, http://cn.nytimes.com/search?query=邓家贵.

PEN AMERICA
588 Broadway, Suite 303
New York, NY 10012
tel (212) 334-1660
pen.org