

Criminal Judgment from Haidian District People's Court of Beijing Municipality

(2009) Hai Xing Chu Zi No. 594.

Public prosecution organ: Haidian District People's Procuratorate of Beijing Municipality.
Defendant work unit: Xinshu Printing Company, Ltd. of Beijing. Residential address: A9, Tuanzhong Road, Jiuguan Town, Daxing District, Beijing city. **Legal representative:** Li Fengshan.

Lawsuit representative: Lú Jianping. Male of 53 years old. Shareholder of Xinshu Printing Company, Ltd. of Beijing.

Defense counsel: Li Qiuzhang, attorney from Yuankun Law Firm of Beijing.

Defendant: Shi Weihuan. Male. He was born in Beijing on March 18, 1970. He is of Han nationality and has completed an education in high school. He is the legal representative of Holy Spirit Trading (Beijing) Co., Ltd. He resides at 3207, Jicheng Villa, Xisan Qi, Haidian District, Beijing city. His household registration is at 2, Door 2, Building 3, Middle Xinxing Lane, Xicheng District, Beijing city. He was detained on November 28, 2007 on suspicion of illegal business operation and was arrested on January 4, 2008. Currently, he is being detained at Haidian District Detention Center of Beijing city.

Defense counsels: Zhang Xingshui and Zhou Min, attorneys from Beijing Kingdom Law Firm.

Defendant: Tian Hongxia. Female. She was born on January 28, 1974 in Yuanshi County, Hebei Province. She is of Han nationality and has completed an education in high school. She is the legal representative of Beijing Orient Jiamei Cultural Dissemination Company. She resides at Room 902, Unit 2, Building 4, Qingfenghuajing Garden, Haidian District, Beijing city. Her household registration is at 50, Nanbei Street, Yingli Village, Macun Town, Yuanshi County, Hebei province. She was detained on November 28, 2007 on suspicion of illegal business operation and obtained a guarantor pending trial on January 4, 2008. She was arrested on March 19 of the same year. Because of her pregnancy, she obtained a guarantor pending trial on April 3 of the same year. She was arrested on June 10, 2009 by a decision of this court. On the same day, she obtained a guarantor pending trial because she was in the lactation period.

Defense counsels: Chen Gang and Zeng Yanna, attorneys from Beijing Kingdom Law Firm.

Defendant: Li Fengshan. Male. He was born in Beijing on March 18, 1959. He is of Han nationality and has completed an education in a three-year college. He is the legal person of Xinshu Printing Company, Ltd. of Beijing. He resides at 3H, Daxiong City Garden, Yi Zhuang, Daxing District of Beijing city. His household registration is at 1003, Building 6, District 2, Maliandaozhong Li, Xuanwu District of Beijing city. He was detained on November 29, 2007 and obtained a guarantor pending trial on January 4, 2008. He was arrested on June 10, 2009 by a decision of this court and currently, he is being detained at Haidian District Detention Center of Beijing.

Defense counsels: Chan Zhanmin, Yang Jin from Yuankun Law Firm of Beijing.

Defendant: Zhou Xin. Male. He was born in Beijing on July 9, 1965. He is Han nationality and has completed an education in high school. He is the manager at Xinshu Printing Company, Ltd. of Beijing and resides at 501, Door 2, Building 12, Lingxiushanzhuang, Jiugong Town, Daxing District of Beijing city. His household registration is at 91, South Hengdong Street, Xuanwu District of Beijing. He was detained on November 28, 2007 on suspicion of illegal business operation and obtained a guarantor pending trial on January 4, 2008. He was arrested on June 10, 2009 by a decision of this court. Currently, he is being detained at Haidian District Detention Center of Beijing city.

Defendant: Cheng Xiaojing. Male. He was born on April 3, 1963. He is of Han nationality and has completed an education in high school. He is the manufacturing manager of Xinshu Printing Company, Ltd. of Beijing. He resides at 101, Door 21B3, Lingxiushanzhuang, Jiugong Town, Daxing District of Beijing. His household registration is at 73, South Xisi Street, Xicheng District of Beijing. He was detained on November 28, 2007 on suspicion of engaging in illegal business operation. On January 4, 2008, he was allowed to obtain a guarantor pending trial. He was arrested on June 10, 2009. Currently, he is being detained at Haidian District Detention Center of Beijing Municipality.

Defendant: Lǚ Yuequan. Male. He was born on December 27, 1949. He is of Han nationality and has completed an education of junior high school. He is the deputy manager of Xinshu Printing Company Ltd. of Beijing. He resides at 7-1308, Area 1, Maliandaozhong Li, Xuanwu District of Beijing. His household registration is at 3, Row 2, West 2nd Lane, Shoupakou, Xuanwu District of Beijing. He was detained on November 28, 2007 on suspicion of engaging in illegal business operation. On January 4, 2008, he was allowed to obtain a guarantor pending trial. He was arrested on June 10, 2009 and currently he is being detained at Haidian District Detention Center of Beijing.

Defendant: Li Zong. Male. He was born on November 5, 1950. He is of Han nationality and has completed an education of a 3-year college. He is a shareholder and the deputy manager of Xinshu Printing Company Ltd. of Beijing. He resides at 2, Building 58, Tingtao Jiayuan, Daxing District of Beijing. His household registration is at 26, Shoupa Alley, Xicheng District of Beijing. He was detained on November 28, 2007 on suspicion of engaging in illegal business operation. On January 4, 2008, he was allowed to obtain a guarantor pending trial by a decision of this court. He was arrested on June 10, 2009. He is currently detained at Haidian District Detention Center of Beijing.

The following is the accusation by Haidian District People's Procuratorate of Beijing Municipality: the defendants Li Fengshan, Zhou Xin, Cheng Xiaojing, Lǚ Yuequan and Li Zong are shareholders and executives of Xinshu Printing Company Ltd. of Beijing (located in Daxing District of this city). From 2004 to 2007, the above five defendants, instigated by Shi Weihai and Tian Hongxia, printed Bibles and other religious books with manuscripts, printing equipment and printing expenses provided by Shi Weihai and Tian Hongxia and they did so without a permit from departments in charge of press and publishing affairs.

On November 28, 2007, the defendants Shi Weihai and Tian Hongxia were caught by the police. On the next day, the defendants Li Fengshan, Zhou Xin, Cheng Xiaojing, Lǚ Yuequan and Li

Zong were caught by the police. After the crime was committed, the police seized over 140,000 copies of the above-mentioned books in Haidian District, Daxing District and Tongzhou District of this city. An evaluation shows all these books are illegal publications.

For the above-mentioned facts in the indictment, the public prosecution organ has provided the related evidence to this court and it believes that the defendants Shi Weihai, Tian Hongxia, the defendant work unit Xinshu Printing Company Ltd. of Beijing and the defendants who are executives directly in charge of the company Li Fengshan, Zhou Xin, Cheng Xiaojing, Lú Yuequan and Li Zong have violated the regulations of the state in printing illegal publications and their circumstance is especially serious. Their conduct has violated Item 4 of Article 225, Clause 1 of Article 25, Article 30 and Article 31 of the “Criminal Law of the People’s Republic of China.” Their conduct has constituted the crime of illegal business operation and the public prosecution organ requested that this court convict the above-mentioned defendant work unit and defendants and render due punishments.

The defendant Shi Weihai has no objections to the facts mentioned in the bill of indictment, but he does have objections to the charges he was accused of. He thinks his conduct does not constitute a crime. The defendant Tian Hongxia, the defendant work unit Xinshu Printing Company Ltd. of Beijing and the defendants Li Fengshan, Zhou Xin, Cheng Xiaojing, Lú Yuequan and Li Zong do not have objections either to the facts or charges in the bill of indictment.

The defense opinions presented by the defense counsel of the defendant work unit Xinshu Printing Company, Ltd. of Beijing are as follows: In July and August of 2007 when Xinshu Printing Company, Ltd. of Beijing found they had not had proper paperwork for the jobs, they requested to do the proper paperwork to make up for what they had not done. After there was no result, they stopped printing. In this case, their conduct is discontinuation of the crime. Besides, the shareholders of Xinshu Printing Company are all laid-off workers from state-run enterprises, the defense counsel requested that the court give a light punishment and reduce the punishment.

The defense opinions of Shi Weihai’s defense counsel are: subjectively speaking, the defendant, Shi Weihai, in printing the Bibles and other religious publications did not have the intention of making illegal interests. Objectively speaking, his conduct does not meet the criteria of a crime and does not produce the harm of a crime. In addition to these, there is a difference between products being manufactured and the finished printed products. He requested that the court consider the number of books concluded in the evaluation statement coded No. 352 in the year of 2007. To sum up, he requested that the court announce that the defendant Shi Weihai is not guilty.

The defense opinions presented by the defense counsels of Tian Hongxia are as follows: the conduct of the defendant Tian Hongxia does not constitute the crime of illegal business operation. Subjectively, she did not have the intention of seeking illegal interests. Objectively, she did not disrupt the market order. The evidence presented by the public prosecutor can only prove that Tian Hongxia violated some administrative regulations in publishing, when she printed Bibles and other books without an approval. To sum up the above, they requested that the court announce that the defendant Tian Hongxia is not guilty.

The defense opinions presented by the defense counsels of Li Fengshan are as follows: There is insufficient evidence that the defendant Li Fengshan joined in the crime as the bill of indictment claims. In early 2007, when Li Fengshan learned that the defendant Shi Weihai and Tian Hongxia did not have the proper paperwork for the printing, he immediately stopped the printing. By that time, the public security bureau still had not found out and had not taken any measures. In this case, it is discontinuation of a crime. Besides, Li Fengshan was very cooperative in pleading guilty during the court trial, the defense counsel requested that the court reduce the punishment on Li Fengshan.

It is found out through investigation that:

The defendants Li Fengshan, Zhou Xin, Cheng Xiaojing, Lú Yuequan and Li Zong are shareholders and executives of Xinshu Printing Company Ltd. of Beijing (located in Daxing District of this city). From 2004 to 2007, the above five defendants, instigated by Shi Weihai and Tian Hongxia, printed Bibles and other religious books with manuscripts, printing equipment and printing expenses provided by Shi Weihai and Tian Hongxia and they did so without approvals from departments in charge of press and publishing affairs. The division of labor among the executives directly in charge of affairs in Xinshu Printing Company, Ltd. of Beijing is as follows: Li Fengshan is the legal representative of the work unit; Li Zong is the manager appointed by the work unit in 2007 in charge of all-around work in the company; Lú Yuequan is the manager appointed by the work unit in 2007 and he is in charge of calibration and maintenance of the electric equipment; Cheng Xiaojing is the workshop executive of the work unit in charge of the dispatching in production and issuing production orders; Zhou Xin served as general manager of the work unit from 2004 to 2007. In the latter half of 2007, he worked as the business executive of the work unit. During the illegal printing, the defendant Zhou Xin as the business manager contacted the defendant Tian Hongxia on the operation of the illegal printing. On November 28, 2007, the defendants Shi Weihai, Tian Hongxia, Zhou Xin, Cheng Xiaojing, Lú Yuequan and Li Zong were caught by the police; on the next day, the defendant Li Fengshan was caught by the police. After the case was filed, the police recovered 118,690 copies of books and 600 reams of separated pages printed by the above-mentioned defendants respectively in Haidian District, Daxing District and Tongzhou District of this city. The evaluation by Beijing Municipal Bureau of Press and Publication shows all the above-mentioned books are illegal publications.

The above-mentioned facts were submitted by the public prosecutor and are proven to be true by the following evidence materials cross-examined and certified at the court:

- 1). The confession by the defendant Shi Weihai proves that he got to know Xie Moshan in the first half of 1996 and got to know Tian Hongxia around 2000 through the introduction by Xie Moshan. Xie Moshan asked Shi Weihai and Tian Hongxia to look for a printing shop to print religious books. Later, Tian Hongxia found Xinshu Printing Company and Shi Weihai found a consignment shipment station. After that, Xie Moshan began to provide Shi Weihai and Tian Hongxia samples of the books. After Tian Hongxia did the typesetting, Xie did the proofreading, Tian produced the films. After that, they began to print the books which were then shipped out to the addresses provided by Xie. It was about in 2004 that Shi Weihai began to print books in Xinshu Printing Company. In January and February of 2005, Mr. Chen said he needed Shi Weihai to help him print an annotated Bible funded that Mr. Chen would fund. Mr. Chen would

provide the contact information of people who wanted the books and the books would be shipped by Shi Weihan. Chen would give Shi Weihan a labor fee calculated at 10% of the total expenses of printing the books. This 10% would be divided into two parts with Tian Hongxia and each of them would get 5%. Later, with samples of the books, funds and contact information provided by Chen, Shi Weihan and Tian Hongxia began to print the Bibles provided by Chen. They printed at least 100,000 copies. After that, Chen provided Shi Weihan over 10 samples of religious books and Shi Weihan and Tian printed over 100,000 copies for Chen. In the first half of 2006, Chen provided funds and the contact information of people who wanted the books and Shi Weihan and Tian printed at least 100,000 copies of the Bible compiled and translated by Rong Baoluo. In July and August of 2006, Rui Xiaopu (transliteration) wanted Shi Weihan to print several books in China and Rui Xiaopu would provide funds and Shi Weihan would get 10% of the total cost. After that, they found people who translated the books and Shi Weihan proofread them. Then, Tian Hongxia did the typesetting and produced the film for printing. They printed about 100,000 copies of these books. In September and October of 2006, Kou Pulan (transliteration) provided the funds, Tian did the typesetting and produced the films. Shi Weihan printed five or six types of books in China for Kou Pulan. In July and August of 2007, Kaiwen (transliteration) provided Shi Weihan 200,000 yuan in Renminbi as expenses for printing the Bible and Shi Weihan got 10% of it as labor fees. In 2006, Shi Weihan signed an investment agreement with Xinshu Printing Company and the agreement mainly involves purchasing of a rotary printing press purchased by Shi Weihan and Tian Hongxia to be used by the company. The cost of this machine would be paid through the printing jobs. This rotary printing press cost 1.63 million yuan. Tian Hongxia invested 100,000 yuan and the rest 1.53 million yuan was invested in by him. The reason why they purchased this machine is because Shi Weihan and Tian Hongxia needed it to print these books and the factory did not have the funds to buy. As an initial investment, the equipment would be off-set by 2.2 million yuan of printing expenses in five years. Before Shi Weihan and Tian Hongxia paid for the printing press in 2006, they settled an account according to Tian Hongxia's calculation and charged a labor fee of 10% of the total expenses. Shi Weihan and Tian Hongxia each got over 200,000 yuan. The labor fees went into the purchase of the printing press. Shi Weihan and Tian Hongxia did not have any approval from relevant authorities nor did they do any legal paperwork for the printing of these books.

2) According to the confession of Tian Hongxia, it has been proven that Shi Weihan got to know Xie Moshan at the end of 2003. The propaganda materials printed through her were hymnals, Green Pastures, Bibles, etc. The books were printed at Xinshu Printing Company and the person in charge there was Li Fengshan that she found. The two parties did not sign an agreement and there was only an oral agreement. She and Li Fengshan worked together at least 15 times and she gave Li Fengshan about 200,000 yuan. Around November 2006, she and Shi Weihan together invested in the purchase of a printing press. This machine was placed in Li Fengshan's company and the total cost of the machine equaled the total investment of her and Shi Weihan's investment in Xinshu Printing Company. After Xinshu Printing Company made money, it would pay her back and pay back to Shi Weihan. Before they bought the equipment, they signed an agreement of cooperation in purchasing this machine at Li Fengshan's company. The agreement mainly stipulated that Xinshu Printing Company could use the machine at no cost for five years and after five years, it shall pay back 1.63 million yuan. After that, this machine would belong to Xinshu Printing Company. At first, Tian did not know that printing these books required an

approval from relevant authorities. It was in the latter half of 2005 that she began to print books. Later Zhou Xin requested paperwork from her. She said she would try to get it. Later, when she couldn't get the paperwork, the printing work did not stop there. This lasted until September 2007 when Zhou Xin called her and told her that they wouldn't allow the printing of such books without paperwork. Shi Weihai and Xie Moshan gave her over 10 million yuan as bookbinding fees. Among this, Xie gave her about 200,000 yuan in cash and the rest was given to Shi Weihai. The cost of the books was 10% of the price and another 10% was profits, which she and Shi Weihai shared at 5% for each. Tian earned about 500,000 yuan.

3) According to the confession of Li Fengshan, he said he knew that legal printed materials must have an authorization statement reviewed and approved by Beijing Municipal Bureau of Press and Publication and it was a violation of the law to print books for clients without an authorization statement for printing. In early 2007, Li Zong had a discussion with him: "Currently, our factory has printed a batch of Bible-related books without authorization." He asked Li Zong who was the contact person in this business. He replied that Zhou Xin was the contact person. After he found Zhou Xin and learned this, Zhou Xin got the client Tian Hongxia to the printing factory and together with Li Zong, they discussed the matter with Tian Hongxia. He said at the time: "Without an authorization statement, we can't do this job." Li Zong asked Tian Hongxia to get the authorization statement as soon as possible, but Tian Hongxia said it was hard to do so. After the discussion, the printing factory was still printing this type of books and all the eight shareholders knew this matter on the printing of these books.

4). According to the confession by the defendant Zhou Xin, it is proven that in 2006, Tian Hongxia went to the company where he was and proposed that his factory print Bible-related books for her. He asked her whether she had a publication number from a publishing house. She said she was getting the paperwork done, but had not got it yet. Tian Hongxia provided three or four types of publications. Then Tian Hongxia asked the company where he worked to print the above-mentioned publications but, she did not present a copyright proof. According to the relevant provisions, the company should not print the books for Tian Hongxia. In consideration of the fact that the company was 300,000 yuan in the red, several shareholders printed the books anyway without an approval. They began printing books for Tian Hongxia in the first half of 2005 and they printed a total of about 100,000 copies and earned over 100,000 yuan. When they were discussing this matter, Guang Jie, Lú Yuequan, Cheng Xiaojing, Liu Fuyuan and Qi Hongzhi were present at the scene. They were all shareholders of the company. The legal person Li Fengshan was not there and Li Zong was not there either. They were told so later and both of them agreed. Tian Hongxia also bought a printing machine for the company to off-set the printing expenses. Each printing order from Tian Hongxia was taken by him and each time Tian Hongxia handed over to him the films of the religious books and told him the quantity of the prints and the technical requirements in the printing. He then told Cheng Xiaojing about this operation and Cheng Xiaojing produced a work card for the workshop where workers began to print. He reported to the leaders of the factory these several orders from Tian Hongxia and all the eight shareholders know this matter and that Tian Hongxia did not provide a publication number. This issue was reported to the leaders of the factory. Considering that the factory's finance was in the red, the leaders agreed to print anyway for the sake of the money.

5) According to the confession of the defendant Cheng Xiaojing, it is proven that the legal person of the printing factory is Li Fengshan and Li Zong is the deputy manager. The standing deputy general manager is Lǚ Yuequan and he is the production executive and Zhou Xin is the business executive. This issue of printing Bibles was first discussed through Zhou Xin. The first time of printing the Bibles was in 2006 and it was Tian Hongxia who asked the printing factory where he worked to print the materials. At first, what they printed was not the Bibles, but some pamphlets. They printed 5,000 copies of the pamphlet and 50,000 copies of the Bible. The printing factory did not sign contracts with Tian Hongxia who did not provide a permit from the relevant authorities of the state. She only provided the films of the books and the printing factory only did the printing. He was in charge of producing production notice slips and then he handed over the films and the notice slips to the person in charge of plate making. After the plate was made, they put it on the machine for printing. After printing, they hauled the printed materials to the binding factory for binding. He knew that a printing company should have authorization slips before it can print books. Tian Hongxia did not go through these paperwork when she asked the printing factory to print these books. Taking orders from her was for the sake of making some money.

6) According to the confession of Lǚ Yuequan, it is proven that the business of printing Bibles came through Zhou Xin and he was involved in printing some of the Bibles. During the process of printing, he asked for the related proof of the authorization, but Tian Hongxia and others really couldn't provide it, then the printing factory where he worked stopped printing the Bibles. He worked with Tian Hongxia for two or three years in the printing factory. It was Zhou Xin who was the first contact person in this business order. At first, relatively few books were printed. This business started in earnest in 2006 when Tian Hongxia brought in some Bible-related books. In August and September of 2006, Tian Hongxia and Zhou Xin discussed the issue of investing 1.63 million yuan in a bi-color printing press for the printing factory. The deal was like this: the printing factory would print books for them to off-set 2.2 million yuan of printing expenses. The agreement was signed between Tian Hongxia and Zhou Xin and it was approved by the board of shareholders. The printing factory has printed a total of 220,000 yuan worth of products, but Tian Hongxia did not provide the paperwork on this deal.

7) According to Li Zong's confession, it is proven that he is one of the shareholders of Xinshu Company and served as deputy manager. His share is 33%. According to Zhou Xin, they got this business of printing the Bibles in September 2007 and that the clients are Tian Hongxia and a man named Shi. When the company accepted this business, it did not do any related paperwork. Then, the company stopped printing. During the time of printing the Bibles, his company purchased a bi-color rotary printing press. The client bought the machine for the company in order to accomplish its task, but he does not know whether the client intended to print the Bibles.

8) The testimony by witness Guang Jie proves the following facts: he knew that legal printing requires the client to provide to the printing factory a printing authorization statement reviewed and approved by Beijing Municipal Bureau of Press and Publication and that it is a violation of the law to print materials for the client without a printing authorization statement. At this time, there are the following books at the printing factory where he works and these books have been printed without a printing authorization statement: 50,000 copies of Man of Letters, 50,000

copies of Green Pastures, 80,000 copies of Understanding Truth, 10,000 copies of Newly Translated Bible, 5,000 copies of Marriage Miscellaneous, 10,000 copies of Four Temperaments, 5,000 copies of A Traveler's Song, 50,000 copies of the Bible, 5,000 copies of Holy Spirit, 5,000 copies of Learning to be Disciples, 5,000 copies of True Meaning of New Testament, 5,000 copies of Missions, 5,000 copies of Trip to Israel, 5,000 copies of Confidence, 5,000 copies of Self-Study, 5,000 copies of Basis of Faith, 5,000 copies of Genesis, 20,000 copies of Indexes, 50,000 copies of New Life, 25,000 copies of New Living, 50,000 copies of Sound of Poems, 50,000 copies of Fountain of Southern Land, 20,000 copies of Psalms, 5,550 copies of Living Water, 5,500 copies of Study, 5,500 copies of Understanding, 5,500 copies of Growth of Christians, 5,000 copies of Cornerstones of Truth, 20,000 copies of The Cows' Pastoral Care You Are In, 5,000 copies of Doctrines, 5,000 copies of Church and Ministry, 10,500 copies of Life, 10,000 copies of Shepherd's Scepter, 10,000 copies of Mary's Children, 10,000 copies of Going, 5,000 copies of Covenants and Kingdom, 5,000 copies of True Meaning of Faith, 5,000 copies of Light of Grace and 5,000 copies of The Basis. This business was started by Zhou Xin back in April 2006 and the books were printed for a person named Tian Hongxia. The profits from illegally printing these books were calculated by Zhou Xin and after the calculation, the profits were calculated at 5%. Tian Hongxia settled the account in the company in cash. He remembers that the processing fee in printing the books for Tian Hongxia was 220,000 yuan and the machine's depreciation is 180,000 yuan. Tian Hongxia gave him a fund of 1.63 million yuan to buy the machine and 1.5 million was used in buying the machine and the rest was used as circulating fund of the company.

9) The testimony from Qi Hongzhi proves the following facts: It was Zhou Xin who first contacted Tian Hongxia about the printing of the Bibles. This matter should get the approval from Lü Yuequan and Guang Jie. Without their approval, it would be impossible to print these books. His company has a printing machine given by Tian Hongxia. She used the money for the printing machine to set off the printing expenses on the Bibles.

10) The testimony from witness Liu Fuyuan (shareholder of Xinshu Printing Company Ltd. of Beijing) has proven the following facts: Tian Hongxia did not provide a printing authorization slip for the jobs. However, in order to make money in his company, they printed the books for her when they clearly knew that it was a violation of the law to print without a printing authorization slip. In addition, she bought a printing press for the company which brought economic benefits. Therefore, the company printed the books for her. He knew it was a violation of the law and all the employees of the company knew they were printing the Bibles.

11) The testimony and written records of identification from Tang Yuanying (employee of Xindelong Shipping Company of Beijing) have proven the following facts: A person who called herself Ms. Sun shipped books at her company and the frequency of shipping was relatively high. The period of time Ms. Sun shipped books at her company was from the latter half of 2006 to June and July of 2007. She asked his company to ship books, materials and other objects to Henan and other places. Each time, they shipped anywhere from several dozens of boxes to several hundred boxes. Basically, this happened about once a month and his company has the record. According to the identification by the witness Tang Yuanying, the defendant Tian Hongxia is the shipper "Ms. Sun."

12) The testimony and written records of Chen Chengli (manager at Xiehe Express Shipping Company) have proven the following facts: The people who shipped books at his company were mainly Shi Weihan (aka Xiao Shi), Tian Hongxia (aka Xiao Tian) and Shi Weihan's brother Shi Weixin. Starting from about 2006, Xiao Shi and Xiao Tian often contacted the company and shipped out a large quantity of cartons wrapped in textile bags and there were books inside. Xiao Shi and Xiao Tian contacted him. Then some people shipped the cargo to his company. After that, his company shipped the cargo to the designated locations. Sometimes, they shipped the cargo to his company and then some people came over to get the cargo after they contacted his company. The witness Chen Chengli also identified the defendants Shi Weihan and Tian Hongxia.

13) The testimony of the witness Qiao Shuming (owner of the book binding factory) proves that in May and June of 2006, Tian Hongxia went to him and asked him to bind song books (Bible-related hymns). There were altogether 50,000 copies and there was a binding fee of 1.1-1.4 yuan for each book. He made a total of 60,000 to 70,000 yuan. In May and June of 2006, he also bound the magazine "Fountain of Southern Land" for her and he did 200,000 copies and received from her 10,000 yuan. During this time, he also bound about 80,000 copies of Old Testament and received from Tian Hongxia 24,000 yuan. In September 2006, Tian Hongxia went to him and asked him to bind 20,000 copies of the Bible. He spent half a year binding the books for her and received 84,000 yuan from her. She also gave him 150,000 yuan in Renminbi for him to buy book sewing machines and to pay the rent. At the time, his factory was already operating in normal order. Her idea was that she was afraid of being found out and asked him to do the work in another building and the people doing the binding were brought by her, too. He would simply receive processing fees. At the time, he and Tian Hongxia signed an agreement by which the processing fees he received would set off against the fund in the equipment. The paperwork was never brought over. In June and July of 2007, Tian Hongxia asked him to help her find a warehouse and he found a room in Caiyuxiyi Village, Daxing District where she stored 50,000 copies of the Bible.

14). The testimony from the witness Liu Haihong (business manager of Holy Spirit Trading Co. Ltd.) proves that the company where he works was registered at Haidian District Bureau for Industrial and Commercial Administration in June 2004 and the legal person is Shi Weihan. Its registered capital is 500,000 yuan. The shareholders are Shi Weihan and his wife Zhang Jing. The business of the company basically has two sections. The regular official business is condoms, but it has other irregular businesses and some business in books. The sale of the books mostly involved Christian and religious books.

15) The testimony from the witness Li Xijian (husband of the defendant Tian Hongxia) proves that the matter involving Tian Hongxia printing the Bibles should have nothing to do with the company and it is her individual isolated behavior. It does not involve the company's account and he did not know the investment in buying the printing machine until authorities got involved.

16) The auditing report proves that on July 16, 2008, Zhongpingjian Accounting Firm of Beijing issued a report coded 1040 of the year of 2008 entitled "Auditing Report On The Quantity And Amount Of Money Involved In Shi Weihan's Case Who Is Suspected Of Illegal Business

Operation.” According to the situation statement provided by Xinshu Printing Company Ltd., of Beijing, accounting vouchers, investment agreement signed by Shi Weihang and Tian Hongxia, production notices, summary of Tian Hongxia’s accounts, shipping slips of Xindelong Shipping Company, shipping slips of Xiehe Century Express and other written evidence, the quantity of printed materials involved in this case is found after auditing and summary to be 2,570,746 copies during February 25, 2004 and November 14, 2007 and the amount of money involved in the case is 1,002,282,998 yuan (including the investment fund on the equipment set off against the use).

17) The examination report on the electronic material evidence has proven that the police found seven computer hard disks in Tian Hongxia’s house located at 603, Unit 2, Building 23, South Binhe Road, Xuanwu District. An evaluation shows they all contain information related to Christian books.

18) Written records from the search and list of confiscated objects have proven that on November 28, 2007, the police found a large quantity of Bibles that have been bound into finished products. There were also half-finished products where books were already bound but without the covers and a large quantity of printed Bibles in unbound pages. The police confiscated 13,700 copies of the above-mentioned “Bibles-Chinese Union Version” and 10,130 copies of “Newly Translated Bible,” 600 copies of “Life Application Bible,” 480 copies of “Study in Old Testament and New Testament” and 600 reams of unbound Bible pages.

19) Instruction in handling the case proves that on November 28, 2007, the combined forces of public security agents and Municipal Cultural Law Enforcement Brigade went to Gucheng Village, Lucheng Town of Tongzhou District and seized on the spot 600 reams of the unbound Bible. Calculation performed by the municipal cultural law enforcement professionals showed they would be equal to 25,500 copies.

20) Written search records and list of seized objects prove that on January 10, 2008, public security agents found inside the southern wall of Xiehe Century Express Shipping Company over 110 boxes of “Metaphor of Jesus,” “Study Book,” “Paul’s Epistles” and other books. On the side of the west wall inside the warehouse, they found 87 boxes of “12 Little Prophets Series” and other books. They confiscated the above-mentioned illegal publications, i.e. 2,640 copies of “Metaphor of Jesus,” 2,640 copies of “Paul’s Epistles,” (Student version), 2,640 copies of “Study Book,” 2,640 copies of “Gospel according to Luke,” 2,640 copies of “Paul’s Epistles” (Teacher’s version), 2,640 copies of “Epistles in Pastoral Care” (Teacher’s version), 2,640 copies of “Epistles in Pastoral Care” (Student’s version), 2,640 copies of “Pamphlets of the Scripture,” 2,640 copies of “History and Geography in the New Testament,” 10,010 copies of “12 Little Prophets Series” (Teacher’s version), 10,010 copies of “12 Little Prophets Series” (Student’s version).

21) Written records from the search and the list of seized objects prove that on November 28, 2007, public security agents found 50,000 copies of the illegally published Bibles stored there by Tian Hongxia at Xiyi Village, Caiyu Town of Daxing District. They have been seized for the case.

22) Receipts have proven the fact that on March 31, 2008, public security agents submitted 43,780 copies of the above-mentioned seized publications to the Publication Evaluation Center of Beijing Municipal Bureau of Press and Publication.

23) Receipts prove the fact that on November 28, 2007, public security agents submitted to the Publication Evaluation Center of Beijing Municipal Bureau of Press and Publication 24,910 copies of the seized illegal publications, i.e. "Bible-Chinese Union Version," "Newly Translated Bible," "Life Application Bible," "Study in Old Testament and New Testament" and 75,500 copies of the Bible being produced.

24) Two review and evaluation statements on the publications: The first statement proves that the following materials were sent for inspection on November 28, 2007: 13,700 copies of "Bible-Chinese Union Version," 10,130 copies of the "Newly Translated Bible," 600 copies of "Life Application Bible," 480 copies of "Study in Old Testament and New Testament," and 75,500 copies of the Bible being produced. The total number of the above finished products is 24,910 copies and the total number of products being produced is 75,500 copies. They are all publications published, printed or copied without approval." The second statement proves that the following materials were sent for inspection on March 31, 2008: a total of 43,780 copies of "Metaphor of Jesus," "Study Books," "Paul's Epistles" (Student's version), "Paul's Epistles," (Teacher's Version), "Epistle of Pastoral Care," (Student's Version), "Epistle of Pastoral Care," (Teacher's Version), "Pamphlets of the Scripture," "History and Geography in the New Testament," "12 Little Prophets Series" (Teacher's Version) "12 Little Prophets Series" (Student's Version) are all publications published, printed or copied without authorization.

25). The written records on the search and the list of seized objects have proven that on November 28, 2007, while conducting a search in the office of Holy Spirit Trading Co. Ltd. of Beijing, public security agents confiscated 46 copies of "New Testament," "12 Little Prophets" and other illegal books and 330 disc of "Genesis.

26) Receipts have proven the fact that on December 13, 2007, the public security organ submitted to the Publication Evaluation Center of Beijing Municipal Bureau of Press and Publication the following materials: 46 copies of "New Testament," "12 Little Prophets" and other illegal publications and 330 discs of "Genesis."

27) Written records of the search and the list of seized objects have proven the fact that on November 28, 2007, public security organ conducted a search of the residence of Shi Weihang (Changping District) in accordance with law and found a large number of books, materials, discs and other objects in the book cabinets in the basement of Shi Weihang's residence. After sorting and counting, there were 899 copies of the Bible and other books, 239 copies of Judgment at Doomsday and other materials, 545 discs and 20 tapes. In the left drawer of his basement office were found 10 shipping invoices, 21 statements of account and they confiscated the above-mentioned objects.

28) Receipts have proven the fact that on December 13, 2007, public security agents submitted to the Publication Evaluation Center of Beijing Municipal Bureau of Press and Publication 899 copies of the above-mentioned illegal publications (Bibles and other books) and 545 DVD discs.

29) Two statements of written records on the search and the list of seized objects have proven the following facts: on November 28, 2007, public security agents conducted a search on Tian Hongxia's residence and found a large quantity of books, materials, discs and films used in the illegal printing of books, computer hard disks and other objects. After sorting and counting,

it was found that there were 44 copies of "The Life and Teachings of Christ," 25 copies of "Elite Forces of Christ," 190 copies of the Bible, one folder, seven computer hard disks, 18 sets of films used in printing books, 12 boxes of back up files for the books. On January 9, 2008, the police conducted a search on the residence of Tian Hongxia and found in the desk of the living room two copies of "Revelation," 16 discs, 10 printing films, 100 sheets of verification drafts, two notebooks, one personal account book, four warehouse exit slips, four receipt books, 40 sheets of sulfuric acid paper for printing, 55 shipping slips. Police have seized the above-mentioned objects.

30) Receipts have proven the fact that on December 13, 2007, 259 copies of illegal publications and 170 DVD discs seized at the residence of Tian Hongxia were submitted to the Publication Evaluation Center of Beijing Municipal Bureau of Press and Publication.

31) Photos of the crime scenes and material evidence have proven the situation of the factory building of Xinshu Printing Company, Ltd. of Beijing and its equipment and that the police seized illegally printed Bibles and other illegal publications in Daxing, Tongzhou, Haidian and other places.

32) The journals recorded by the defendant Tian Hongxia and the journal summarizing tables for the printing jobs have shown the details how Tian Hongxia and Shi Weihai printed Christian books from 2004 to 2007 at Xinshu Printing Company Ltd. of Beijing (including the purchase of paper, binding and shipping) and how Shi and Tian verified their accounts according to the journals kept by Tian and made journal summarizing tables.

33) Photocopies of other seized documents (Record of Tian Hongxia's donations to the church, photocopies of warehouse exit slips of the printed books, photocopies of the outlay receipts, photocopies of shipping slips, photocopies of return slips of Shi Weihai's deposits, photocopies of verification slips for the transfer of accounts have proven the quantity and sources of capital and destinations of the Bibles and other publications illegally printed by Shi Weihai and Tian Hongxia.

34) The details of the defendant Shi Weihai's bank account at Bank of China have proven the fact that large amount of funds (in Renminbi, US dollars, Australian dollars) were remitted into his account and came out of his account.

35) Detailed list of the defendant Tian Hongxia's shipping orders at Xindelong Logistics Company, Xindelong's shipping slips seized at the residence of Tian Hongxia, shipping list provided by Xiehe Century Express Shipping of the defendant Shi Weihai for transportation orders, shipping invoices from Xiehe Century Express Shipping Company of Beijing have proven the destinations of the illegal publications printed by Shi Weihai and Tian Hongxia.

36) Evaluation disks have proven the fact that public security agents conducted evaluations on the hard disks seized at the residence of Tian Hongxia and Shi Weihai and retrieved contents related to printing of the Bible and other related books.

37) Investment Cooperation Agreement has proven the fact that the content of the agreement is that on June 21, 2006, Party A Shi Weihai and Tian Hongxia signed an agreement with Party B Xinshu Printing Company Ltd. (Zhou Xin) by which Party A made an investment of 1.63 million yuan in buying a printing press and Party B shall pay back the investment with 2.2 million yuan in the form of processing fees and that Party A shall pay 20% of the each processing fee as the cost and the rest 80% shall be used to set off against Party A's investment in Party B.

38) The registration materials at Bureau of Industrial and Commercial Administration of Xinshu Printing Company Ltd. of Beijing have prove the fact that the company was registered and founded in September 2004 and its shareholders are Li Zong, Li Fengshan, Cheng Xiaojing, Lü Yuequan, Zhou Xin, Liu Fuyuan, Qi Hongzhi, Lü Jianping and its legal person is Li Fengshan.

The information presented by Xinshu Printing Company Ltd. of Beijing shows that the division of labor among the executives of the company is as follows: Li Fengshan is the legal person; Li Zong is the manager (2007) responsible for the general work in the company; Lü Yuequan is the manager (2007) responsible for the calibration and maintenance of electric equipment; Cheng Xiaojing is the workshop director responsible for production, coordination and issuing work orders; Zhou Xin is the general manager (2004-2007) and served as business superintendent in the latter half of 2007. After it was registered in 2004, the company began to print Bibles and other books requested by Tian Hongxia. The company has provided the public security bureau the related accounts for 2006 and 2007 and production orders, etc. However, the related materials on books printed for Tian Hongxia for the years 2004 and 2005 are lost and there is no way for them to provide these materials. Besides, the processing fees during this time were not in the account either. From April 2006 to September 2007, the total quantity of Bible-related books printed for Shi Weihai and Tian Hongxia was 637,500 copies (there are details for this). The amount payable for Tian Hongxia was 225,196.46 yuan. The amount of machine depreciation as agreed in the agreement was 180,157.17 yuan and the cash paid was 45,039.29 yuan. By December 31, 2007, the account of the company and all the current accounts related to Tian Hongxia were all reflected under the subject of accounts payable. The total amount is 1,811,870.32 yuan. Among this, the 1.63 million yuan was the loan made from Tian Hongxia in purchasing the machine. Part of the 1,811,870.32 came from the money by selling old and useless equipment of the company and other incomes that were transferred to the account and the other part was deposited into the bank as cash to ensure there were sufficient funds in the work unit's account. The reason why it was under the name of Tian Hongxia is because they considered the fact that Tian Hongxia gave a loan of 1.63 million yuan for an eventual payment of 2.2 million yuan. In this case, there is a difference of 570,000 yuan. So they wanted to make up the difference all at once to pay back the loan in the future.

40) Photocopies of account certificates have proven the situation of accounts current of Xinshu Printing Company Ltd. of Beijing.

41) Photocopies of book production notices prove the number of Bibles and other books printed.

42) Certificate of legitimate business provided by Xinshu Printing Company Ltd. of Beijing proves part of the legal books the company has printed since its founding and the books and periodicals it has legally engaged in.

43) Case acceptance registration form proves that on October 18, 2007, public security agents found during their work that the defendant Shi Weihan and other people were printing a large quantity of Bibles and other illegal publications in Beijing which is an illegal business operation. Therefore, they began conducting investigations on this matter.

44) The procedure of making the case proves the fact that on November 28, 2007, the defendants Shi Weihan, Tian Hongxia, Li Zong, Lú Yuequan, Zhou Xin and Cheng Xiaojing were caught; on November 29, 2007, the defendant Li Fengshan was caught.

45) Identity certificates have proven the identities of the defendant Shi Weihan, Tian Hongxia, Li Fengshan, Li Zong, Lú Yuequan, Zhou Xin and Cheng Xiaojing.

Through questioning in court, the defendants Shi Weihan, Tian Hongxia, Li Fengshan, Zhou Xin, Cheng Xiaojing, Lú Yuequan and Li Zong did not come up with substantive objections to the above evidence; the defense counsel of the defendant Shi Weihan thinks there was a problem in the number of copies calculated from 600 reams of unbound pages of the Bible that were seized in Tongzhou. Other counsels did not come up with substantive objections to the above-mentioned evidence provided by the prosecutors. To this, the court thinks that the above-mentioned evidence from the prosecutor was legally gathered during the investigation by the police and their form and sources are legal. The contents from these pieces of evidence corroborate each other and can all be used as evidence in this case and this court confirms them.

This court thinks that the defendants Shi Weihan and Tian Hongxia colluded with the defendant work unit Xinshu Printing Company Ltd. of Beijing and its direct executives the defendants Li Fengshan, Zhou Xin, Cheng Xiaojing, Lú Yuequan and Li Zong in illegal publishing, printing and copying of publications, which seriously disrupted the market order and their circumstance is very serious and that their conduct has constituted the crime of illegal business operation for which they should receive punishment. The facts with which Haidian People's Procuratorate of Beijing Municipality accuses the defendants Shi Weihan, Tian Hongxia, the defendant work unit Xinshu Printing Company Ltd. of Beijing and its direct executive defendants Li Fengshan, Li Zong, Lú Yuequan, Zhou Xin and Cheng Xiaojing of engaging in illegal business operation are clear and the evidence provided is sufficient. Therefore the charges in the accusation are upheld. As for the not-guilty defense opinion presented by Shi Weihan, Tian Hongxia and their defense counsels, this court thinks that having an intention of making illegal profits is not a necessary component for the conviction in illegal business operation. On the other hand, one needs an approval from a department in charge of publishing to publish and print books. In addition to that, one has to complete authorization statements for printing books and publications and go through a strict process of record filing. Yet, the defendants Shi Weihan and Tian Hongxia are not a publishing company, nor did they apply at a relevant department in charge of publishing. They violated the procedure of publishing and their conduct of instigating other people to

illegally publish and print books is a violation of the publishing procedure. The quantity of the illegal publications seized reaches the criterion of “very serious circumstance” specified in Article 15 of “An Interpretation by Supreme People’s Court on Several Questions on Specific Application of the Law in Trying Criminal Cases Involving Illegal Publications.” Their conduct completely applies as an important component in constituting the crime of illegal business operation. Therefore, they should be convicted and punished according to the crime of illegal business operation. Therefore, this court does not accept the not-guilty defense opinions presented by the defendant Shi Weihang, Tian Hongxia and their defense counsels. As for the defense opinions presented by the defense counsel of the defendant work unit Xinshu Printing Company Ltd. of Beijing and the defendant Li Fengshan on the discontinuation of the crime, this court thinks that the conduct of illegal business of the defendant work unit and the defendants was already in the state of “accomplished offense” and discontinuation of the crime is out of question. Therefore, as for the defense opinion of discontinuation of the crime presented by defense counsels of the defendant work unit Xinshu Printing Company Ltd. of Beijing and the defendant Li Fengshan, this court does not accept them. Given the huge quantity of books printed by the defendant work unit and the various defendants in this case, which seriously disrupted the market order, they should be severely punished. In consideration of the fact that the defendants Li Fengshan and Li Zong both ordered to stop the printing and the defendant Zhou Xin kept a long-term contact with Tian Hongxia as the business manager of the factory, this court will treat different defendants differently according to the level of their roles in the crime in measuring the penalties. It rules on the defendants Shi Weihang and Tian Hongxia pursuant to Item 4 of Article 225, Clause 1 of Article 25, Article 53 of the Criminal Law of the People’s Republic of China, Article 15 of “An Interpretation by Supreme People’s Court on Several Questions on Specific Application of the Law in Trying Criminal Cases Involving Illegal Publications.” It rules on the defendant work unit Xinshu Printing Company Ltd. of Beijing and the defendants Li Fengshan, Zhou Xin, Cheng Xiaojing, Lü Yuequan, Li Zong pursuant to Item 4 of Article 225, Article 30, Article 31, Clause 1 of Article 25 and Article 53 of the Criminal Law of the People’s Republic of China, Article 15 of “An Interpretation by Supreme People’s Court on Several Questions on Specific Application of the Law in Trying Criminal Cases Involving Illegal Publications.” In summary of the above, this court rules as follows:

- 1) The defendant work unit Xinshu Printing Company Ltd. of Beijing is found to be guilty of illegal business operation and is sentenced to be fined 200,000 yuan in Renminbi. (The fine shall be paid within three months from the second day this judgment becomes effective.)
- 2) The defendant Shi Weihang is found to be guilty of illegal business operation and is sentenced to three years in prison and is to be fined 150,000 in Renminbi. (The term of the imprisonment is counted as commencing on the date this judgment is executed; where custody was employed before the judgment, the term is to be shortened by one day for each day spent in custody. That is, it starts from November 28, 2007 through November 27, 2010 and the fine shall be paid within three months from the second day this judgment becomes effective.)
- 3) The defendant Tian Hongxia is found to be guilty of illegal business operation and is sentenced to three years in prison and is to be fined 150,000 yuan in Renminbi. (The term of the imprisonment is counted as commencing on the date this judgment is executed; where custody was employed before the judgment, the term is to be shortened

by one day for each day spent in custody. The fine shall be paid within three months from the second day this judgment becomes effective.)

- 4) The defendant Li Fengshan is found to be guilty of illegal business operation and is sentenced to two years in prison and is fined 120,000 yuan in Renminbi.
(The term of the imprisonment is counted as commencing on the date this judgment is executed; where custody was employed before the judgment, the term is to be shortened by one day for each day spent in custody. That is, it starts from June 10, 2009 through May 2, 2011. The fine shall be paid within three months from the second day this judgment becomes effective.)
- 5) The defendant Zhou Xin is found to be guilty of illegal business operation and is sentenced to two years in prison and is fined 120,000 yuan in Renminbi.
(The term of the imprisonment is counted as commencing on the date this judgment is executed; where custody was employed before the judgment, the term is to be shortened by one day for each day spent in custody. That is, it starts from June 10, 2009 through May 1, 2011. The fine shall be paid within three months from the second day this judgment becomes effective.)
- 6) The defendant Cheng Xiaojing is found to be guilty of illegal business operation and is sentenced to one year and a half in prison and is fined 100,000 yuan in Renminbi.
(The term of the imprisonment is counted as commencing on the date this judgment is executed; where custody was employed before the judgment, the term is to be shortened by one day for each day spent in custody. That is, it starts from June 10, 2009 through November 1, 2011. The fine shall be paid within three months from the second day this judgment becomes effective.)
- 7) The defendant Lǚ Yuequan is found to be guilty of illegal business operation and is sentenced to one year in prison and is fined 60,000 yuan in Renminbi.
(The term of the imprisonment is counted as commencing on the date this judgment is executed; where custody was employed before the judgment, the term is to be shortened by one day for each day spent in custody. That is, it starts from June 10, 2009 through May 1, 2010. The fine shall be paid within three months from the second day this judgment becomes effective.)
- 8) The defendant Li Zong is found to be guilty of illegal business operation and is sentenced to one year and a half in prison and is fined 60,000 yuan in Renminbi.
(The term of the imprisonment is counted as commencing on the date this judgment is executed; where custody was employed before the judgment, the term is to be shortened by one day for each day spent in custody. That is, it starts from June 10, 2009 through May 1, 2010. The fine shall be paid within three months from the second day this judgment becomes effective.)

In case of an objection to this judgment, one may submit their appeal through this court or directly at First Intermediate People's Court of Beijing Municipality within 10 days from the second day of receiving this judgment. For the written appeal, one should submit one original copy of the appeal and eight photocopies of the appeal.

Chief judge: You Tao
People's juror: Yan Hong

People's juror: Han Yukui
Clerk: Liu Huifang

Date: illegible
Seal: Haidian District People's Government of Beijing Municipality

This copy is found to be no different from the original copy.