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PEOPLE'S REPUBLIC OF CHINA

APPEAL FOR LI WENMING

AND GUO BAOSHENG

8 May 1997

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Li Wenming and Guo Baosheng, two labour rights activists charged with subversion, are still awaiting sentencing nearly three years after they were arbitrarily detained in the southern Chinese province of Guangdong. Their detention has been marked by a series of unfair proceedings. They were tried at the end of last year because of their support of workers rights, but no verdict has yet been announced. Amnesty International is calling for their immediate and unconditional release.

Li Wenming and Guo Baosheng were tried in Shenzhen, near Hong Kong, in November 1996 on a charge of "plotting to overthrow the government". They were accused of trying to establish an "illegal organisation" and of spreading information among workers about their rights.

Before his detention in May 1994, Li Wenming, 28, originally from Changjiang in Hunan Province, was running the public relations department of the Bao An's reporters station of the newspaper "Shenzhen Youth". In 1992, his work unit sent him to Beijing University on paid study leave for six months. While in Beijing, he made contact with fellow students, including Guo Baosheng, a graduate in philosophy from the People's University in Beijing, now aged 25. Li Wenming returned to Shenzhen in early 1993. At the end of January 1994 Guo Baosheng went to Shenzhen where he stayed temporarily with Li Wenming.

The indictment against both men, issued in July 1996, indicates that they were illegally detained without charge for about four months in 1994 before they were formally charged under the Criminal Law. Li Wenming was taken into police custody on 12 May 1994 and held for “shelter and investigation”, a form of administrative detention imposed without charge, on suspicion that he had carried out “counterrevolutionary propaganda and incitement”. According to the indictment, he was formally charged four and a half months later, on 29 September 1994. Guo Baosheng was detained on 7 June 1994. Like Li, he was held for “shelter and investigation” for nearly four months before being formally charged on 29 September 1994.

Over two years elapsed between their detention and the time they were indicted in July 1996. By that time, the initial charge of “counter-revolutionary propaganda and incitement” had been changed to that of “plotting to overthrow the government”- a far more serious charge. According to the indictment, Li Wenming was accused of being in touch with other people having “anti-socialist” views, and of promoting workers’ rights in various ways since 1993. This included promoting the Shenzhen Labour Regulations, establishing a “Federation of Hired Workers” and a “Workers’ Friendly Society”, writing “reactionary” articles for the journal “Workers Forum” and organising talks.

According to the indictment, Guo Baosheng “came from Beijing to Shenzhen to find Li Wenming” in January 1994. In March that year, Guo Baosheng reportedly wrote an article entitled “A strategy for the struggle of the mainland democracy movement” which he circulated to others, the indictment says. Li Wenming and Guo Baosheng were also accused of organising two private meetings with a number of friends in March 1994 at which they discussed the democracy movement and political issues. Guo Baosheng was further accused of giving copies of articles written by Wei Jingsheng - China’s best known dissident - to some friends and to a Hong Kong reporter, “which had very bad consequences”. After Li Wenming’s arrest on 12 May 1994, Guo Baosheng reportedly wrote an article about the workers’ movement in South China and sent a photocopy of it abroad “in an attempt at wider influence”, the indictment says. He was arrested shortly after.

It is clear from these accusations that Li Wenming and Guo Baosheng did nothing more than exercise peacefully their right to freedom of speech and association - a right guaranteed by China’s Constitution. Despite this, they were charged with “plotting to overthrow the government”, which is punishable by a minimum of 10 years’ imprisonment under the Criminal Law.

Their trial took place in Shenzhen between 8 November and 18 November 1996, attracting the attention of the Hong Kong media, though no independent journalists or foreign observers were able to attend the trial. After several postponements, it was officially announced that their trial had ended on 18 November 1996, but no verdict was announced.

At the trial, Li Wenming and his defence counsel stated that Li had merely expressed his opinions on how best to improve the state and society. They pointed out that his ideas and opinions never went beyond the stage of discussion, which took place in his apartment. The aim of the Federation of Hired Workers was to protect the legal rights of workers, they said, and it was not a “counter-revolutionary organization” since steps were taken

to register it in accordance with government regulations. Li Wenming's brother, who presented his defence at the trial, pointed out:

“Li Wenming is no different from any other citizen of the People's Republic of China. He shares our hopes and dreams for a stable, prosperous and strong China. Li Wenming's views involved questions of politics, the state and the party. Surely he has the right to express criticism. The People's Daily itself regularly discusses the whole nature of the party's working practices and discipline. Is it really a violation worthy of a court case when ordinary people do the same thing? The two defendants have merely expressed their opinions on how best to improve both the state and society. Some of these opinions were correct and provided valuable reference in the task of making China strong. Other views may have been wrong but does that make them subversive? By exactly what means has Li Wenming gone about subverting the government? China's Constitution guarantees citizens the right to exchange correspondence. Treating the contents of correspondence between individuals as criminal is a violation of that constitutional right ...”

Li Wenming was reported in January 1997 to be suffering from the kidney disease nephritis, showing symptoms of dropsy and to be unable to move without assistance. According to unofficial sources, his family had requested that he be released on bail to seek medical treatment, but received no reply. In March 1997 he was reportedly allowed to see a doctor, but it is not known whether he has received adequate medical treatment.

Amnesty International is concerned that Li Wenming and Guo Baosheng's case is still pending after nearly three years of arbitrary detention and that their detention has been marked by a series of unfair proceedings, including their initial detention for about four months without charge, in violation of Chinese law. It is also concerned that Li Wenming's health is reported to have seriously deteriorated in detention due to lack of medical care.

Amnesty International believes that Li Wenming and Guo Baosheng are prisoners of conscience, held solely for the peaceful exercise of their right to freedom of expression and association, in violation of international human rights standards. It is calling on the Chinese authorities to release them immediately and unconditionally.

Please send telegrams/telexes/express and airmail letters in English, Chinese or in your own language,

- ◆ *urging the immediate and unconditional release of Li Wenming and Guo Baosheng as prisoners of conscience, held for the peaceful exercise of the right to freedom of association and expression;*
- ◆ *expressing concern that after nearly three years of detention and six months after their trial no verdict has been announced;*
- ◆ *requesting information on Li Wenming's health and medical treatment.*

Please send appeals to:

Minister of Justice of the People's Republic of China

XIAO Yang Buzhang

Sifabu

Xiaguangli

Beijingshi 100016

People's Republic of China

Telexes: 210070 FMPC CN or 22478 MFERT CN

(Please forward to the Minister of Justice)

Telegram: Minister of Justice, Beijing, China

Salutation: Your Excellency

President of the Guangdong Provincial High People's Court

MAI Chongkai Yuanzhang

Guangdongsheng Gaoji Renmin Fayuan

26 Cangbian Lu

Guangzhoushi 510090

Guangdongsheng

People's Republic of China

Telegram: President of the Provincial High People's Court, Guangzhou,

Guangdong Province, China

Salutation: Dear President

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