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PEOPLE'S REPUBLIC OF CHINA

Appeal for Wang Jianping

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A 49 year-old businessman from Australia, Wang Jianping, has been in prison in China for the last three years while discussions continue between Australia and China about his nationality and the validity of his detention. Wang Jianping is serving a ten-year sentence, imposed in two unfair trials, on charges of passing classified information to an Australia diplomat in the early 1980s and for escaping illegally from China in 1986. His health is suffering as a result of his continued detention and the poor conditions he has been held in at Beijing No.2 prison.

On 25 March 1995 Wang Jianping left Sydney, Australia, to travel to Guangdong province, China, for business. This was the eighth time he had travelled to China for business since 1994. He has been an Australian citizen since 1989 and was travelling on an Australian passport in which he had a Chinese visa for each visit he made.

Since his first return visit to China in 1994, Wang Jianping had reportedly met with officials from the Ministry of State Security (MSS) three times regarding his escape. On this trip in March 1995 he was telephoned at his hotel in Guangzhou, Guangdong province, by an MSS official who made an appointment to meet in Beijing. When Wang Jianping arrived at Beijing airport on 8 April 1995 he was detained by plainclothes officers from the Beijing public security bureau. He was immediately taken to Beijing No.2 prison and registered as coming from the Xinjiang Uighur Autonomous Region.

Wang Jianping was held in a small solitary confinement cell for eleven months until his trial. He was continuously handcuffed for the first five days and nights of his solitary confinement. The only furnishings in the room were a cold water tap and a toilet. During the winter the room was not heated. For 11 months of his detention he had to sleep on a board which was put on a cement floor. For the first month of his detention he had no access to outdoor exercise and was not given any fresh food. He was not permitted to read newspapers or to listen to the radio. Prisoners in Beijing No.2 Prison work at making handicrafts, but Wang reportedly spends a lot of time in his cell.

The physical and psychological effects of Wang Jianping's detention, particularly the poor conditions in which he is held, have had an effect on his health. He is under-nourished with generalised weakness and also appears to be suffering badly from stress, shortness of breath and heart palpitations. He complains of abdominal pain, possibly from an inflammation of his gall-bladder and he may have had a blood clot in his leg. Blood pressure measurements taken in prison show he has marked hypertension, for which he has received some treatment, needs a full medical investigation and appropriate treatment.

Though a prison official admitted that medical facilities in the prison are "not the best", Wang Jianping has received some medical treatment, including an electrocardiogram and physiotherapy. His family's request to provide him with fresh ginger and traditional Chinese medicines was turned down.

On 5 January 1996 Wang Jianping was tried inside Beijing Prison No.2. There was no prosecutor or defence lawyer at the trial; only a judge, a prison officer and Wang Jianping. He was refused permission to engage a defence lawyer, the judge reportedly deeming that it was "not necessary", so he defended himself. Later on, a family friend appointed two professor-level lawyers as legal advisers for him, but this was only after the trial.

The verdict, issued by the Beijing First Intermediate People's Court on 5 January 1996, indicates that Wang Jianping was sentenced to five years' imprisonment for having escaped on 26 November 1986 while serving a prison sentence. The verdict also states that he should serve the remaining part of the sentence he was serving when he escaped (5 years, 11 months and 23 days), making a total of 10 years' imprisonment plus 3 years' deprivation of political rights.

Wang Jianping managed to appoint a lawyer for his appeal hearing, but the appeal was rejected by the Beijing Higher People's Court in January 1996.

Prior to his visits in 1994 and 1995 Wang Jianping had not been to China since his escape in November 1986 from a labour camp in Xinjiang where he was serving a 10 year. This sentence, passed in 1983, was on the charge that Wang Jianping, together with a Chinese soldier, provided classified materials about defence and public security issues to an official from the Australian Embassy in Beijing. Amnesty International has no independent information about the nature of the documents Wang Jianping is accused of having handed over.

Wang Jianping's mother, Mrs.Wang Li, joined her son in Australia in 1992. She says that Wang Jianping had met the Australian official in November 1980 in a restaurant in Beijing. At the time Wang Jianping was working as a driver for a senior Chinese government official. Despite restrictions on friendships with foreigners Wang Jianping visited the Australian in the diplomatic compound to talk, drink and listen to music. According to Mrs.Wang the friends had prearranged places to meet.

The meetings did not go unnoticed and on 20 May 1982, after a period of police surveillance, Wang Jianping was detained. After an initial court hearing his family were told by the police

that the charges against Wang Jianping had been withdrawn, but he was not released. He was later brought to trial and on 10 November 1983 he was convicted of spying. He was sentenced to 10 years' imprisonment plus three years' deprivation of political rights and confiscation of property. His trial and sentencing took place during a massive nationwide anti-crime campaign called Yan Da ("Strike Hard"). During Yan Da new legislation was passed to speed up the judicial process, particularly relating to crimes deemed to be "serious". The judiciary were encouraged to try cases quickly and punish severely, resulting in a large number of summary trials.

In 1986, after escaping from the labour camp, Wang Jianping crossed the border illegally into Hong Kong where he stayed without an ID card. From there he requested permission from the Australian government to enter Australia and he was granted permission three months later.

The Australian government have treated Wang Jianping's case as a consular issue and have asked for access to him in prison. They have raised, or attempted to raise, Wang Jianping's case with the Chinese government at a very senior level on several occasions. However, the discussions have reportedly never got past the question of Wang Jianping's nationality and the right of the Chinese government to exercise its jurisdiction over him.

The Chinese authorities insist that this is not a consular matter between Australia and China, but that it is solely an "internal matter" because Wang Jianping committed his offences while he was a Chinese citizen. He was a Chinese national at the time of his escape from prison in 1986 and his illegal exit from China, so that he has been treated in accordance with the provisions of the Chinese Criminal Law. The Chinese authorities do not recognise his subsequent adoption of Australian citizenship.

Amnesty International believes that Wang Jianping is a political prisoner who is imprisoned after two grossly unfair trials. He is currently detained in poor conditions which are badly affecting his health. The organization calls on the Chinese authorities to grant Wang Jianping a new and fair trial, in accordance with international standards. If no convincing evidence comes to light that his activities violated legitimated national security concerns, Amnesty International calls on the Chinese authorities to release Wang Jianping unconditionally.

KEYWORDS: TRIALS / BUSINESS PEOPLE / PRISON CONDITIONS / ILL-HEALTH / AUSTRALIA / FOREIGN NATIONALS
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Please send telegrams/telexes/express and airmail letters in English, Chinese or in your own language, urging the Chinese authorities to:

- ◆ give Wang Jianping a new fair trial, in public and in accordance with international standards;
- ◆ release Wang Jianping immediately and unconditionally if no violation of legitimate national security concerns is brought to light;
- ◆ immediately give Wang Jianping appropriate medical attention.

Please send appeals to:

Vice-Premier of the People's Republic of China

Qian Qichen Zongli

Guowuyuan

9 Xihuangchenggenbeijie

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People's Republic of China

Telexes: 210070 FMPC CN or 22478 MFERT CN

Telegram: Vice-Premier Qian Qichen, Beijing, China

Salutation: Your Excellency

Minister of Foreign Affairs

TANG Jiaxuan Buzhang

Waijiaobu

225 Chaoyangmenneidajie

Beijingshi 100701

People's Republic of China

Telegram: Minister of Foreign Affairs, Beijing, China

Salutation: Your Excellency

Minister of Justice

GAO Changli 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

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