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INTRODUCTION

Torture has become endemic in many places of detention in China and the abuses suffered by prisoners are now far more severe than they were ten years ago¹. In late 1991 an official newspaper described the practice of torture to extract confessions as "a stubborn illness that has not yet seen a recovery in spite of a long treatment"².

Though torture is prohibited by law in China, police and other state personnel continue to use it to extract confessions, or to intimidate or punish prisoners. According to official sources, in 1991 the Chinese procuracies investigated and prosecuted 407 cases of "extorting confessions by torture"³ and in 1990 and 1991 there was a total of 24 wardens and guards sentenced to imprisonment for administering "corporal punishment"⁴ to prisoners.⁵ These official figures do not reflect the real incidence of torture, which is reported to be far higher than the number of cases officially investigated and prosecuted.

In October 1988, the People's Republic of China ratified the United Nations (UN) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - a move welcomed by Amnesty International. As a State Party to the Convention, China has the obligation to take "effective legislative, administrative, judicial and other measures to prevent acts of torture in any territory under its jurisdiction." (Article 2 of the Convention). Yet, in the four years since China ratified the Convention, no such effective measures have been taken and no fundamental safeguards have been introduced to lessen the risk of prisoners being subjected to torture or other ill-treatment. During that period, the incidence of torture in China's prisons and detention centres has, if anything, increased.

Amnesty International believes that the following factors contribute to this trend: a near total lack of safeguards for prisoners' rights; a lack of impartial investigations by independent bodies; and the impunity frequently extended to torturers despite the prohibition of torture by law.

In recent years, Amnesty International has received a growing number of reports of torture in China. These include specific allegations concerning both untried detainees and convicted prisoners who are reported to have been tortured or ill-treated by police officers or other state personnel, or with their connivance. A number of such cases are described in this document, as well as the methods of torture which are reported to be used in various places of detention.

On 9 November 1992, Amnesty International addressed a memorandum about cases of torture in China to

1 In 1983, a major nationwide "anti-crime" campaign was launched by the authorities, resulting in numerous arbitrary arrests and thousands of summary executions. It is reported that the incidence of torture increased substantially during this campaign due to official instructions to the police and judiciary to "crack down severely" and "deal rapidly" with offenders. This was the first of a series of "anti-crime" campaigns which took place during the 1980s, contributing to the increased incidence of torture.

2 *People's Public Security News*, No.661, 27 September 1991.

3 Report to the National People's Congress by Procurator-General Liu Fuzhi on 28 March 1992, Xinhua News Agency in Beijing, 6 April 1992.

4 Chinese law distinguishes between "torture to extract confessions" and "corporal punishment and abuse" of prisoners. The latter refers to ill-treatment which is not aimed at extracting confessions.

5 Chinese Government White Paper on "Criminal Reform in China", released by the Information Office of the State Council on 11 August 1992.

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the Government of the People's Republic of China.⁶ It urged the government to take immediate steps to ensure that all reports of torture, including those cited in this document, are impartially and thoroughly investigated, to make public the findings of such investigations and to bring the perpetrators to justice. It also urged the government to take effective measures to ensure the protection of prisoners against all torture and ill-treatment, in line with China's obligation as a state party to the UN Torture Convention. Amnesty International stressed that simple legislative prohibition is not sufficient to halt torture - as attested by the continuing incidence of torture in many countries where it is prohibited by law - and that other objectively verifiable preventive and remedial measures are needed to eradicate torture. Detailed proposals about such measures are made in Section V of this document. Amnesty International believes that the introduction of such measures would help significantly to reduce the incidence of torture in China.

Amnesty International is totally opposed to the torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons. Torture has been condemned by the General Assembly of the UN as an offence to human dignity and is prohibited in all circumstances under a number of international human rights instruments⁷.

The information in this document is based on the testimonies of former prisoners, the reports of prisoners' relatives or friends and other unofficial sources, as well as on a number of reports and statements by Chinese official sources.

I. CIRCUMSTANCES AND METHODS OF TORTURE

1. Circumstances

Torture and ill-treatment occur at all stages of the detention and imprisonment process. However, torture has been most often reported during preliminary or pre-trial detention, while the victims are held in police stations or in various types of detention centres. Its main purpose appears to be to intimidate detainees and obtain "confessions". Confessions still play a major role in the criminal process in China and few cases are brought to trial without a confession from the accused, even when there is other evidence.

Torture often occurs during initial interrogation, immediately after arrest, when police officers try to force

⁶ In March 1987 Amnesty International addressed a first memorandum to the Government of the PRC on safeguards against torture and other ill-treatment of criminal suspects and prisoners in China. It recommended the introduction in China of some basic safeguards to prevent torture. Amnesty International received no response from the government to the 1987 memorandum. A report based on that memorandum was published by Amnesty International in September 1987, entitled China: Torture and Ill-Treatment of Prisoners, AI Index: ASA 17/07/87.

⁷ These include the International Covenant on Civil and Political Rights; the Standards Minimum Rules for the Treatment of prisoners, adopted by the UN Economic and Social Council in 1957; the Code of Conduct for Law Enforcement Officials, adopted by the UN General Assembly on 17 December 1979; the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly on 9 December 1975; and the Convention Against Torture and Other cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly on 10 December 1984.

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suspects to give information about themselves or others, or to admit alleged offenses. Such information is then used by the police to justify the detention to their superior officers, whether or not the suspect is eventually charged. Torture may also continue throughout the period of untried detention, which can last for weeks or months before a detainee is either prosecuted and tried, or released without charge or given a term of administrative detention. It often occurs in the course of criminal investigations - after a suspect has been charged - to extract "confessions" or sufficient "evidence" to initiate prosecution and trial.

The incidence of torture "to extract confessions" has been acknowledged by official Chinese sources. Many articles in the Chinese official press have described it and examined its causes. Such sources, however, rarely report on the other circumstances in which prisoners are abused, such as in prisons and forced labour camps.

Torture and ill-treatment are also common in penal institutions for "reform through labour" or "re-education through labour" - that is, in prisons and labour camps where prisoners are transferred after being tried and sentenced by a court or after being sentenced to a term of administrative detention without the benefit of a trial. In penal institutions, ill-treatment often occurs when prisoners infringe regulations or disobey orders, or when prison officials consider that they have a "bad" attitude and "resist reform". "Resisting reform" usually means refusal to acknowledge sufficiently one's "guilt" or to work to the required standards. Both forced labour and "moral-political reform" are fundamental elements which form the basis of China's penal policy. These basic principles were reaffirmed by the government in its "White Paper on Criminal Reform in China", published in August 1992. Thus, acknowledgement of guilt is as much part of the penal system as it is of the criminal process, and efforts to compel and elicit it lead to many abuses.

Both political and common criminal prisoners have been subjected to torture. The victims come from all walks of life, but those most likely to be ill-treated are the less educated or less privileged - for instance, the unemployed, vagrants, workers or peasants. They are the most vulnerable because they do not have the social status, economic means or political connections which often constitute a shield against ill-treatment in detention. Though such cases are less well-documented than those of more prominent prisoners, many sources have reported that they constitute the majority of cases of ill-treatment. In contrast, there are few reports of ill-treatment in detention of people of high social standing, such as Communist Party officials or prominent intellectuals.

The torturers are usually police officers belonging to the various sections of the public security agencies⁸, including those responsible for carrying out arrests, those in charge of the custody of suspects and offenders, or of criminal investigation. Officers from the state security agencies⁹ or from the criminal investigation sections of the procuracies¹⁰, as well as prison guards and officials, are also reported to have been involved in torturing or ill-treating prisoners.

⁸ The Public Security (police) agencies are mainly responsible for the arrest, detention and investigation of suspects prior to trial, as well as for maintaining public order. Public Security Bureaus and sub-branches exist throughout the country. They include sections which are responsible for criminal investigation.

⁹ The Ministry of State Security is responsible for national security. It has local branches or representatives which take part in the investigation of suspected cases of espionage, or cases in which links with foreign countries or "state secrets" are involved.

¹⁰ The procuracies, or People's Procuratorates, are the public prosecution bodies in China. They have two main functions: (1) handling criminal cases (by approving arrests, carrying out investigations and deciding on prosecution); and (2) supervising proper implementation of the law by state personnel - which may involve the handling of complaints of torture and bringing to justice officials who use torture.

Furthermore, a trend has emerged in recent years whereby prison officials and guards have increasingly used some prisoners to control and ill-treat other prisoners. This is known in China as the system of "cell-bosses", which is reported to be common in many prisons and detention centres. "Cell-bosses" are common criminal prisoners - often those who have been charged with or convicted of the most serious crimes - who cooperate with prison officials and are entrusted by them to supervise other prisoners. They can abuse other prisoners at will with the connivance of prison warders and officials, and carry out the officials' instructions to "deal with resistant" prisoners - which invariably means ill-treating them. They are usually rewarded for their cooperation by being given special privileges. According to former prisoners, the system of "cell-bosses" provides a convenient means for prison officials to devolve control and responsibility; should an incident happen as a result of the "cell-boss" action - such as the death of a prisoner or serious injury - prison officials can deny any responsibility; they often attribute the incident to a fight between prisoners or support the perpetrators' claims that the victim's injuries were self-inflicted.

Overall, one of the reasons for the increased use of torture during the past ten years appear to have been the continuous anti-crime campaigns launched by the authorities since 1983. During such campaigns, police officers are under instructions and often under pressure to find potential or real offenders and many arbitrary arrests are carried out as a result. The police then often resort to torture in an effort to produce faster results and force confessions. Official directives to suppress dissent, such as the 1989 crackdown on pro-democracy protesters, have also contributed to this trend.

2. Methods of torture

The most common methods of torture reported to Amnesty International include beatings, assaults with electric batons, and the use of handcuffs and shackles in a way intended to inflict pain. These and other methods are described below. Examples of their use and the effects on prisoners are given in Section II of this document.

◆ Beatings are very common, often starting at the moment of arrest, and being most frequent during the initial interrogation in police custody. Beatings of prisoners are also reported to be common in many prisons and labour camps throughout the country. They may involve slaps, punches and kicks to various parts of the body, including the face, ears and abdomen; blows with iron bars, sticks, guns or other objects; and whipping with belts, electric cables or bamboo sticks. There are also reports that, in some jails, police officers and prison guards inflict martial arts blows on prisoners.

◆ Assaults with electric batons or stun guns are reported to occur in virtually all places of detention. Police officers were equipped with electric batons during the mid-1980s and their use is so common that even foreign nationals, a category who can generally expect far better treatment than most categories of Chinese prisoners, have been given electric shocks with these batons when they have been briefly detained. They are often used casually to intimidate detainees, but also in the course of interrogation or to punish prisoners.

The batons exist in a large number of different shapes and sizes. They are battery-powered high-voltage devices with two metal prongs or a coil at the top end through which an electric current passes when they are switched on. They emit a crackling blue light, which can have an intimidating effect. They deliver powerful electric shocks and can burn the skin if the contact is prolonged. An electric shock from a baton

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causes severe pain and affects muscle control; victims often feel nauseous and may have convulsions or faint under the shock. Shocks with batons are often applied to sensitive parts of the body, such as the armpits, neck, face, chest, abdomen or inside part of the legs. In quite a few cases reported to Amnesty International, they are also said to have been applied on the sole of the feet, inside the mouth, on the genitals or inside the vagina, and in the ears of victims. Other use of electricity to torture prisoners, such as with live wires attached to the body, has also been reportedly practised in a number of detention centres, as in the case of a prisoner held in 1990-91 at the Seitru Detention Centre in Lhasa, Tibet Autonomous Region (see page 27).

◆ Use of handcuffs, shackles and chains is one of the three most commonly reported methods of ill-treatment, and a practice which has existed since the 1950s. All places of detention are equipped with handcuffs and ankle fetters. Their use is reportedly authorized to deal with "undisciplined" or violent prisoners and is in principle limited to 15 days, with the exception of prisoners sentenced to death who may be shackled hand and foot until they are executed. In practice, their use is far more widespread and they often serve, for instance, to break prisoners's resistance during interrogation.

Law-enforcement officials now have available a large variety of these instruments, including thumbcuffs, handcuffs, chains and leg irons. Some are extremely heavy, some have tightening devices to compress the flesh and some are sets in which handcuffs and ankle fetters are linked together with an iron bar or a chain. They are often used not only to restrain prisoners but as a means of inflicting pain as punishment or to assist interrogation. This is done, for instance, by handcuffing the hands behind the back in various ways, shackling hands and feet together, or shackling several prisoners together in various positions. In some places of detention, prisoners are reported to have been shackled in such ways as to cause extreme pain - such as with their hands secured with extremely small handcuffs, or with their hands and feet shackled together behind them. Even the more standard ways of shackling can cause great pain and humiliation to prisoners. It is not uncommon that prisoners wear handcuffs or leg-irons for weeks or months without the shackles ever being removed.

◆ Suspension by the arms or feet has been reported to Amnesty International on several occasions in the past few years. Different methods are used of suspending prisoners by the arms. One, known as the "hanging aeroplane", became common during the Cultural Revolution and was still reportedly being used in some places of detention in 1989-1990. It involves suspending prisoners by the arms with their hands tied together behind their back so that the arms are contorted when the prisoners are suspended, causing extreme pain. Another method consists in suspending a prisoner with a rope attached around the wrists which are lifted above the head. Suspension causes severe pain and can seriously damage the muscles and nerves of the arms and shoulders if it is prolonged, or cause dislocation of the arms from the shoulder sockets. Several such cases of suspension by the arms which have been reported to Amnesty International concern political prisoners imprisoned in the Tibetan capital Lhasa between 1989 and 1991. One case, in which a prisoner is reported to have been suspended by his feet in early 1992 in Fujian province is cited below on page 35.

◆ Use of the "shackle board". One of the most cruel forms of shackling, this device is reported to have been used in recent years in several places of detention in Hunan province, including Changsha No.1 Detention Centre and Hunan Provincial No.3 Prison at Lingling. It consists of a wooden door laid flat on four short legs, with handcuffs fixed at each corner of the board. Prisoners are attached to the board with their arms and legs spread out and handcuffed at the corners. A hole in the board allows evacuation of

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urine and excrement. Several cases have been reported of prisoners who were left shackled to the board continuously for several months, with some becoming mentally disturbed as a result. Some of these cases are described in Section II.

◆ Confinement in tiny or dark cells. The existence of such cells in prisons and labour camps across the country during the 1980s was mentioned in an Amnesty International report published in 1987¹¹. They apparently still exist in a number of places of detention and their use has been most recently reported in Tibet, Liaoning and Hunan provinces. They are used to punish prisoners who are deemed to be "recalcitrant" or who infringe prison regulations; the length of the punishment may vary from a few days to several months. Some are known as "*xiaohao*", literally "small number", because of their small size, others as "*heiwu*", "black cells", because they have no window and are dark; some also combine these two features. They seem to vary in size depending on the prison, but according to all accounts they are small, dark and damp, and have no bed, no heating, no ventilation and no sanitation. They are designed to expose prisoners to cold and heat, extreme physical discomfort, deprivation of light and squalid conditions. Some such cells are extremely small and have been described as "boxes" which are not big enough for a person to stand up straight or lie down fully stretched in them. This is reportedly the case at Hunan Provincial No.6 Prison in Longxi, which has several "black cells" in the strict regime section of the prison.

◆ Being made to adopt painful or exhausting physical postures. This is a common practice which usually involves making prisoners stay in a certain position without moving for several hours or even days. The simplest methods include making prisoners stand up motionless for hours on end, or sit on a low stool with their hands on their lap and their back kept straight; they are threatened with beatings or other punishment if they move. Prisoners have described such ordeals as unbearable. Other reported positions include being made to stand on one foot, being made to lean against walls or the floor in various positions, such as with the arms stretched, and being tied to chairs, beds or pillars in painful positions.

◆ Deprivation of sleep or food, which most often happens during the period of initial detention when detainees are interrogated by shifts of police officers and are either denied any sleep or given only a few hours' respite between interrogation sessions. Food and drink may also be denied during the interrogation. Deprivation of adequate food is also used as a method of punishment in many detention centres, prisons and forced labour camps.

◆ Exposure to cold or heat is often part of another punishment, such as solitary confinement in cells which have no heating or ventilation. It can also involve being made to stand outside in the bitter cold, sometimes barefoot or with thin clothing or with no clothing at all, or being left in a cold cell with wet clothes, or else being left in the sun or made to wear winter clothes in very hot weather. Many instances of this kind have been reported to Amnesty International.

◆ Prolonged solitary confinement. Though punitive solitary confinement is in principle limited to 15 days by Chinese regulations, it is frequently imposed for longer periods, often for several months and in some cases for years. All major detention centres, prisons and labour camps have solitary confinement cells. The conditions in solitary confinement vary depending on the place of detention. In some places conditions are very harsh and prisoners may be subjected to additional punishments such as the wearing of shackles, reduction of food, and denial of correspondence, parcels and family visits for as long as the

¹¹ **China: Torture and Ill-Treatment of Prisoners**, published in September 1987, AI Index: ASA 17/07/87. Amnesty International December 1992 AI Index: ASA 17/55/92

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punishment lasts. Even when the conditions are less severe, solitary confinement for prolonged periods can deeply affect the mental and physical health of prisoners. Amnesty International knows of numerous cases of prisoners who have been held in solitary confinement for months or years.

◆ Force-feeding of prisoners on hunger-strike: in various cases which have been reported to Amnesty International, prisoners who started a hunger strike to protest against their treatment or conditions of detention have been force-fed in brutal ways which clearly constitute ill-treatment. This involved either tying the prisoner to a chair or holding him firmly by the arms and legs, pulling his hair or forcing his head backwards, forcing his mouth open with batons or sticks or a large metal clamp, and then forcing food either directly into his mouth or through a tube pushed down the throat. The cases of two political prisoners who were force-fed in a labour camp in Liaoning province is cited in Section II, page 13.

II.INDIVIDUAL CASES AND ALLEGATIONS

The information in this section is based on the testimonies of former prisoners and the reports of prisoners' relatives and friends or other unofficial sources. They are only some of the reports of torture received by Amnesty International in recent years, cited here because they are either the most recent, best documented cases or because of the gravity of the allegations.

1.Liaoning province - The Lingyuan No.2 Labour-Reform Detachment

During the past year, Amnesty International has received persistent reports that a group of political prisoners have been subjected to torture and cruel treatment at the Lingyuan No.2 Labour-Reform Detachment of Liaoning province. They were reportedly severely ill-treated on several occasions when they protested against their treatment and conditions of detention. Since November 1991, Amnesty International has repeatedly called on the Chinese authorities to investigate these allegations and ensure that the prisoners are humanely treated according to international standards. To Amnesty International's knowledge, however, no official investigation has been carried out. According to reports dating from July 1992, prisoners at Lingyuan were still being subjected to ill-treatment.

Over 30 political prisoners arrested in connection with the 1989 pro-democracy protests were reported to be held at the Lingyuan No.2 Labour-Reform Detachment in late 1991. Many of them are believed to be still held there. They include prisoners of conscience held solely for the peaceful exercise of fundamental human rights.

At least 13 of them are reported to have been subjected to torture or ill-treatment at Lingyuan. The names and details of these prisoners are given in Appendix 1. One of them is Liu Gang, a physics graduate and student leader in Beijing during the 1989 protests, who was arrested in June 1989 and sentenced to six years' imprisonment on "counter-revolutionary" charges in February 1991. He was transferred to Lingyuan with other political prisoners in April 1991.

The information received by Amnesty International concerning the ill-treatment of these prisoners
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includes a detailed account of specific incidents which occurred at Lingyuan in 1991 and 1992. This account is summarized below:

◆ On 22 April 1991, a group of 11 political prisoners, including several of those named in Appendix 1, were taken in a prison van from Shengyang Prison to the Lingyuan No.2 Labour-Reform Detachment of Liaoning province, where they were to serve their sentences. As soon as they got off the prison van at Lingyuan, a prison guard assaulted Li Wei, a thin and frail prisoner, with an electric baton. A prison official told the prisoners: "This is to show you a bit of what happens if you don't behave. When you are assigned to the Brigade, there is much worse in store!"

The 11 political prisoners were then sent to the No.1 Squadron of the Training Brigade (a part of the Lingyuan No.2 Labour-Reform Detachment). There they joined other political prisoners from Jilin and Liaoning provinces who had been arrested after the 4 June 1989 crackdown. In the No.1 Squadron, they were to be supervised by six common criminal prisoners entrusted by the prison authorities to control other prisoners. During the following weeks, the political prisoners had to undergo a "prison training course" for new arrivals, which included learning and reciting the "standards of conduct for criminals' reform". These were basically aimed at making prisoners admit that they were "criminals".

◆ On 29 May 1991, the prison authorities gave prisoners in the Training Brigade a test on the "standards of conduct for criminals' reform". The 11 newly arrived political prisoners refused to take the test, as a protest against the requirement to acknowledge that they were "criminals". A number of prison guards and common criminal prisoners from a unit directly under the Detachment arrived immediately and started beating them. That evening and during the following days, the 11 prisoners were subjected to beatings and torture. Six of them were taken away for punishment either to the "correction" unit (No.2 Squadron) of the Training Brigade or to the "strict regime" unit of the Detachment. The other five were allowed to stay in No.1 Squadron to undergo "correction" there, but were also ill-treated.

The six prisoners who were removed were tortured repeatedly. Tang Yuanjuan, An Fuxing, Zhang Ming and Leng Wanbao were taken to the "correction" unit and confined in tiny solitary confinement cells (*xiaohao*) which were dark and damp and measured one metre by two metres. They were stripped naked, held down on the floor and repeatedly given shocks with high voltage electric batons administered to various parts of their bodies, including the head, neck, shoulders, armpits, stomach and the inside of the legs. They tried to go on hunger strike in protest, but only received worse treatment. When the electric baton used against Tang Yuanjuan ran out of power, he was kicked by a guard wearing leather boots and two of his ribs were broken. As Leng Wanbao remained silent while he was tortured, a prison guard forced his mouth open and stuck his electric baton into it. An Fuxing, who was in poor health, fell into a state of shock and had to be taken to hospital, but as soon as he came back from the hospital he was tortured again with electric batons by the Brigade commander.

Liu Gang and Kong Xianfeng were sent to the "strict regime" unit, where abuse is inflicted both by guards and by common criminals appointed by the prison authorities to supervise those being punished. Kong Xianfeng was repeatedly assaulted with electric batons administered simultaneously to several parts of his body, and started bleeding behind his ears. Liu Gang was assaulted in the same way and also subjected to electric shocks to his genitals with a baton, while a prison official threatened him with further ill-treatment if he continued to "resist reform". Liu Gang was made to wear leg irons weighing about nine kilograms for the whole time he spent under "strict regime" and was subjected to abuse by the common

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criminals put in charge of "supervising" him. They forced him to sit on a bench without moving for as long as 12 hours a day, as a result of which his legs became painfully swollen. In mid-June, Liu Gang was transferred to the "correction" unit (No.2 Squadron of the Training Brigade), and only returned to the No.1 Squadron in September 1991.

From June until September 1991, Liu Gang and the other prisoners subjected to "correction" were forced to work at making matchboxes. Their daily production quotas were set so high that they had to work for twelve hours a day, and often were required to attend "political study sessions" in the evenings after work. Those who failed to fulfil their daily quotas were made to complete the work late at night or on Sundays. Their health deteriorated seriously as a result of this harsh regime.

◆ On 4 June 1991, Li Jie, a political prisoner from Jilin province, tried to stage a one-day hunger strike in memory of those killed in Beijing on 4 June 1989. The Brigade commander assembled all the prisoners of the Training Brigade to a meeting. Li Jie was dragged to the front of the stage, stripped naked and held down on the floor by several common criminals. The Brigade commander then applied a huge 50,000 volt electric baton repeatedly to the inside part of Li's legs, shouting and threatening him all along. Two guards also applied electric batons to Li Jie's head, neck, shoulders, armpits, chest, stomach and fingers. Li Jie sweated profusely, went into spasms and then became unconscious.

◆ On 15 November 1991, having read the recently published Chinese government white paper, "Human Rights in China", Liu Gang and 12 other political prisoners¹² started a hunger strike to protest against their treatment and demand that the policies described in the government's white paper be implemented. They demanded in particular an end to all ill-treatment, abolition of the system by which common criminals supervise political prisoners, and a ban on retaliations against prisoners making complaints. That evening, the prison authorities declared the hunger strike to be "an act of resisting reform and a prison riot" and that all participants were to be punished.

Two of the prisoners, including Liu Gang, were put under "strict regime". Nine others were confined in the *xiaohao* solitary confinement cells. The remaining two, An Fuxing and Liang Liwei, who were ill, were allowed to remain in the training brigade to "reflect" on their "mistakes". But even there, they were tortured so severely by guards with electric batons that they fell unconscious and had to be resuscitated by emergency treatment. Leng Wanbao and Kong Xianfeng, who were put in solitary confinement, tried to continue their hunger strike there. On the second day, they were force-fed through tubes pushed down their throats while they were held by guards. Leng Wanbao's left arm was pulled so hard by the guards that it was dislocated. It became swollen and very painful, but Leng Wanbao received no treatment.

By 17 January 1992, with the exception of Liu Gang, all those punished for taking part in the 15 November hunger strike returned to the training brigade.

◆ Liu Gang remained for several more months in "disciplinary isolation" in a unit directly under the Detachment. There, he was repeatedly tortured and abused by common criminal prisoners. Liu Gang's fellow political prisoners in the training brigade asked the prison authorities several times to allow Liu Gang to return to the training brigade, but their appeals were ignored. In March 1992, several political prisoners saw Liu Gang in the clinic: he had been hit on the head many times by a criminal prisoner and

¹²The twelve were: Zhang Ming, Kong Xianfeng, Tang Yuanjuan, Leng Wanbao, An Fuxing, Li Wei, Liang Liwei, Tian Xiaoming, Chi Mengzhu, Si Wei, Li Jie and Li Dejun.

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had many swellings on his head. Prison officials had denied him family visits for months, his letters were confiscated and his complaints ignored. He was seen again by political prisoners held in the training brigade on 11 April 1992, when he escaped briefly from the unit where he was held to return to the training brigade. He told his fellow prisoners that he was constantly being beaten, abused and humiliated by common criminals, whom he named. Over a dozen political prisoners then wrote a joint letter to the prison authorities, asking them to ensure Liu Gang's safety. The authorities instead increased Liu Gang's punishment, denying him permission to leave his cell for exercise. There has been no recent news of Liu Gang. It is feared that his ill-treatment may be continuing and that his life may be in danger.

◆ On Chinese New Year 1992 (4 February 1992), Zhang Ming wrote a poem on a wall after eight political prisoners in solitary confinement went on hunger strike to demand family visits. Under the pretext of searching Zhang Ming, a prison official, escorted by a group of criminal prisoners, forced Zhang Ming to take off all his clothes and then proceeded to beat and kick him, shouting at him: "It is my job to beat you. It is to reform you. You want to go on hunger strike? Go right ahead! Do you think Labour-Reform Brigades are afraid of deaths? If one dies, we bury one. If two die, we bury two!" After the beating, Zhang Ming was not allowed to put on his clothes. He was pushed next to the window and left to freeze there for over half an hour.

Zhang Ming later requested to be sent to work in a workshop. On 4 April 1992, the Brigade commander summoned Zhang Ming to his office and assaulted him by striking him with an electric baton on the chest, back and neck, in an attempt to make him kneel down. The Brigade Commander reportedly threatened Zhang Ming, telling him he was a trouble maker and that his remaining time in prison would be made insufferable (Zhang had nearly completed his three-year sentence). The following day, the Brigade Commander sent Zhang Ming to the "correction" unit where he was tortured further. At washing time the same afternoon, prisoners saw that Zhang Ming's chest was covered with flesh wounds and marks caused by electric batons.

2. Shaanxi province - Mian County Detention Centre and other places

One former prisoner of conscience who was imprisoned in various places in Shaanxi province between 1980 and late 1990, has reported to Amnesty International that torture and ill-treatment of prisoners is routine in a number of places of detention in the province. The former prisoner's description of general patterns of torture is consistent with the accounts of many other unrelated sources, though some of the methods of torture he described had not been previously reported to Amnesty International. The account includes specific allegations of ill-treatment of prisoners in some of Shaanxi's jails. Extracts of the former prisoner's account are given below.

a. Mian County Detention Centre (kanshousuo)

The vast majority of detainees held at the Mian County Detention Centre in 1990 had at some point or other been tortured, beaten or abused in other ways during their stay at the detention centre. Torture and other ill-treatment were used routinely to extract confessions during interrogation or to punish prisoners who disobeyed the rules or guards' orders. Abuses also occurred at random, apparently depending on the moods of the guards, who often seized on the slightest pretext to beat detainees. The methods of torture and of routine abuse used by guards and officials at the detention centre included the following:

◆ **"The old ox ploughing the land"** (*laoniu gendi*). During the winter of 1989-1990, two prisoners, including one named Xie Baoquan, were punished for involvement in a fight. The two men were handcuffed together back to back and tied with a rope. The guards then made a group of prisoners pull the rope and forced them to run, beating them with sticks and batons until they ran faster and faster, dragging along the two men tied up. As a result, the man tied up in front had to crawl as fast as he could on the ground, dragging Xie Baoquan behind him. Xie Baoquan was dragged along with his back scraping on the ground, which was rough concrete.

This treatment, called "the old ox ploughing the land" (*laoniu gendi*) continued until the concrete was covered with blood. When it was finished, Xie Baoquan's back was but a massive wound, which took several months to heal. The skin and pieces of flesh had been scraped away from his back and the wounds suppurred throughout the whole winter. He did not receive any medication and it was left to his cell mates to take care of him. His back was covered with a cotton blanket which became regularly soaked with pus from the wounds, impregnating the cell with a smell of rotting flesh. His cell mates had frequently to scrape off the pus and congealed blood from his back.

This incident apparently became known to the local procuracy: sometime after the event they sent a representative to investigate at the detention centre; but to the prisoners' knowledge no further action was taken. Xie Baoquan was still held in the detention centre in August 1990 but what happened to him subsequently.

◆ **Beatings.** Beatings were particularly common in the detention centre during the period of initial questioning. This was usually done by local police officers who had carried out the arrest and were trying to gather evidence before the case was brought to the attention of higher level police officers within the Public Security Bureau. Once the case was investigated at a higher level, beatings were less frequent, but still occurred. The guards also inflicted beatings on prisoners as a punishment for misdemeanours, even very minor ones. Apart from beatings with fists, feet or electric batons, the guards and interrogators also used electric cables and bamboo sticks to beat prisoners. The electric cables were insulated with rubber and were about 1 centimetre to 1,5 centimetres thick. When the cable was new, it simply left a mark. But after it had been used several times, the rubber would start to break and the cable would cut into the flesh and leave wounds.

◆ **Shackles.** The use of shackles to ill-treat prisoners was also very common. There were many kinds of shackles in the detention centre which are also common elsewhere, but there are also local ways of using them, devised by individual guards, which vary from one jail to another.

One guard at the Mian County Detention Centre reportedly boasted that he knew 39 ways of using shackles. Some of the methods used at the Mian County Detention Centre and other Shaanxi's jails were called: *liankao*, "**chain shackling**"; *piansanlun*, "**bending three wheels**"; *Su Qin bei jian*, "**Su Qin carries a sword on his back**"; *diaokao*, "**tied and suspended**"; *yichuanling*, "**a string of bells**"; *beikao*, "**handcuffing behind the back**". There were many other methods, some of which did not have a specific name, and the length of time prisoners remained shackled was entirely determined by the police or prison officials. The most cruel methods include:

"chain shackling" (*liankao*), which involves shackling a prisoner's hands and feet together. This can be

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done by shackling the hands and feet together behind the back, which places the prisoner in a contorted position which causes intense pain. Those shackled this way for more than a few hours suffer severe pain. Another variation consists in shackling a prisoner's hands and feet together with extremely small shackles. For this, the guards choose the smallest shackles which can fit round the prisoners' wrists. Then they compress the prisoner's wrists and ankles together in these shackles by using pliers and hammers. Those shackled this way suffer excruciating pain. They reportedly scream throughout the length of time they are shackled, or until their voice is hoarse. This can make matters worse: the guards may get annoyed by the screaming and prolong the punishment. In one case at the detention centre in 1990, a young prisoner was left shackled this way for several days. He screamed and wailed continuously, day and night, and no-one was able to sleep in the detention centre at night. When the shackles were taken off, the flesh around his wrists and ankles apparently looked like a ring of red flesh which had completely rotted.

"Su Qin carries a sword on his back" (*Su Qin bei jian*); this refers to the way warriors traditionally carried a sword on their back. It consists in having one arm reaching back over the shoulder and the other arm twisted behind the back; the two hands are then pulled together at the back and shackled. This position is also very painful and, as with many other methods, the prisoner cannot do anything without help.

"Bending three wheels" (*piansanlun*), which consists in shackling together two prisoners, with the hands of one tied to the feet of the other. In this way, one walks and the other has to squat and shuffle along. Those shackled this way are kept tied together all day long, including for eating, going to the toilet and sleeping, for as long as the guards decide. It causes pain and humiliation to both prisoners. In the second half of 1990, two women prisoners in the detention centre were shackled in this way as a punishment for fighting.

Handcuffing behind the back (*beikao*) consists in having both hands handcuffed behind the back. It is very common throughout the country. Prisoners are often handcuffed in this way for many days or weeks without the handcuffs ever being removed. Prisoners treated in this manner require help from other prisoners for eating, washing and going to the toilet, and find it particularly painful when trying to sleep.

◆ **Routine abuse.** The guards would reportedly seize on the slightest pretext to beat prisoners or humiliate and abuse them in other ways. This occurred, for example, if prisoners were caught smoking, or playing chess, or talking to each other between adjacent cells. On one occasion in 1990 a group of prisoners playing chess with pieces of soap panicked when they were discovered by a guard and threw the pieces of soap into the "*matong*" (a bucket used as a toilet). They were made by the guard to take the soap pieces out of the toilet bucket and forced to eat them. Another occasion for routine abuse was when prisoners had spilled water. On average there were some 10 prisoners per cell who had to wash with one small basin; they discarded the dirty water by letting it flow out slowly through a gap under the cell door. The prisoners worried constantly that the guard on duty might object to this and punish them. On various occasions prisoners were beaten, forced to mop spilled water with their clothes by rolling on the floor or made to lick all the water from the floor. Some prisoners were even taken out of their cell, tied and suspended in the air for spilling water.

b. Lueyang County Detention Centre

Several prisoners held at the Mian County Detention Centre during the second half of 1990 had been held

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previously at the Lueyang County Detention Centre. According to their account of the treatment of prisoners at Lueyang, torture was as common there as it was at Mian County Detention Centre. One of them reported that he had witnessed a special method of torture which had been devised by some police officers at Lueyang for use during interrogation.

This reportedly involved using a small stove in which a fire was burning and, at some distance above it, a board in which needles were fixed facing downwards. The distance between the stove and the needle board was not big enough for a person to stand up straight in between. During interrogation, prisoners were placed between the fire and the needles, standing over the small stove with it between their feet. Due to the short distance between the stove and the needle board they had to bend their knees half down like on horseback. If they tried to move up or down they would either be hurt by the needles or burned by the fire. The position would become rapidly unbearable and those subjected to this ordeal agreed to say very quickly anything that their interrogators wanted them to "confess".

c. Shaanxi province No.2 Prison

Shaanxi province No.2 Prison is located in Weinan city and known to the outside as the Weinan Boiler Factory. Ill-treatment of prisoners was common at the prison throughout the 1980s. Punishments included shackling, beatings or being put in solitary confinement on a starvation diet and being exposed to extremes of cold or heat.

Many prisoners placed in solitary confinement were held naked inside their cell. In winter, they were provided with only a thin blanket or quilt to protect themselves from the bitter cold. When they were taken out of their cell during the day, they were only allowed a thin cotton garment. In summer, the cells were hot; mosquitoes and other insects came in through a hole in the door. The diet was grossly insufficient. Some prisoners received only five or six *liang* (ounces) of food a day, mainly thin rice porridge. Under this regime, the prisoners would become very weak and desperate and most of them would do anything requested by their jailers. Some reportedly attempted to commit suicide or deliberately mutilated themselves. For example, Li Wanxiang, a young prisoner held in solitary confinement in the mid-1980s, poured boiling water over himself in the hope that he would be released from solitary confinement. He was badly burned and was taken to a hospital where he stayed for a month, but as soon as he was discharged from the hospital he was placed in solitary confinement again. He later attempted to commit suicide by cutting his neck with a spoon, but he did not succeed in killing himself. He had originally been placed in solitary confinement for helping a political prisoner, who had been denied correspondence with his family, to smuggle letters out to his relatives. Despite his suicide attempt, Li Wanxiang was only let out of solitary confinement after more than a year.

According to prison regulations, the maximum length of punitive solitary confinement should be no more than 15 days, and the imposition of this punishment should be decided by the head of the prison administration (*yuzheng*) section. However, in a number of cases lower-ranking prison officials and guards apparently took the decision to commit prisoners to solitary confinement, and only informed the section leader as a formality afterwards. The permitted length for solitary confinement was usually exceeded: it was very rarely imposed for less than 15 days and some prisoners were held in solitary confinement for several years. Solitary confinement was imposed either for "resisting reform" - that is, when the jailers deemed that a prisoner had a "bad" attitude - or for breaches of discipline or infringement of prison rules, including very minor misconduct. In order to be let out of solitary confinement, prisoners

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had to admit that they were wrong, show remorse and criticise themselves, or to show willingness to accept "reform". Those who did not do so stayed in solitary confinement for as long as it suited the prison officials.

d.Impunity

Prisoners were left totally defenceless against torture and ill-treatment. Complaining usually only made matters worse. At the Mian County Detention Centre, officials from the county procuracy, who are in charge of investigating complaints of torture and ill-treatment, came regularly to visit the detention centre. They knew that prisoners were tortured but apparently took no action in response. If a prisoner tried to make a complaint, they would usually listen to him but then tell the detention centre officials about it and do nothing else. The prisoner would then be subjected to reprisals by the jailers. Only in a few cases did the procuracy investigate complaints, but even in these cases, there was no prosecution. It was often the case that procurators started an investigation if their relations with the police or detention centre officials were already strained, but once such disagreements had been sorted out the investigation would be dropped.

The provincial authorities also took no action in response to reports of torture and ill-treatment. In November 1984, for instance, a small group of provincial officials came to Shaanxi No.2 Prison on a routine visit of inspection on behalf of the provincial People's Congress. They included the Vice-Director of the Legal Committee of the provincial People's Congress and the provincial Chief Procurator. During their visit, a prisoner named Jia Xuezhi, who had been repeatedly tortured, started shouting. Instead of listening to him, when they heard the shouting, the visitors simply turned their back and left, while prison guards came to "deal with" the prisoner from continuing his protest.

3.Hunan province

Torture and ill-treatment of prisoners is reported to be widespread in various places of detention in Hunan province¹³. According to former political prisoners, prisoners in Hunan's jails are subjected to a high degree of brutality and various methods of torture are used, including some which are not reported to have been used in other provinces. This concerns in particular a device known as the "shackle board" (*menbanliao*), which has been used to tie prisoners to a board continuously for weeks on end (see page 8 for a description of the shackle board).

Several political prisoners arrested following the 4 June 1989 crackdown are reported to have been fixed to "shackle boards" continuously for periods of three or four months. According to information received by Amnesty International, some of them were shackled this way in cells shared with other prisoners and were also subjected to abuse by the other prisoners in the cell. Others were attached to the board while in solitary confinement. Several prisoners subjected to this treatment are reported to have become mentally disturbed.

¹³ Detailed information about torture of prisoners and repression in Hunan province has been published by Asia Watch in a report entitled "Anthems of Defeat - Crackdown in Hunan Province 1989-92", issued on 31 May 1992. Most of the cases of prisoners cited in this section are described in detail in the Asia Watch report. The circumstances in which they were reportedly tortured have been confirmed directly to Amnesty International by a former prisoner.
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Many others are reported to have been subjected to different forms of torture, including severe beatings, shackling and solitary confinement in particularly harsh conditions. According to former prisoners, the system of "cell bosses" - whereby prison officials entrust some common criminal prisoners to control other prisoners - is particularly widespread in Hunan province and results in many abuses which are openly encouraged by prison guards and officials.

Both political and criminal prisoners are reported to have been tortured in Hunan's jails since 1989. Most of the cases known to Amnesty International are those of political prisoners. However, the organisation is concerned that many other prisoners whose identities are not known were reportedly subjected to similar ill-treatment, and that torture may continue to be practised on a wide scale.

The information received by Amnesty International include the following allegations about individual prisoners:

a. Yu Zhijian, Yu Dongyue, Lu Decheng: all three men are alleged to have been tortured following their arrest in Beijing in late May 1989, as well as later at Lingling Prison in Hunan province. Yu Zhijian and Yu Dongyue were reported in 1992 to be in very poor physical and mental condition as a result of torture and over 30 months of cruel and inhuman treatment.

Prior to their arrest, Yu Zhijian, aged 27, was a primary school teacher in Dahu township, Liuyang county, in Hunan province; Yu Dongyue, 24, was a fine arts editor for a local newspaper in Liuyang; Lu Decheng, 28, worked for the Liuyang branch of the Hunan provincial bus company. All three were arrested in Beijing on 23 May 1989 immediately after throwing paint at the portrait of Mao Zedong hanging over the entrance to the Forbidden City in Tiananmen Square, in a symbolic gesture of their political views. They were tried in Beijing in August 1989 and convicted of "counter-revolutionary" offenses. Yu Zhijian was sentenced to life imprisonment, Yu Dongyue to 20 years' imprisonment and Lu Decheng to 16 years' imprisonment.

All three apparently refused to acknowledge their guilt and were reportedly subjected to severe torture and ill-treatment from the time of their arrest. Following their trial, they were transferred from Beijing to Hunan Provincial No.3 Prison at Lingling. The Lingling prison authorities were reportedly instructed by authorities in Beijing to place them in the "strict regime" section of the prison, which means punitive solitary confinement in particularly harsh conditions. According to a former prisoner interviewed by Amnesty International, the solitary confinement cells in the strict regime section at Lingling measure just over two square metres. They are dark and damp, with extremely deficient sanitation, and have no heating or ventilation, which makes them extremely cold in winter and unbearably hot in summer. Prisoners held in these cells are only allowed out briefly during the day to eat their meals while walking in a tiny exercise yard. Some prisoners in solitary confinement are subjected to additional punitive measures, such as wearing shackles or being made to sit straight without moving for prolonged periods of time.

Though prison regulations limit punitive solitary confinement to a maximum of two weeks, Lu Decheng was reportedly held in such conditions for six months. Yu Zhijian and Yu Dongyue were reported to be still held there in early 1992, over two years after they were placed in the strict regime section, apparently because they did not admit their guilt and the prison leadership considered that they had "failed to reform their reactionary nature". The two men were also reportedly subjected to physical ill-treatment for making "reactionary statements" about government officials. By early 1992, Yu Zhijian was reported to have

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become extremely thin and to be in very poor condition; Yu Dongyue reportedly showed signs of mental disturbance and had lost control of some bodily functions. Yu Dongyue and Lu Decheng were reportedly transferred to another prison in early 1992 and their present whereabouts are not known. Yu Zhijian was reported to be still held in solitary confinement in the strict regime section of Lingling prison in April 1992. His current situation is not known.

b.Peng Yuzhang: a retired professor at Hunan University, aged in his 70s, Peng Yuzhang was arrested in mid-June 1989 for taking part in peaceful demonstrations in Changsha during the 1989 protests. Following his arrest, he was held at Changsha No.1 Detention Centre. According to a former prisoner, he protested frequently against his detention, demanding to be released, and was eventually punished by being placed on the "shackle board". He remained shackled on the board for three months from August to October 1989, in a cell shared with other prisoners, and had to be helped by his cell mates for eating and other needs. By the time he was released from the shackle board, he had become extremely weak. He was removed from the Detention Centre soon after, in late October or November 1989. He is reported to have been forcibly committed to a psychiatric asylum immediately after leaving the Detention Centre. By early 1991, his friends and relatives had had no news of him for many months and had been denied permission to visit him at the asylum. It is not known whether he is still alive.

c.Zhou Zhirong: A 32 year-old teacher from Xiangtan, he is reported to have been subjected to gross abuse and ill-treatment in several places of detention in Hunan, to the extent that he became mentally disturbed.

Zhou Zhirong was arrested in Xiangtan in September 1989 for making public speeches during the 1989 protests and was sentenced in 1990 to five years' imprisonment on "counter-revolutionary" charges. Before his trial, he was held at the Xiangtan Detention Centre where he reportedly often argued with prison officials about what he considered to be his rights. As a result, he was reportedly subjected to continuous abuse by the guards, as well as by prisoners in his cell who were instructed by the authorities to torment him. After his trial in early 1990, he was transferred to Hunan Provincial No.6 Prison at Longxi and was placed in the strict regime section of the prison, by which time he was already deeply affected by his ordeal at the Xiangtan Detention Centre. In the strict regime section of Longxi, he apparently became involved in secret discussions with other political prisoners held there and was punished, with some of the others, by being confined in one of the prison's "black cell" (*heiwu* or *xiao haozi*). These cells have been described to Amnesty International as windowless rooms which are so small that one can neither stand up straight nor lie down fully stretched in them. In February 1991, he was transferred to the punishment unit of Hunan No.3 Prison at Lingling, where he was put on the "shackle board" for three months and subjected to other forms of abuse. By the time he was removed from the shackle board in May 1991, he showed signs of severe mental disturbance. His present situation is not known.

d.Fan Zhong: A student leader in Changsha during the 1989 protests, he is reported to have been repeatedly tortured at Changsha No.1 Detention Centre in 1990, suffering severe physical and mental problems as a result.

Fan Zhong was arrested at the end of June 1989 and first held for a short period at Changsha No.2 Detention Centre before he was transferred to Changsha No.1 Detention Centre. According to information received by Amnesty international, while held there he was repeatedly tortured by prison officials by being beaten, given electric shocks with electric batons applied to several parts of his body, and finally

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put on the shackle board for several months. By the time he was put on the shackle board, he already appeared to be mentally disturbed, shouting incoherently or talking to himself for long periods of time. While tied to the shackle board, he was also abused by prisoners in his cell and by the guards who continued to assault him with electric batons. This continued for several months until his condition became very serious: he eventually lost all physical coordination, including control of his bowels and bladder. The authorities then subjected him to intense "ideological work" until he promised to stop his protests. He was then released from the shackle board. He was eventually "exempted from criminal punishment" and released from the Detention Centre in late 1990. He is still deeply affected by his ordeal.

e.Tang Changye: a 29 year-old worker arrested in October 1989 in Changsha, he is reported to have been subjected to constant abuse by prison guards and common criminal prisoners at Changsha No.1 Detention Centre. He was held there until his trial in 1990 and was reportedly considered mentally ill by prison officials and prisoners alike, though the former did nothing to provide him with treatment or stop the abuse to which he was subjected. His current situation is not known.

f.Zhou Min: a 26 year-old worker arrested June 1989 in Changsha, he is reported to have been repeatedly ill-treated and beaten with electric batons while held at Changsha No.1 Detention Centre, and to have become mentally disturbed as a result. He was sentenced to six years' imprisonment in June 1990 and transferred to Henan Provincial No.1 Prison in Yuanjiang after his trial. His current situation is not known.

g.Yao Guisheng: a 26 year-old worker in Changsha who was arrested in Zhuzhou after June 1989, he is reported to have been repeatedly ill-treated at Hunan Provincial No.6 Prison at Longxi and to have become mentally ill as a result. He was transferred to Longxi Prison after being sentenced to 15 years' imprisonment on criminal charges in October 1990. According to Amnesty International's information he was periodically put in solitary confinement because he refused to "admit his guilt" and did not work up to the required standards; he was also frequently beaten and made to wear shackles. His current situation is not known.

h.Zhang Xudong: a worker and director of Changsha Lift Factory arrested in June 1989, he was reportedly made to wear handcuffs and leg irons continuously for nearly a year while held at Changsha No.1 Detention Centre. Arrested for his leading role in the Changsha Workers' Autonomous Federation during the 1989 protests, he was put in handcuffs and shackles on the first day he arrived at the Detention Centre after his arrest. According to a former prisoner, by February 1990 his ankles and feet were painfully swollen from the wearing of the shackles, but these were only taken off when he was brought to trial in mid-1990. He was sentenced to four years' imprisonment and subsequently transferred to Hunan Provincial No.1 Prison in Yuanjiang. His current situation is not known.

i.Li Lin: a worker from Hengyang, and his brother Li Zhi, who were detained for five months in Hengyang in 1991, reported after they left China that they were beaten and given electric shocks with electric batons by two officers from the Hengyang branch of the State Security Ministry. The Hengyang State Security branch was apparently in charge of investigating their case because the brothers had fled to Hong Kong after the 1989 crackdown and spent over a year there before returning to Hengyang in February 1991. They were arrested immediately upon their return to Hengyang and accused of "counter-revolutionary" and espionage activities. Li Lin and Li Zhi were interrogated separately and held in different cells in the same detention centres. They were first held for a few days at the Baishazhou "shelter and investigation

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centre", then transferred to the Wanjiawan Detention Centre in Hengyang where they remained until their release. According to Li Lin's testimony, he was beaten on several occasions during interrogation by being punched with fists, hit in the face and prodded repeatedly with an electric baton. Li Zhi was also beaten and prodded on the face with an electric baton. They were eventually sentenced to a few months' detention for "illegally crossing the border" and released in July 1991. Both subsequently left China.

j.Tang Boqiao: a student leader in Changsha during the 1989 protests, he was held in six different detention centres and prisons following his arrest in July 1989. He reported after he left China in 1991 that he was severely beaten by a large group of armed police officers at the time of his arrest in Jiangmen, Guangdong province, during the night of 13 July 1989: they rushed on him and assaulted him with fists and truncheons like a group of "mad dogs". He also reported being subjected subsequently to various forms of ill-treatment in different places of detention in Hunan province. This included frequent, severe beatings from his cell-mates at the instigation of jail officials during the period he was interrogated at Changsha No.1 Detention Centre; being struck with electric batons for failing to fulfil work quotas in the same detention centre; and being beaten, chained hand and foot and confined in a cold, damp and tiny punishment cell at Longxi Prison in Hunan. Tang Boqiao was released on parole in February 1991 and subsequently escaped from China.

4. Tibet Autonomous Region

According to Amnesty International's information, Tibetan political detainees have been routinely tortured in Tibet during the past five years. Many cases of torture have been publicly reported by various sources. Yet, there has been no official report of perpetrators having been brought to justice.

Most torture victims in Tibet whose cases are known to Amnesty International are people detained for activities in favour of Tibetan independence, but relatives of political activists, including children, have also been detained and tortured. Eye-witnesses and former victims report that detainees have been beaten, given electric shocks and tied with ropes in excruciatingly painful positions in order to extract from them "confessions" or "information" about pro-independence activities.

Amnesty International has previously published extensive accounts of torture and ill-treatment in detention of Tibetans.¹⁴ The following cases are just a few among many which have been reported but which have not been publicly investigated by the authorities.

a.Laba Dunzhu: Laba Dunzhu (also spelled Lawa Dondrup or Lhapka Dondrup), a young man aged 18 or 19 at the time of his arrest in 1989, is reported to have died at the People's Hospital in Lhasa in November 1991 after being transferred to the hospital from Gutsa Detention Centre in Lhasa. He was severely ill and had reportedly been repeatedly tortured in detention.

Laba Dunzhu was officially reported to have been sentenced in early August 1989 to two and a half years'

¹⁴ See for example: **People's Republic of China: Torture and Ill-Treatment in Detention of Tibetans**, published in February 1989 (AI Index ASA 17/04/89); **People's Republic of China: Torture and Ill-Treatment**, published in April 1990 (AI Index ASA 17/18/90); **People's Republic of China: Recent Reports on Political Prisoners and Prisoners of Conscience in Tibet**, published in October 1991 (AI Index ASA 17/62/91); and **People's Republic of China: Repression in Tibet, 1987-1992**, published in May 1992 (AI Index ASA 17/19/92).

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imprisonment for taking part in pro-independence protests in Lhasa in March that year. He was convicted of "destroying public property" and "disturbing social order" during the 5 March 1989 protests, according to the official People's Daily of 7 August 1989. Following his arrest in March that year, he was held at Gutsa Detention Centre in Lhasa where he is reported to have been repeatedly tortured. According to information received by Amnesty International the methods of torture used on him included the following:

i. He was made to kneel on a low bench with his chin resting on a higher bench. The lower bench would then be jerked and removed from under his knees. If he was not able to sustain the weight of his body with his chin, he was beaten with a truncheon as soon as his knees touched the ground.

ii. He was taken out into the prison yard, made to kneel down and had his face pressed down into the dirty water of the latrine. While his head was held down with a guard's boot, he was beaten on the back.

iii. His hands were chained together behind his back with one arm reaching back over the shoulder and the other arm twisted behind the back. Another chain was then attached to his chained hands and he was lifted with this chain and suspended in the air for periods of one to two hours. He later told fellow prisoners that he lost all feeling in his arms. He was also beaten on his back and kicked in the abdomen while suspended.

iv. In winter, when it was very cold, he was made to lie down on the ground completely naked for one to two hours. He later reported that he felt completely numb and thought that he would die.

v. He was frequently hit in the abdomen with fists and truncheons. Whenever the guards had been drinking, the torture inflicted on him was worse.

He is reported to have suffered many injuries as a result of the torture, including a ruptured spleen, and to have become severely ill. According to information received by Amnesty International, he was last reported to have been seen alive on 13 November 1991 at the People's Hospital in Lhasa, to where he had been transferred from Gutsa Prison. He was then in a very weak state and his skin was yellow, suggesting he may have had hepatitis. It was reported that he suffered from leukaemia, though it is not known whether this was an official or a genuine medical diagnosis. According to a United Press International report of 10 December 1991, he died at the People's Hospital in November 1991. He was then aged 21. Amnesty International has no other information about his death. It is deeply concerned about the report of his death and the allegations of torture and calls on the authorities to report publicly on what happened to him and to carry out a public enquiry into the allegations of torture and, if he died as reported, into the causes of his death.

b. Sonam Dolkar: a 26 year-old Tibetan woman from Lhasa, alleged after she had left Tibet clandestinely that she had been constantly tortured over a six-month period while held at the Seitru Detention Centre in Lhasa in 1990-91. She stated in an interview in late 1991 that she had been arrested in late July 1990 when 20 police officers came without a warrant to her house in Lhasa. She was suspected of involvement in pro-independence activities, but denied any connection with political activities when she was questioned after her arrest.

According to her account, three days after her arrest she was taken to an interrogation room at the Seitru

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Detention Centre where four officers from the Public Security Department started torturing her when her answers did not satisfy them: they slapped and punched her, then stripped her naked and wrapped electric wires around her body with the naked end of the wires touching her fingers. When she did not answer their questions the current was switched on; she went into convulsions and then became unconscious. When she regained consciousness, she was still in the same room and found that her body had turned a blue colour. The questioning continued and she was given more electric shocks; she fainted again and this time found herself in her cell when she regained consciousness.

According to her account, interrogation and torture continued in the same fashion every second day for six months and she was repeatedly tortured with the electric current. She wore handcuffs and leg-irons constantly throughout that period. Once, about a month after her arrest, when she regained consciousness after being tortured with electric shocks, she saw many marks on her body, some of which were bleeding, and found that two of her ribs were broken; she assumed she had been beaten while she was unconscious; when she tried to get up, she could not stand up and felt pain everywhere in her body. During some interrogation sessions, she was also tortured with electric batons applied to her face and every part of her body, including inside her vagina. On the days she was not interrogated, she was kept in a windowless cell which was totally dark and bare, with the exception of a toilet bucket. She had to sleep on the concrete floor without even a blanket. She was never allowed out of her cell, except to be taken to the interrogation room, and never saw any other prisoner or talked to anyone apart from her interrogators. After a while, her memory started to deteriorate, she could not keep food down and became increasingly weak and sick. She often vomited and urinated blood after being tortured with the electric current. During interrogation, she would often collapse and her interrogators would beat her to make her stand up. By early 1991 she was vomiting and urinating blood every day and was in such condition that a doctor was finally called to see her. The doctor said she would die if she was given more electric shocks and the torture then stopped. She was left alone in her cell for a few weeks or months, then transferred to a police hospital. She eventually managed to escape and left the country clandestinely during the second half of 1991.

c.Ngawang Tsepak: a 20 year-old Tibetan nun, reported after she escaped from Tibet in late 1991 that she and several other young nuns were beaten and suspended from a tree during interrogation after their arrest in Lhasa in September 1989. The nuns, who came from Chubsang nunnery near Lhasa, were arrested by police when they staged a brief peaceful demonstration on 2 September 1989. They were then taken to the Gutsa Detention Centre in Lhasa.

According to Ngawang Tsepak's account, at Gutsa they were interrogated and told to give the names of others involved and to "confess". In the process they were stripped naked and their hands were tied behind their backs. They were then each suspended from a tree in the courtyard with a stick put between their arms behind their backs, with all their weight pulling on their contorted arms. While suspended in this fashion, they were beaten and given electric shocks with electric batons. The batons were used to prod various parts of their bodies, including inside the mouth. Ngawang Tsepak said she was suspended for a long time, estimating it might have been as long as three hours, and said that both her shoulders were dislocated when she was let down. She was also kicked in the lower abdomen while suspended and still suffered pain in that area over a year later. She named three female staff of Gutsa Prison as having been involved in their torture.

Ngawang Tsepak also reported that she and five other nuns, namely Sonam Lhamo, Lobsang Choedron,

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Dechen Drolma, Pasang Drolma and Dawa Lhazom, were beaten again in August 1990 for singing a protest song in their cell at Gutsa. When their singing was discovered, she said, five prison staff came and beat them one by one with a stool and a belt. They were then taken to a smaller cell in a high security area, beaten again and kept in this cell for about a year. She also alleged that she and several other Tibetan prisoners were required to give blood in late 1990 and that she subsequently began shaking, became very weak and had to be sent to hospital. She was released in September 1991 after completing a two-year sentence and left Tibet shortly after.

d.Lobsang Tsondrue and other political prisoners at Drapchi Prison: A series of incidents reportedly involving ill-treatment of political prisoners started on 30 March 1991 at Drapchi Prison in Lhasa when a delegation of US diplomats, led by Ambassador James R. Lilley, visited the prison. During the visit two political prisoners approached the delegation and handed the diplomats a petition signed by a number of political prisoners in Drapchi. The two prisoners were Lobsang Tenzin, who is serving a life prison sentence for allegedly killing a policeman during riots in Lhasa on 5 March 1988, and Tempa Wangdrak, a Buddhist monk from Ganden Monastery, who is serving a 15-year prison sentence for his alleged involvement in pro-independence demonstrations in March 1988. The petition apparently contained allegations of "atrocities" carried out by PRC authorities in Tibet, of torture and ill-treatment against political prisoners and of "secret executions". The petition was confiscated by Chinese officials accompanying the US delegation.

Statements subsequently obtained from inmates at Drapchi Prison alleged that Lobsang Tenzin and Tempa Wangdrak were "severely beaten" and put in solitary confinement after the delegation's visit. This apparently sparked a further incident on 20 April 1991, when other political prisoners demanded the release of Lobsang Tenzin and Tempa Wangdrak from solitary confinement. Prison officials allegedly called security forces into the prison, who "beat up" the protesting prisoners.

On 26 or 27 April 1991 Lobsang Tenzin, Tempa Wangdrak and three other political prisoners were reportedly chained by their hands and feet and transferred to Seitru Detention Centre in Lhasa for one night, then to another prison or "reform-through-labour" camp in Linzhi prefecture, east of Lhasa. They reportedly remained in solitary confinement there until 1 June 1991 and were transferred back to Drapchi Prison on 27 July 1991.

The 27 April 1991 transfer of the prisoners provoked a further protest by other political prisoners in Drapchi who demanded to know the whereabouts of those transferred. As a result of the protest, 16 prisoners, mostly monks, were put in solitary confinement, some after severe beatings. Their solitary confinement reportedly ended after six weeks, except in the case of Lobsang Tsondrue¹⁵, an elderly monk and prisoner of conscience, who was reported to be still in solitary confinement four months later. A Buddhist monk from Drepung monastery aged about 76, Lobsang Tsondrue was detained in April 1990 because he had allegedly "failed to reform" and "carried out unlawful activities". He had reportedly mentioned Tibetan independence during a speech on the occasion of the Tibetan New Year in February 1990. He was reportedly sentenced to six years' imprisonment.

Lobsang Tsondrue was said to be in poor health due to severe beatings by prison authorities following the 27 April protest. Reports of a fellow prisoner who saw Lobsang Tsondrue in June 1991 with blood stains

¹⁵Lobsang Tsondrue has also been referred to as "Lobsang Tsultrim" in Amnesty International publications prior to October 1991.

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on his face and clothes and in "bad condition" suggest that Lobsang Tsondrue may have been subjected to further beating and ill-treatment while held in solitary confinement. He was reported to be still in solitary confinement in late August 1991. His current situation is not known.

e.Tsechok: a monk interviewed outside the country in 1990, said he was tortured after he was detained for taking part in demonstrations in March 1989. He alleged:

"I was beaten at the time of my arrest. They first tried to tie me up with ropes from behind. I had to sit on the floor and they pressed into my back with their knees. Then I was beaten all over my body with a cattle prod approximately a metre long. When I arrived in the prison I was almost unconscious... They also used sticks and rifle butts...

"[At the police headquarters] two men asked me to stand up. When I answered that I could not stand up, they started to kick me from both sides. [That evening] I was tied up to the ceiling until the next morning: they attached another rope to the one I was already tied up with and then they hung me up. After a few hours hanging like this, my shoulders were dislocated... the next morning they took me down. At that time I could not move any more, I could not bring my arms back in front of me, they would stay behind the back. Then they started to interrogate me again but I was so weak I could not even talk... They started beating me up again. First there were five policemen and later there were three Armed Police... Most of the time they were using their fists and feet to kick me but sometimes they were threatening me with their guns...

"I was taken to a cell in Gutsa [Detention Centre]. In the cell there was a cement pillar. In the cell I was kept on an iron chair with my hands chained to the chair. My legs were chained to this cement pillar. I stayed in this cell 8 days. When the guards were giving us food they did not take off our chains so we had to bend down and try to eat the best way we could... Once I was singing Tibetan independence songs in the cell and I got beaten for that. They beat me for about an hour with cattle prods and also kicked me from the back. I was bleeding from the nose and mouth because my face had been kicked onto the concrete floor. They also used a stick with a triangular section, which left the scar you saw [interviewer's note: a two-inch-long scar on the head]."

Reports received by Amnesty International during 1992 from victims who remain within Tibet indicate that similar forms of torture and ill-treatment continue to be practised at the Gutsa Detention Centre and elsewhere.

5.Shanghai Municipality

According to former prisoners, many workers arrested in Shanghai were subjected to severe torture and ill-treatment in detention following the 4 June 1989 crackdown on the pro-democracy protests. Many were subsequently convicted of ordinary criminal offenses. Unlike students and intellectuals who were usually held in the Shanghai No.1 Detention Centre, most workers were first held in district detention centres, where conditions and treatment of prisoners are reported to be notably worse than in the Shanghai No. 1 Detention Centre.

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Other cases of ill-treatment have been reported in the past few years. To Amnesty International's knowledge, the Shanghai authorities have not publicly reported any investigations into these allegations, though they admitted recently that torture continues to be practised in the city's jails.¹⁶

The two cases described below are those of people who are reported to have been subjected to ill-treatment in very different circumstances.

a. Ma Zhiqiang: a worker from Shanghai in his late 20s, and four other workers from Shanghai, including two named Yang and Chen, were arrested by police in Shanghai on 15 June 1989 reportedly for attempting to form an independent trade union during the spring 1989 pro-democracy movement. Following their arrest, the five men were first held for one month at the Nanshiqu Detention Centre (*kanshousuo*) in Shanghai.

According to information received by Amnesty International, while at the Nanshiqu Detention Centre, they were subjected to torture and threats to force them to "confess" that they were planning to murder a Communist Party cadre, to rob a bank and commit other crimes - all accusations for which the police apparently had no evidence at all. Ma Zhiqiang was repeatedly beaten and kept handcuffed with his arms tied behind his back with tight manacles which caused his hands to swell and gave him intense pain. He was also told by his interrogators that he would get "more lenient" treatment if he admitted to his "crimes". Some of the other four detained workers were also severely beaten and the others threatened until they all "confessed" to the accusations against them. On 19 July 1989, Ma Zhiqiang was charged with attempted murder and attempted robbery, and transferred to Shanghai No.1 Detention Centre. The four other workers were also charged with the same offenses.

In late spring 1990, Ma and his co-accused were brought to trial on these charges before the Shanghai Intermediate People's Court. Their defence lawyers entered not guilty pleas on the grounds that their "confessions" had been extracted from them under torture and that there was no evidence of their alleged crimes; the court then decided to return the case to the procuracy for "further investigation". What treatment they subsequently received in detention is not known. However, in April 1991, a friend of Ma Zhiqiang learned that Ma had been tried again and sentenced to five years' imprisonment on "counter-revolutionary" charges. The four other workers were sentenced to terms ranging from one to three years' imprisonment also on "counter-revolutionary" charges. It is not known how the five men were treated in detention following the first trial, or whether any action was taken about their reported ill-treatment at the Nanshiqu Detention Centre. Their present situation and whereabouts are not known.

b. Zhu Mei (also known as Sha Zhumei): a retired primary school teacher and member of a Protestant house-church in Shanghai, now aged 73, is reported to have been subjected to ill-treatment while serving a sentence of 5 years' imprisonment at Tilanqiao, Shanghai municipality's main prison.

Zhu Mei was arrested by police in Shanghai in June 1987 and accused of "counter-revolutionary" offenses for allegedly encouraging her son to run away from Shanghai. At the time of her arrest, she was reportedly beaten by police with an electric baton and some of her belongings, including religious books,

¹⁶ In an interview published in the *Shanghai Legal Daily* of 11 June 1992, Zhu Daren, Director of Shanghai Public Security Bureau, said that police resorted to beating, intimidation and torture to extract confessions, though according to him, incidents of police torture were on the decline (cited by *Reuter* in Beijing, 14 June 1992).
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were confiscated. She had previously spent six years in prison during the Cultural Revolution because of her family background and their involvement in religious activities.

She was tried in November 1987 and sentenced to 5 years' imprisonment, then transferred to serve her sentence at Shanghai Municipality No.1 Prison, known as Tilanqiao Prison. According to information received by Amnesty International, while serving her sentence she was beaten by prison guards on several occasions for failing to finish the work required of her when she was ill, and her right knee was broken during a beating. In 1991, she was reported to be in poor health due to an insufficient prison diet, long hours of work and ill-treatment. At the time, Amnesty International addressed enquiries to authorities in Shanghai and Beijing about her situation and reported ill-treatment, but these have remained unanswered. In April 1992, Zhu Mei was released on bail for medical treatment and transferred to a Shanghai hospital where she spent two months before returning home. Although her health improved somewhat after medical treatment, she is said to be crippled and unable to walk. No investigation is known to have been held into her reported ill-treatment and no official is known to have been brought to justice.

6. Fujian province

The following cases have been recently reported to Amnesty International:

a. Zhang Ruiyu: a 54 year-old teacher at the Physical Education Academy in Xianyu county, Fujian province, she is reported to have been severely beaten by police on several occasions prior to her arrest on 25 August 1990.

Zhang Ruiyu is a Christian and member of a local group of the New Testament Church in Fujian province, a Protestant congregation which has been banned by the local authorities. Before her arrest in 1990, Zhang Ruiyu had been imprisoned twice for preaching, serving two prison terms totalling more than seven years. After her release in April 1989, she held private religious meetings at her home, gathering a few Christians to pray and read the Bible. According to information received by Amnesty International, on 31 May 1990, a group of officers from the local Public Security Bureau burst into her home and confiscated religious literature and bibles; they burned her in the face with electric batons and beat her about the face to the extent that her teeth were broken. Following the incident, she was reportedly harassed and beaten by police on many occasions, and was finally arrested on 25 August 1990. She was subsequently held incommunicado for many months and it is feared that she has continued to be tortured in detention. According to information received by Amnesty International, she was brought to trial in April 1991 and sentenced in September 1991 to four years' imprisonment on charges of "counter-revolutionary propaganda and agitation". She is reported to be imprisoned in a women's prison in Fuzhou city, Fujian province.

b. Chen Zhuman: a 50 year-old farmer in Putian county, Fujian province, he is reported to have been repeatedly tortured by police after his arrest in Putian county on 14 December 1991 and subjected to gross abuse throughout his detention.

Chen Zhuman is a Christian who joined a local group of the New Testament Church in Fujian province in 1980. He was arrested by police on 14 December 1991 and accused of "illegally" joining the religious group and communicating with members of the church abroad. Following his arrest, he was detained at

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the Putian County Detention Centre. According to information received by Amnesty International, he refused to admit that he had committed any crime and was tortured during interrogation to extract a confession from him. The torture was carried out by a number of police officers, reportedly including the chief of police and a sergeant. Chen was reportedly beaten and hung upside down in a window frame with a mobile torture device, and left hanging like this for a long time, causing him agonizing pain. In July 1992, he was sentenced without trial to three years of "reeducation through labour" by the Labour Re-education Management Committee of Putian city government. He was transferred in August 1992 to another prison in Quanzhou city, Fujian province, and is said to have been subjected to continuous gross abuse and ill-treatment. This reportedly included whipping by guards all over his body, including his head and ears, and beatings by other inmates which was condoned by prison guards. According to information received by Amnesty International, he now suffers from severe hearing impairment and his hands shake constantly due to the beatings. It is feared that his health may further deteriorate and that he may still be subjected to ill-treatment.

7. Beijing Municipality

A high incidence of torture was reported in Beijing in the aftermath of the 4 June 1989 crackdown and, generally, practices such as the use of shackles or shocks with electric batons are reported to be common in Beijing as elsewhere.

There were numerous accounts of torture and abuses of detainees in Beijing following the 4 June 1989 crackdown, but only a few of the victims have been identified. Witnesses often do not know the identity of the victims or refuse to name them for fear of the possible repercussions. Despite these problems, many specific instances of torture and ill-treatment have been documented.

A case recently reported to Amnesty International is that of Xiong Yan, a student leader during the 1989 pro-democracy movement who was detained without trial for 18 months in Beijing from June 1989 until January 1991. He stated after leaving China earlier this year that he was severely beaten by soldiers after his arrest, as well as immediately upon his arrival at Qincheng Prison. Other political prisoners reportedly ill-treated at Qincheng Prison include Li Kezhou, a student from Beijing People's University arrested in August 1989, who is said to have been handcuffed with his hands behind his back and beaten with electric batons for infringing prison rules, and some workers who were reportedly subjected to more severe ill-treatment. Gao Xin, an intellectual who was held for six months in 1989 at Beijing Municipal No.1 Detention Centre, has reported that though he was not himself tortured, other prisoners held there were beaten repeatedly and given shocks with electric batons. One peasant, who arrived at the detention centre after being held in police custody elsewhere, had been beaten so badly that his clothes were stuck to his body with dried blood. The peasant later complained about detention conditions and was punished by being forced to wear a padded winter jacket in the hot August weather and to run up and down the corridor until he was exhausted. He was also shackled with leg irons to which an iron ball was attached and forced to go up and down the corridor in the same fashion. He was at one time put in leg irons weighing 16 pounds; another time forced to wear 18 pound chains.

The accounts above refer to the main detention centre in Beijing at Banbuqiao, and to Qincheng Prison, which is used to detain important prisoners; detention conditions and treatment of prisoners in both of these jails were reported to be generally far better than in other jails. Indeed, there is evidence that the

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incidence and severity of torture was far worse in places of detention controlled by martial law units, or in the police stations and district detention centres of Beijing.

Amnesty International has documented many such cases of abuse in its published reports and communications to the government since 1989. Many allegations of torture were also reported by other organisations and in the international press. To Amnesty International's knowledge, however, there has been no public enquiry into these allegations, nor any official report about prosecutions of perpetrators. Amnesty International believes that the lack of public investigations and prosecutions by impartial judicial bodies is a major reason why torture continues to occur in a widespread manner.

There are even reports of people having been ill-treated by court officials. In a recent case, which does not appear to have been the object of any judicial enquiry, several Beijing court officials reportedly took part in the beating of a former prisoner of conscience, Han Dongfang, when he was detained for a few hours on the premises of the court in May 1992. A summary of this case is given in Appendix 2.

III. OTHER CONCERNS RELATED TO TORTURE AND ILL-TREATMENT

1. Deaths reportedly resulting from torture or ill-treatment

In recent years a number of detainees in prisons and detention centres, or people placed under restrictions, are reported to have died in custody or while restricted, or within weeks of their release, in circumstances which have remained unclear. In several such cases, the detainees were reported to have been tortured in detention and to have become severely ill but to have been denied proper medical care. The cases reported to Amnesty International include those of Tibetan political detainees and elderly Roman Catholic bishops who are reported to have died in unclear circumstances. Amnesty International calls on the government to report publicly and on each case on the circumstances in which the prisoners or former prisoners died and to investigate allegations that they died either due to ill-treatment or lack of adequate medical care.

Amnesty International has described in previous publications the cases of Tibetan detainees or former detainees who died in suspicious circumstances. They include the following:

a. Yeshi: a 25 year-old painter from Lhasa who reportedly died in hospital in late August 1989, days after he had been released from five months' detention following the imposition of martial law in Lhasa on 7 March 1989. His death was allegedly the result of ill-treatment while in detention.

b. Tsamla: a woman trader from Lhasa, aged about 39, who died in late August or early September 1991, about three months after her release from two and a half years in detention. Her death reportedly resulted from ill-treatment and lack of medical care while she was held at Gutsa Detention Centre in Lhasa.

c. Lhakpa Tsering: a 20 year-old prisoner of conscience who died on 15 December 1990 while held at
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Drapchi Prison in Lhasa. Since previously raising this case with the authorities, Amnesty International has received additional details about the circumstances preceding his death. According to a former prisoner's account, on 7 or 8 December 1990 Lhakpa Tsering reportedly complained of severe pain. He was apparently suffering from dysentery and unable to eat, and repeatedly appealed for medical assistance but was denied it for several days. On 10 December he was taken to a police hospital where he stayed until 14 December, returning to the prison on the evening of that day. He was given some medication at the hospital, which apparently made him feel better as he was able to walk about. However, he started vomiting blood on the way back from hospital and died a few hours later after vomiting more blood. His body was handed over to his family on 16 December 1990: it apparently bore bruising with blood clot formation below the skin surface on several parts of his body, and the lips, nails and gums had gone black. The Chinese government stated in a communication to the United Nations Special Rapporteur on Torture, dated 9 May 1991, that Laba Ciren (Lhakpa Tsering) had fallen ill on 10 December 1990 and was given treatment but "his illness was severe and emergency treatment proved ineffectual". According to the government, a post-mortem examination revealed that he had been suffering from "pervasive peritonitis and acute, festering, lethal appendicitis." This statement does not accord with the information received by Amnesty International. In view of the allegations made about the circumstances of Lhakpa Tsering's death, the organisation believes that a thorough public enquiry should have been carried out by an independent body.

d.Laba Dunzhu: a Tibetan detainee aged 21, who reportedly died in November 1991 at the People's Hospital in Lhasa after being transferred there from the Gutsa Detention Centre. He was officially reported to have been arrested in March 1989 and, according to unofficial sources, was repeatedly tortured at Gutsa, suffering a ruptured spleen and other injuries. His case was described earlier in this document (see Section II, page 26).

During the past year, there were also allegations concerning the death, apparently in police custody, of two elderly Roman Catholic bishops in Hebei province, to which the authorities have not responded fully. Both men were prisoners of conscience.

a.Bishop Shi Chunjie: aged 71 and nearly blind, was Auxiliary Bishop of Baoding. He had been arrested in mid-December 1990 along with over 20 other Roman Catholic clergy and lay people in Baoding. There was subsequently no confirmation of his whereabouts until he died, apparently in early November 1991. He reportedly had a history of heart disease and diabetes. According to some sources, he had died in an old people's home where he was under some form of house arrest, possibly of a heart attack. Some sources alleged that he was denied the special medication which he needed for diabetes and was beaten in custody. A letter from Catholics in north China, dated 26 April 1992, stated that Shi Chunjie's body was sent back to his home by the authorities on 3 November 1991 without any death certificate. According to the letter, his body bore purple scars and was covered only with a sweatshirt and torn, light pants; the authorities, having refused to confirm his place of detention after arrest, reportedly also refused to state the exact date and reason for his death.

b.Bishop Fan Xueyan: former Bishop of Baoding, was 84 years old at the time of his death and had spent many years in prison since the 1950s. At the time of his reported arrest in November 1990, he was living under restriction in a church compound in Baoding, having been released on bail from prison in 1987. Following his "disappearance" in 1990, he remained missing until his death in April 1992. The authorities have never clarified his situation during that period. On the night of 16 April 1992, his body was

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reportedly delivered to his family by Public Security officers who did not give any explanation as to the cause of his death. His body was reportedly wrapped in a plastic bag and the legs so tightly wrapped with a white cloth that it was difficult to unwrap them. Photographs of his body taken shortly after it was returned show that he was very emaciated, which may have been due to his advanced age. However, they also show a large pinkish-purple mark on the side of his face and marks of apparent injuries on his legs. The state of his body and the silence of the authorities as to what happened to him during the 17 months after his arrest have raised suspicion about the cause of his death. The only official statement about his death was made by Liu Bainian, a spokesman for the official Chinese Catholic Patriotic Association. According to press reports, he said on 25 April 1992 that Fan Xueyan had died of pneumonia in hospital on 13 April 1992. He did not say where or for how long he had been in hospital, nor where he had been before. There have been no statements about his death by government officials and no post-mortem examination is known to have been carried out.

Amnesty International is concerned by allegations that both bishops may have died due to ill-treatment or lack of proper medical care while they were held in secret detention. It calls on the government to make public information about their whereabouts and legal status since their "disappearance" in late 1990, and to investigate the circumstances of their death and make the results public.

2. Denial of medical care or adequate medical treatment

Amnesty International has received numerous reports of prisoners becoming ill in jail who were denied proper medical treatment until their condition became extremely serious, or in some cases who were denied any medical care at all.

Skin diseases, chest infections and hepatitis are reported to be very common in detention centres and prisons as a direct consequence of the lack of proper sanitation and hygiene, the poor nutrition of the prison diet and other conditions of detention. In some cases of political prisoners reported to Amnesty International, prisoners who needed transfer to a hospital due to the nature of their illness or the inadequacy of the medical facilities in the place of detention were denied this until their condition worsened dramatically. Relatives of those who were eventually transferred to hospital were, in most reported cases, required to pay for their treatment. In some cases, prisoners suffering from chronic illnesses, such as diabetes, were reportedly given inadequate medication in detention and denied permission to receive the necessary medicines from their family.

The denial of adequate medical care described in some of the cases reported to Amnesty International could constitute cruel, inhuman or degrading treatment. Two examples of such cases are given below.

a. Liu Fuyan: a man arrested in Changsha, Hunan province, after 4 June 1989 and accused of economic crimes, is reported to have been denied proper medical treatment while he was critically ill in detention. He was held at Changsha No.1 Detention Centre after his arrest in June 1989 and during most of 1990. According to a former prisoner who was held at the detention centre at that period, Liu Fuyan suffered from kidney stones and became severely ill in jail, to the extent that he would roll around and scream in pain every night. In the space of a few months after his arrest, he reportedly lost half of his normal weight and several doctors called to examine him apparently recommended that he be hospitalized. This medical recommendation was reportedly disregarded and hospitalisation refused by an official from the Changsha

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Public Security Bureau. By October 1990 he was still held in the detention centre without having received any proper medical treatment. He was by then in very poor condition. His fate after this date is not known.

b.Li Guiren: a 49 year-old editor and writer in Xi'an, Shaanxi province, is reported to have become severely ill in prison during the past year and to have been denied proper medical treatment for months, despite international appeals on his behalf and repeated petitions from his family. He was reported in early September 1992 to be critically ill in a prison hospital in Weinan, Shaanxi province.

Li Guiren was arrested in Xi'an in June 1989 for trying to organise a strike at the Hua Yue Publishing House, of which he was editor-in-chief, in protest at the 4 June massacre in Beijing. He was also accused of taking part in demonstrations and other activities during the 1989 protests. In March 1991, he was sentenced to five years' imprisonment and later transferred to Shaanxi Provincial No.1 Prison in Fuping. His health deteriorated in detention and by late 1991 he suffered from severe stomach pain and heart palpitations. He did not receive any medical attention, though his health continued to deteriorate. In February 1992, requests from his family and friends that he be sent to hospital for treatment were reportedly refused by the Governor of Shaanxi province. International appeals that his condition be properly diagnosed and treated, which were made in February and March, were apparently ignored but resulted in Li Guiren's transfer to another prison. In April Li Guiren was moved to Shaanxi No.2 Prison in Weinan city¹⁷, where again he was not provided with adequate medical care.

He is said to be suffering from heart disease and gallstones and to have lost more than 12 kilograms in weight during the past year. He has lost his teeth and eats very little due to this and abdominal pains, but apparently receives no special diet. At the end of July he could no longer walk, nor stand without support, and was very emaciated. He has received some medication, but this has been ineffective. Though his family and friends have repeatedly requested that he be transferred to a modern hospital facility, as of early September 1992 this was still being denied by the authorities. Amnesty International considers Li Guiren to be a prisoner of conscience detained solely for the peaceful exercise of fundamental human rights. It urges the authorities to release him immediately and unconditionally.

3. Ill-treatment of prisoners sentenced to death

It is common practice in China for prisoners sentenced to death to wear handcuffs and/or leg irons from the time they are sentenced to death until they are executed. An article in the official newspaper, China Legal News, of 15 February 1985 stated that "both implements may be applied simultaneously to criminals sentenced to death and awaiting execution". The article, which listed the circumstances in which handcuffs and ankle fetters can be used, did not explain why prisoners sentenced to death should be shackled. Accounts from former prisoners indicate that this has remained a common practice.

There is no time limit placed on the wearing of shackles in the case of prisoners sentenced to death and usually the punishment only ends when they are executed. The example given below is that of a man whose death sentence was eventually subject to a two-year reprieve; he wore hand and feet shackles continuously for ten months until the reprieve was granted. According to unofficial sources, he was innocent of the charges against him.

¹⁷ See above, p.18, a description of the treatment of prisoners at Shaanxi No.2 Prison in Weinan.
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Chen Gang: a 25 year-old worker from Xiangtan, Hunan province, was sentenced to death shortly after his arrest in June 1989. Several other workers from a factory in Xiangtan were reportedly arrested together with him. They were accused of breaking into the home of the factory's public security chief and setting fire to some of his belonging because he had prevented them from holding a protest at the factory. Although according to unofficial sources Chen Gang was not involved in this incident, he was sentenced to death for "hooliganism" shortly after his arrest, and transferred to Longxi Prison. He was held there with his hands and feet shackled continuously for about ten months. The shackles were only taken off after his case was reviewed in April 1990, following a strike by the entire workforce at his factory to protest his imminent execution in May 1990 he was granted a two-year reprieve. His current situation is not known.

Amnesty International considers that forcing prisoners sentenced to death to wear shackles at all times only adds to the cruelty of the application of the death penalty and that in itself it constitutes a cruel, inhuman and degrading practice which, like the death penalty itself, should be abolished.

4. Prolonged solitary confinement

As mentioned earlier in this document, solitary confinement is often imposed to punish prisoners deemed to be undisciplined or "resistant"; they are usually held in harsh conditions for periods much longer than the maximum 15 days stipulated by prison regulations.

Solitary confinement is also used to hold in isolation prisoners whose cases are considered "major", so that they have no contact with other prisoners. This often applies to political prisoners who have received long sentences of imprisonment. This form of solitary confinement usually means better conditions than "punitive" solitary confinement, as prisoners held in isolation for such reasons may be allowed to receive monthly visits, mail and parcels from relatives. However, they are also liable to punishments and withdrawal of privileges if their behaviour is judged "unsatisfactory". These "major" prisoners, however, usually serve their entire sentence in solitary confinement.

In this respect, Amnesty International is concerned that prolonged solitary confinement can seriously affect the mental and physical health of prisoners and may amount to cruel, inhuman or degrading treatment. The organisation knows of several prisoners who have reportedly been held in solitary confinement for years and whose mental or physical health is reported to have deteriorated as a result.

a. Xu Wenli is a prisoner of conscience who is serving a sentence of 15 years' imprisonment at Beijing Prison No.1. He has spent 11 years of his sentence in solitary confinement and has at times been subjected to punishments which constitute ill-treatment. In 1986, he was reportedly confined in a windowless cell opening through a trap door in the ceiling, with reduced food rations and no visits, mail or reading matter. It is not known for how long he was confined under such conditions, but the denial of family visits continued for nearly four years, until mid-1989. Official sources have confirmed several times in recent years that he was still in solitary confinement. In August this year, the authorities released for the first time photos of Xu Wenli, showing him playing badminton in the prison courtyard. There has been no official statement, however, to indicate that he was no longer held in solitary confinement. He is reported to be in poor health due to the conditions of his imprisonment.

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b.Wang Xizhe: a prisoner of conscience jailed since 1981 for his activities during the democracy movement of the late 1970s. He was sentenced in 1982 to 14 years' imprisonment for "counter-revolutionary propaganda and agitation" and taking part in a "counter-revolutionary group". He is currently held at Guangdong Provincial No.1 Prison in Huaiji county, where he has been held in solitary confinement since 1988. He is reportedly held in a special compound for political prisoners which is separated by walls from the rest of the prison. After his arrest, Wang Xizhe also spent periods in "punitive" solitary confinement on several occasions. In 1990 he reportedly went on hunger strike, in connection with demands to have his case reviewed, and was reportedly force-fed with a bamboo stick through which food was pushed down his throat. He was also punished for several months at the beginning of 1991 by having his books and other personal belongings taken away. Though the conditions in the solitary confinement cells at Huaiji Prison have been described to Amnesty International as being adequate, Wang Xizhe's health is reported to have deteriorated in detention and he is said to suffer from depression due to the continued isolation.

Amnesty International calls on the government to end the isolation of these and other prisoners who have been held for long periods in solitary confinement for reasons other than their personal safety. It considers Wang Xizhe and Xu Wenli to be prisoners of conscience imprisoned solely for the peaceful exercise of fundamental human rights, who should be released unconditionally and immediately.

5.Juvenile prisoners: ill-treatment and detention conditions

Various cases have been reported to Amnesty International of teenage girls and boys who were held as political prisoners in the same detention centres or prisons as adult prisoners - sometimes in the same cells as adults - and treated and made to work like adult prisoners. Two examples are given below.

a.Prisoner X: a 12-year old Tibetan girl from Lhasa, whose name is being withheld to protect her and her family, was detained for over four months in Lhasa in 1990 for taking part in a demonstration in which groups of Tibetan teenagers used slings to throw stones at military police officers. She stated during an interview after leaving the country that she was held along with other young people in Sangyip Detention Centre in Lhasa and ill-treated by several armed police officers during interrogation on or around 8 March 1990. She was kicked on the head and body and given electric shocks with an electric baton while she was lying on the floor. She could not remember clearly subsequent events, but found about three days later that her left leg had become lame. She was then sent to hospital for treatment of her leg injury, but was taken back to the detention centre two weeks later. She was then made to work with a team of about 15 women detainees at various work sites, including in waste pits exuding noxious gases where the women had to dig excrement and load it onto trucks. The young girl said that their eyes became sore and inflamed by the gases. During the rest of her detention, she was reportedly subjected to further interrogation from time to time, and was eventually released without being charged after four months. She still suffers from lameness in her left leg and right arm as a result of beatings while in detention.

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b.Liu Xin: a boy aged 15 at the time of his arrest in June 1989, has reportedly been held with adult prisoners at Longxi Prison in Hunan province where he was serving a sentence of 15 years' imprisonment. His sentence was imposed in September 1989 when he was convicted of "arson" for allegedly supplying matches which were used to burn a car in Shaoyang city during pro-democracy protests there in May 1989. According to information received by Amnesty International, Liu Xin was held with adult prisoners, made to work with them and treated in the same way because he was considered to be a political prisoner. He had to work at cutting marble slabs, though he was too frail to be able to fulfil the work quotas. It is not known whether he was punished as a result. The last news of him dates from early 1991 when he was reportedly still held at Longxi prison. His current situation is not known.

A number of international human rights standards, including the UN Convention on the Rights of the Child, specify that juvenile detainees must in general be detained separately from adults, unless it is considered in the child's best interest not to do so. In addition to the allegations of ill-treatment made in the first case, Amnesty International is concerned that subjecting juvenile prisoners to the same regime of work and conditions of detention as adult prisoners is in violation of fundamental international standards. It urges the authorities to investigate the case of Liu Xin and any other similar cases and to take appropriate measures to ensure that they are held in conditions suitable to their age and needs.

6. Work conditions and prisoners' health and safety

Various cases have been reported to Amnesty International of prisoners who were made to work more than ten hours a day for six days a week over long periods of time or in other conditions which involved serious health and safety risks. This is reportedly the case at the Qinghai Hide and Garment Factory, a prison in Xining, Qinghai province, where sheepskins are processed. According to a report published in the US magazine, Newsweek, on 23 September 1991, a visitor to the factory in the summer of 1991 photographed several prisoners who were working, stripped naked, inside vats of toxic chemicals used for tanning sheepskins.

Work quotas are reportedly imposed in many prisons and labour camps, often without regard to the prisoners' age and health or physical conditions, and those who do not fulfil the quotas are liable to various punishments. Some examples of such cases were given earlier in this document (see for instance the case of Yao Guisheng, page 24, and Zhu Mei, page 33).

Amnesty International considers that work conditions such as those described above, which may seriously jeopardize the health of prisoners, can amount to cruel, inhuman or degrading treatment. It calls on the government to take appropriate measures to ensure that prisoners are not subjected to work norms and conditions which in themselves violate international standards and constitute cruel, inhuman or degrading treatment.

IV. FACTORS FACILITATING TORTURE

The two major reasons why torture is widespread in China are the impunity which is frequently extended to the torturers and the lack of legal safeguards for prisoners' rights. Other factors which facilitate the

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practice of torture include: aspects of the criminal justice and administrative detention systems which foster the use of torture; the lack of adequate mechanisms for investigating torture allegations; and the totally inadequate means of seeking redress. A common link among these factors is the fact that prisoners have very few rights in law and in practice are considered to have none at all.

1.Lack of safeguards for prisoners' rights

One of the major reasons for torture is the total helplessness of people once they are in police custody. Detainees can be held incommunicado for months after their arrest and are totally at the mercy of their jailers throughout their detention or imprisonment. An article in the official newspaper, People's Public Security News, of 4 October 1991 stated: "as soon as a suspect or accused person is subjected to criminal detention or arrest, s/he is in a completely isolated and helpless position, with absolutely no means of protecting his/her personal legal rights and interests, and thrown into a state of total 'defeat'."

Apart from the prohibition of torture in law¹⁸ and a formal constitutional guarantee of the right to make complaints¹⁹, Chinese law includes none of the most basic safeguards to protect prisoners against ill-treatment, such as the right of access to lawyers, doctors, judges and relatives shortly after arrest and regularly thereafter.

The law effectively allows the police to hold people in custody without any contact with people outside the prison for weeks or months, or even years if they so wish. Chinese law only guarantees access to a lawyer in cases where detainees are prosecuted under the criminal law. Even in such cases, there is no provision in law for access to a lawyer or a judicial authority during pre-trial detention, which often lasts months, and access to lawyer is only guaranteed once the procedure for trial has started, usually just a few days before the trial. Furthermore, Chinese legislation includes regulations on administrative detention which permit detention without charge or trial for up to four years, that is without any access at all to a lawyer or a judicial authority.

The law does not include any provisions guaranteeing access to the family, and this is usually only granted after a prisoner has been tried and sentenced or "assigned" a term of administrative detention. Furthermore, family visits are considered a privilege rather than a right and can therefore be denied to prisoners whenever it suits prison officials. When they are allowed, family visits take place once a month in the presence of prison guards who monitor conversations between prisoners and their relatives. As their mail is censored by prison officials, prisoners have no way of communicating freely with people outside prison, except if the opportunity arises of smuggling messages out through prisoners who are being released or sympathetic prison guards. They can therefore be tortured or ill-treated without anyone outside the prison knowing about it.

2.Lack of supervision over the police

There is very little control over the actions of the police, no safeguards during interrogation and no specified legal procedures on the conduct of interrogations.

¹⁸ Torture to extract confessions is prohibited under Article 136 of the Criminal Law and "corporal punishment and abuse" of prisoners is prohibited under Article 189 of the same law.

¹⁹ The right to make complaints is guaranteed under Article 41 of the Constitution (1982).

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The Public Security agencies (police) are given by law the power of carrying out criminal investigations, including interrogation of suspects. They share this power with the People's Procuratorates (procuracies) but the latter often delegate this task to the police or share it with them rather than carrying out investigations on their own. The procuracies should in principle exercise a supervisory role over the police during criminal investigations. However, the law contains no specific regulations about such supervision. An article in the People's Public Security News in October 1991 noted that the procuracies are already too busy with their own work to exercise such supervision and that their role in this respect has "long been nothing but nominal". The article stated that "the basic reason for the extraction of confessions by torture is the fact that the investigative system is unscientific"²⁰, a situation that is perpetuated and encouraged by the lack of supervision of the police. Furthermore, there is no supervision over the procuracies when they themselves carry out criminal investigations.

3. The importance of confessions in the judicial process

Confessions play a major role in the judicial process and few cases are brought to trial without a confession from the accused. In spite of provisions in China's Criminal Procedure Law, according to which a confession alone is insufficient evidence to find a person guilty²¹, in practice a confession is often found sufficient when the only other evidence of guilt is insignificant or based solely on the confessions of other prisoners or on the statements of supposed "witnesses" who may themselves have been coerced.

Both official and unofficial sources have given many examples of the importance attached to confessions and its link to torture. The author of an article in an official newspaper explained as follows one of the reasons why police use torture to extract confessions: "When cases are submitted to the procuracies with only indirect evidence but no confessions, many are sent back to the case-handling unit [the police who investigated the case]. Thus, it often happens that the 'rubber ball' is kicked back and forth and that crimes go unpunished, and case-handling personnel have no alternative but to do a bit of work in the direction of 'confessions'."²²

The use of torture to extract confessions has been acknowledged by Chinese official sources and has been the subject of many articles in the official press.

"Torture to extract confessions" was described as a "stubborn illness" in a number of articles on torture published in the official People's Public Security News between July and December 1991. One of the articles said it was "a stubborn illness that has not yet seen a recovery in spite of a long treatment"²³. The article said that it was not only basic-level police officers who practised torture to extract confessions but also sometimes their superiors. It cited as an example research carried out into 27 cases of "torture to extract confessions" which had occurred in 1989 and 1990 in Zhejiang province: of the 44 police officers involved in these cases, 13 were chiefs of police stations or criminal investigation teams, representing nearly 30 percent of the perpetrators.

²⁰ People's Public Security News (*Renmin Gong'an Bao*), No.663, 4 October 1991.

²¹ Article 35 of the Criminal Procedure Law.

²² People's Public Security News, No.685, 20 December 1991.

²³ People's Public Security News, No.661, 27 September 1991.

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Several of the articles analyzed the reasons why torture to extract confessions occurs. Some looked at psychological reasons - for instance the "mentality of special privileges" in some police officers resulting from their status as executors of the law, namely that they feel they are "one notch higher than other people", and thus "are not willing to be restricted by the norms of the law or supervision by the masses" and consider that "the controlled have to absolutely obey".²⁴ Most of these articles proposed various measures, mainly better training and supervision of police officers, to combat the high incidence of torture.

The author of one particularly remarkable article suggested changes in law, qualifying his suggestions as being "for reference only". The suggestions included: to establish in law the principle of presumption of innocence - because there is currently no such stipulation in law and presumption of guilt is "firmly rooted in people's minds"; to make clear in law that confessions extracted under torture are inadmissible evidence (as current law, while it prohibits torture, does not specifically ban forced confessions as inadmissible evidence); and to increase the statutory punishment for those who practice torture - as the punishments provided by current law "tend to be low" and incommensurate with the damage caused to the victims and to the prestige of the state.²⁵

4. Inadequacy of investigations

The investigation of torture allegations is inadequate and few investigations take place compared with the reported incidence of torture.

One of the reasons for this is the dual role given by law to the procuracies: they are responsible for investigating cases of torture but also act as state prosecutor in criminal cases, two roles which often give rise to conflicts of interest. As state prosecutor, the procuracies are responsible for approving formal arrest (when a suspect is charged), for initiating prosecution and for prosecuting cases at trials. In this process, they cooperate closely with the police and have the same vested interest in seeing cases through to trial once they have approved "formal arrest".²⁶ Thus, they often close their eyes if a police officer uses force against detainees to obtain "results".

In their supervisory role, the procuracies are also responsible for inspecting places of detention to ensure that state personnel there properly implement the law. This task, in principle, involves ensuring that prisoners are not ill-treated. According to many sources, however, such visits are often pro-format and procurators rarely try to find out how prisoners are treated. According to former prisoners, in places of detention where torture is common, procurators often know that torture is practised but take no action. Some even inform the prison officials if they receive complaints from a prisoner, so that the prisoner is immediately subjected to reprisals.

²⁴"A rough analysis of the psychology behind the extraction of confessions through torture", by Yang Xinghua, People's Public Security News, No.675, 15 November 1991.

²⁵"On legislating the control of extortion of confessions by torture", by Zhu Weilie, People's Public Security News, No.655, 6 September 1991.

²⁶The author of an article in the official People's Public Security News of 4 October 1991 said: "The main duty of the procuracy, as the state prosecutor, is to ensure in the criminal procedure work that not a single bad person gets away. Such a function is not entirely consistent with [the role of] protecting suspects and accused persons."

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Furthermore, there are no known procedures, stipulated by law or otherwise, on how investigations into reports of torture and ill-treatment should be carried out. This seems to be left largely to the initiative of individual procurators. Nor are there formal procedural safeguards to guarantee the safety of the alleged victims and potential witnesses, such as by removing them from the place where torture allegedly took place or transferring the alleged perpetrators. These investigations are not public and their findings are not subject to public scrutiny. The absence of such procedures and safeguards results in complaints being withdrawn and investigations dropped. Generally, it raises doubts as to whether torture allegations can be impartially investigated.

5. Impunity

"Some base-level [public security] leaders personally witness policemen practising torture to extract confessions but turn a blind eye and let it pass." (People's Public Security News, 27.9.91)

"Some unit leaders are not enough aware of the harmfulness and seriousness of issues such as torture to extract confessions, and normally turn a blind eye to it; when investigating such cases, they make a lot of noise about it but do little, and punish the light offenders and bypass the serious ones." (People's Public Security News, 15.11.91)

According to many sources, loyalty to colleagues, the importance of local connections, political pressure and "back door" practices in China are factors which often influence whether investigations into torture allegations are carried out and, when they are, their outcome. Many investigations are dropped without the alleged perpetrators being prosecuted. They often receive only administrative sanctions, such as a demotion or transfer or loss of privileges. If they are prosecuted, the punishments are often light.

Chinese law distinguishes between "torture to extract confessions" and "corporal punishment and abuse" of prisoners. According to the law, corporal punishment and abuse is only punishable "when the circumstances are serious". Thus, if prisoners are ill-treated for reasons other than to force confessions, the perpetrators may totally escape punishment if the "circumstances" are not deemed to be "serious". Torture to extract confessions is punishable under the law by a maximum of three years' imprisonment or criminal detention, unless the torture has resulted in "serious injury" or the death of the victim, in which case the punishment may be higher. "Criminal detention" means between 15 days and a maximum of 6 months' detention but, according to the law, the person serving this punishment may be allowed to go home for one or two days each month²⁷.

Many perpetrators thus escape punishment or receive only light sentences, which apparently fosters the feeling in many others that they can continue to abuse prisoners with impunity.

One prison official, a Brigade commander at the Lingyuan No.2 Labour-Reform Detachment of Liaoning province, reportedly told a political prisoner whom he had assaulted in April 1992: "Why should I be fearful? Let us see whose life is more worthy! What happened to the person who doomed Zhang Zhixin?"²⁸ All he [her torturer] got was a few years behind bars. The worst that can happen to me is to be stripped of

²⁷ Article 38 of the Criminal Law.

²⁸ Zhang Zhixin was a young woman who was executed during the Cultural Revolution for opposing Jiang Qing (Mao Zedong's wife). Before her execution, her vocal cords were cut to prevent her shouting slogans at the time of execution.

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my uniform and a 2-year sentence."

6.Lack of proper procedures for complaints

The right to make complaints against state functionaries for violation of the law is guaranteed by Article 41 of the Chinese Constitution (1982). A "right and duty" to bring complaints and accusations "upon discovery of crimes or criminal suspects" is also written into Article 59 of the Criminal Procedure Law. Article 60 of the same law also stipulates that such complaints and accusations may be submitted "in written or oral form" and that "if the complainant or accuser does not want to make his own name public, during the investigation period it shall be kept secret for him". The law contains no other provisions on procedures for complaints, nor any specific stipulations about complaints of torture or ill-treatment.

As seen earlier, it is in fact almost impossible in practice for prisoners to use their constitutional right to make complaints about ill-treatment. They are entirely at the mercy of their jailers, either held incommunicado or only allowed supervised family visits and censored mail. The only people they can usually complain to are prison guards or officials who, even if they are not themselves involved in torture, often cover-up for their colleagues. Few prisoners therefore dare to make complaints, knowing that they have little chance of being heard and fearing further retaliations. Many in fact do not even know about their legal rights.

Virtually the only opportunity open to prisoners to make complaints is when they are brought to trial, usually several months after their arrest. If they have a defence lawyer, they may tell the lawyer if their confession was extracted under torture so that the lawyer can raise it in court and demand that the case be quashed. However, this does not necessarily result in the court ordering an investigation. In a number of cases reported to Amnesty International, the court in fact completely ignored the allegations of torture made by prisoners.

Furthermore, many people are detained under administrative regulations and never have a trial or access to a lawyer or a judicial authority. They have therefore no opportunity of making complaints without facing possible reprisals. Complaints are rarely made even after release, as the victims continue to fear the possible consequences on themselves and their family.

V.AMNESTY INTERNATIONAL'S PROPOSALS FOR THE PREVENTION OF TORTURE

Amnesty International believes that it is essential that the authorities of the People's Republic of China review current legislation and take effective measures to ensure the protection of prisoners against all torture and ill-treatment, in line with China's obligations as a state party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The review of legislation should aim at introducing fundamental legal safeguards for prisoners' rights and mechanisms to ensure the effective application of these safeguards. The establishment of an independent national commission of enquiry into torture would, in Amnesty International's view, provide an

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opportunity for a thorough investigation of the circumstances in which torture occurs and the legal and other remedies needed to ensure its early eradication.

Pending such a review, other measures should be taken without delay to lessen the risks of prisoners being subjected to torture or ill-treatment and to ensure that alleged abuses are investigated rigorously and impartially. One important safeguard is to ensure that all detainees are granted access to relatives, lawyers and doctors of their choice promptly after detention and regularly thereafter.

It is also important, in order to help reduce the incidence of torture, that the methods and findings of investigations into torture allegations are subjected to public scrutiny. Amnesty International believes that independent bodies should be established to ensure the impartial investigation of all torture allegations. Such bodies should not be involved in the process of arrest, detention or investigation of detainees. Their methods and findings should be public. They should have the authority to subpoena witnesses, records and documents, and to take testimony under oath. They should be capable of acting on their own initiative, without having to receive formal complaints, whenever there are reasonable grounds to believe that torture has occurred.

Amnesty International made detailed proposals about such measures in a memorandum entitled "Safeguards Against Torture and Other Ill-treatment of Criminal Suspects and Prisoners in China", which it addressed to the Government of the People's Republic of China in March 1987. It continues today to believe that fundamental measures are needed to eradicate torture in China, including:

- ◆placing limits on incommunicado detention;
- ◆introducing fundamental safeguards for prisoners' rights;
- ◆introducing safeguards during interrogation and custody;
- ◆ending the reliance on confessions in the judicial process;
- ◆ensuring effective control and supervision of the police, investigative personnel and detaining authorities;
- ◆introducing a clear separation of authority between the bodies responsible for detention and investigation;
- ◆reviewing the system of administrative detention so as to introduce full safeguards for the basic human rights of all detainees;
- ◆introducing specific procedures to enable prisoners to make complaints and have them duly considered without fear of reprisal;
- ◆ensuring the prompt and impartial investigation of all reports and complaints of torture;
- ◆ensuring that alleged torturers are prosecuted whenever there are reasonable grounds to believe that an act of torture has been committed;

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- ◆introducing medical safeguards to ensure that prisoners are regularly examined by independent, fully qualified doctors;
- ◆ending the practice whereby some prisoners are given a role in supervising other prisoners;
- ◆introducing human rights training procedures for all officials involved in the process of arrest, interrogation, detention or the administration of justice, about the absolute prohibition of torture under domestic and international law and the limitations placed on the use of instruments of restraint, police implements and weapons.

Amnesty International reiterates its call to the Government of the People's Republic of China to take immediate steps to ensure that all reports of torture, including those cited in this document, are impartially investigated, that the findings are made public and that all those responsible for torture or ill-treatment of prisoners are brought to justice.

APPENDIX 1

Names and details of political prisoners reported to have been ill-treated at the Lingyuan Labour Reform Detachment of Liaoning province.

Liu Gang, a physics graduate and student leader in Beijing during the 1989 protests; arrested on 20 June 1989 in Baoding, Hebei province; first held at Beijing's Qincheng prison where he was also reportedly ill-treated; sentenced to six years' imprisonment on political charges in February 1991; transferred to Lingyuan in April 1991;

Zhang Ming, formerly a student at Qinghua University in Beijing; arrested in south China before mid-September 1989 and later sentenced to three years' imprisonment on political charges; transferred to Lingyuan in April 1991; reported to have been released in spring 1992;

Kong Xianfeng, formerly a student at Beijing University (Beida); arrested after 4 June 1989 and later sentenced to three years' imprisonment on political charges; transferred to Lingyuan in April 1991; reported to have been released on completion of his sentence in spring 1992;

Tang Yuanjuan, formerly an assistant engineer at Changchun No.1 Car Factory in Jilin province; arrested in Changchun on 10 June 1989 and later sentenced to 20 years' imprisonment on political charges; transferred to Lingyuan in April 1991;

Leng Wanbao, formerly a worker at Changchun No 1 Car Factory in Jilin province; arrested on 10 June 1989 and later sentenced to 8 years' imprisonment on political charges; transferred to Lingyuan in April 1991;

Li Wei, formerly a worker at Changchun No.1 car factory; arrested on 10 June 1989 and later sentenced to 13 years' imprisonment on political charges; transferred to Lingyuan in April 1991;

Liang Liwei, formerly an assistant engineer at Changchun No 1 car factory; arrested on 10 June 1989 and later sentenced to three years' imprisonment; transferred to Lingyuan in April 1991;

An Fuxing, 40, formerly a cadre at the Jilin Chemical Industry Corporation; arrested following the June 1989 crackdown and later sentenced to five years' imprisonment on political charges;

Li Jie, 27, formerly a cadre at the Bank of Shuangliao county in Jilin province; arrested in May 1990 for distributing political leaflets after the 4 June 1989 crackdown and later sentenced to five years' imprisonment on political charges;

Si Wei, 32, senior high school graduate from Tonghua city in Jilin province; arrested in June 1989 for distributing leaflets after the 4 June crackdown; later sentenced to four years' imprisonment on political charges;

Li Dejun, 30, formerly a teacher in Benxi county, Liaoning province; sentenced to three years' imprisonment on political charges;

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Tian Xiaoming, 28, college graduate from Dandong city; sentenced to seven years' imprisonment on political charges;

Chi Mengzhu (or Chi Shouzhu), 32, senior high school graduate from Jilin city; arrested in May 1990 for printing and distributing leaflets about the 4 June 1989 crackdown; later sentenced to 10 years' imprisonment on political charges.

APPENDIX 2

Report of ill-treatment of Han Dongfang by court personnel and officials from the Dongcheng District People's Court in Beijing

Han Dongfang, a worker and the leader of the Beijing Workers Autonomous Federation during the 1989 protests, was imprisoned without trial in Beijing from June 1989 until April 1991. He was harshly treated after his arrest, contracted tuberculosis in prison and was admitted several times to hospital during his detention in a critical condition. He was adopted as a prisoner of conscience by Amnesty International. By early 1991, his condition had seriously deteriorated and in April 1991, he was released on bail for medical treatment and the charges against him were later dropped.

On 14 May 1992 Han Dongfang was reportedly beaten by several personnel and officials from a Beijing court when he was detained for a few hours on the premises of the court. According to unofficial sources, Han Dongfang was subsequently in very poor health due to the beating. The court officials concerned, however, denied that he had been ill-treated, claiming his injuries were self-inflicted. This claim appears to be inconsistent with the available evidence and the reports of several independent sources. Furthermore, to Amnesty International's knowledge, a formal complaint made by Han Dongfang about the incident has not resulted in any independent judicial enquiry.

According to Han Dongfang's account, on 13 May 1992, he received at his home a summons from the Dongcheng District People's Court in Beijing. It requested him to appear at the court at 8.30 am the following morning to "discuss" a housing order, under which Han Dongfang and his wife were threatened with eviction from their flat. At 8.00 am on 14 May, Han Dongfang presented himself to the court and was received by court judge Zhong Junming. According to Han Dongfang, the judge tried to intimidate him; an argument ensued and the judge ended up insulting him, so that Han Dongfang decided to leave. As he reached the door of the building, he was seized by seven or eight court personnel who started beating him: he was pushed to the floor, handcuffed with his hands behind his back, trod on and prodded with electric batons, then taken to a room where the beating continued. Han Dongfang alleges that the court judge was present during the beatings and that one of the perpetrators identified another person present as being the head of the court. The beating stopped at around 12 o'clock when court personnel noticed that Han Dongfang was having serious breathing problems; they then notified his relatives and friends to come and take him away. At that time, Han Dongfang was still receiving medical treatment for tuberculosis, which he had contracted in prison during his 22 months of imprisonment. After the beating, he had a high fever and suffered pains in the chest and abdomen, dropsy in many parts of the head and body, bleeding under the skin and difficulties in breathing.

A medical examination from a Beijing hospital after the incident showed that he had injuries consistent with a beating and that his lungs had filled with fluid, causing a relapse of the tuberculosis. Several independent sources who saw Han Dongfang after the incident also reported that he bore marks of injuries and was in very poor health. Han Dongfang later addressed a formal complaint to the Beijing Municipal People's Procuratorate, requesting an investigation into the criminal responsibility of the court personnel concerned for illegal detention and ill-treatment. Several medical certificates attesting to his condition after the incident were attached to the complaint. This complaint was neither answered nor apparently investigated.

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On 8 June 1992, following reports on the incident in the international press, the official English language magazine, Beijing Review, published a statement denying that Han Dongfang had been ill-treated. It quoted the Dongcheng District People's Court Director, Judge Jia Zhiyun, as saying: "the allegation that Han Dongfang was manhandled with an electric truncheon on 14 May does not tally with the facts". The statement claimed that Han Dongfang had become agitated during the discussion with court officers, threatened them with a chair, and "even tried to injure himself to create disturbances" by beating his own head against a desk. It admitted that "compulsory measures" had been taken to stop Han Dongfang and restrain him, but described these measures as "legitimate and limited". In an earlier interview, Judge Zhong Junming had also admitted that he had ordered court officers to take "suitable measures" to prevent Han Dongfang leaving the courthouse, saying this was because Han had "yelled and cursed at him", but he rejected Han's allegations of assault and claimed he had inflicted "most" of his injuries himself by banging his head against a chair. (United Press International, quoted in the South China Morning Post of 28 May 1992).

Apart from these statements, there has been no other official report about the incident. The court officials' claim that Han Dongfang had deliberately banged his head against a chair or desk does not seem to account for the other injuries he suffered nor for the serious relapse of the tuberculosis, which were attested by medical sources. Furthermore part of the beating which took place on the door-step of the court was reportedly witnessed by several people. Han Dongfang's formal complaint about the incident has remained unanswered and there has been no official report to indicate that a judicial investigation into the allegations of ill-treatment was under way.

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