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CHINA: AMNESTY INTERNATIONAL PROTESTS AT CHARGE AND CONTINUED  
ARBITRARY DETENTION OF WEI JINGSHENG

Amnesty International has protested to Premier Li Peng about today's formal "arrest" of Wei Jingsheng, one of China's leading dissidents, after 19 months of arbitrary and illegal detention. The organization called for his immediate and unconditional release.

"The charge brought against Wei Jingsheng is extremely vague," Amnesty International said. "The authorities have yet to show that he was involved in any activity that could legitimately be construed as being "criminal" under international standards."

"All the information available indicates that Wei Jingsheng is being held for the peaceful exercise of his right to freedom of expression and association, in violation of these standards," the organization said.

The official *Xinhua* News Agency announced today that he had been charged with "engaging in activities in an attempt to overthrow the government". The agency said that "his actions were in violation of the Criminal Law and constituted crimes", but it gave no further information about the accusations brought against Wei Jingsheng or his whereabouts which are still unknown.

Wei Jingsheng, 44, had "disappeared" into police custody since his detention on 1 April 1994. Since then, he had been held incommunicado, and without charge, at an undisclosed location believed to be in a Beijing suburb. For over 19 months, his relatives were neither allowed to see him, nor informed of the reasons for his detention. His long detention without charge violates the provisions of Chinese law under which no-one should be detained without charge for more than 10 days.

Wei Jingsheng's family has reportedly dismissed the charge against him as "absurd" saying that he was under constant police surveillance during the six months in which he was free from September 1993 until his re-arrest in April 1994.

Though he has now been charged, Wei Jingsheng will still be denied the most basic safeguards against arbitrary detention which are recommended in a number of international standards, such as access to a lawyer. Under Chinese law, access to lawyer is guaranteed only once the procedure for trial has started, which can be several months after a person has been charged. Nor is there any guaranteed access to a judicial authority until the trial, or to the family, though this can be granted at the discretion of the authorities.

## BACKGROUND

Wei Jingsheng's detention in April 1994 was believed to be related to his outspoken comments on human rights and political issues, as well as his contacts with foreigners, including the US Assistant Secretary of State for Human Rights, John Shattuck, whom he had met shortly before his arrest. During the preceding months, Wei Jingsheng had made public his views in press interviews and articles published in foreign newspapers, and was warned by police to stop such activities.

Wei Jingsheng had been released on parole in September 1993 after serving fourteen and a half years of a 15-year prison sentence imposed in 1979 on "counter-revolutionary" charges. His re-arrest in April 1994 came amidst a new crackdown on dissidents in Beijing at that period. On 7 April 1994 his father was reportedly told by the authorities that his son had "violated his parole regulations", though he was arrested after the end of his parole. No detention warrant was provided.

During the past year, his sister has questioned the legality of his detention and has appealed for her brother's release and for information on his whereabouts. After lodging an appeal for a "missing family member" with the Beijing Public Security Bureau, his sister was informed that Wei Jingsheng was being held under "residential surveillance" but the authorities refused to tell her where.

"Supervised residence" is applicable under Article 38 of the Criminal Procedure Law and is arbitrarily used to restrict people either at home or in a place such as a government "guesthouse". Article 38 does not specify a time limit for this measure, however according to a clause in Article 44, "supervised residence" can be applied to "a person whom it is necessary to arrest but against whom there is not yet sufficient evidence." This is a flagrant violation of Article 48 of the Criminal Procedure Law which sets a maximum of 10 days for the time a person can be detained without charge.

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