

PEOPLE'S REPUBLIC OF CHINA

NINE YEARS AFTER TIANANMEN - STILL A "COUNTER-REVOLUTIONARY RIOT" ?

INTRODUCTION

The 4th of June 1998 will mark the ninth anniversary of the massacre of hundreds of unarmed civilians in Beijing on 4 June 1989, when heavily armed troops and hundreds of armoured military vehicles stormed into the city to clear the streets of pro-democracy demonstrators, firing at onlookers and protesters in the process.

In the aftermath of the massacre, thousands of people were detained throughout China. Some received long sentences and are still imprisoned. Amnesty International maintains records of over 250 people who are still imprisoned in connection with the 1989 pro-democracy protests and believes the real number is much higher than the cases it has identified. Every year, new cases of political prisoners imprisoned since 1989 have come to light.

Nine years after the massacre and the massive arrests which followed, the Chinese authorities still appear unwilling to reassess the official "verdict" passed at the time that the protests were a "counter-revolutionary riot". So far, the authorities have taken no step to publicly investigate the killings and bring to justice those found responsible for human rights violations, or to review the cases of those still imprisoned for their activities during the protests.

This official "verdict" was used in 1989 to justify the brutal suppression of the protests, despite clear evidence that the seven-weeks protests, starting in mid-April 1989, were overwhelmingly peaceful and drew wide popular support. Several million people took part in the demonstrations, demanding an end to official corruption and calling for political reforms.

Recent statements by Chinese officials indicate that there will be no revision of this official "verdict" in the foreseeable future. Referring to the "political turbulence" of 1989, a spokesman for the Chinese Foreign Ministry stated on 30 April 1998: "Our party

and government have already made the historical conclusion on this issue”¹. A similar statement was made a few weeks earlier by Premier Zhu Rongji.

The Chinese authorities’ handling of the legacy of 1989 and their continued lack of tolerance for dissent is in stark contrast to the remarkable economic and social changes which China has experienced during the 1990s, leading to increased freedom and prosperity for many people. It also contrasts with other developments, including recent changes in the law to repeal offences which were used against many people imprisoned in 1989, and the growing acknowledgement given by the authorities to international human rights standards, notably through a commitment that China will soon sign the International Covenant on Civil and Political Rights. Other recent signs of progress, however limited, have included the release of several political prisoners before the end of their sentence and, in one case last year, a judicial review which resulted in a political conviction being overturned.

In July 1997, Tang Yuanjuan and Li Wei, two prisoners of conscience arbitrarily imprisoned in northeast China for their activities during the 1989 protests, were released from prison after the Jilin provincial High Court quashed one of their two convictions for “counter-revolutionary” offences. The court decision also extended to two other dissidents who had been convicted at the same time but released from jail after serving their sentences. At the time their case was reviewed, Tang Yuanjuan and Li Wei were serving sentences of 20 years’ and 13 years’ imprisonment respectively, on conviction of carrying out “counter-revolutionary propaganda and incitement” and forming a “counter-revolutionary group”. According to the High Court decision, their sentences on the first charge were eight years, so that the quashing of their second conviction meant they were due for release. The only explanation given by the court for its decision was that their conviction on this charge had “no legal basis”.

Such a decision was unprecedented in a political case since the early 1980s. It raised hopes that this might lead to a reassessment of the 1989 protests and of the cases of those imprisoned in connection with them. So far, there has been no such review. Nevertheless, the Jilin provincial High Court decision sets a precedent for judicial reviews of other similar cases.

¹ See Agence France Presse, Beijing, 30 April 1998.

Amnesty International believes that there are many compelling reasons to review the cases of all those still imprisoned for taking part in the 1989 protests and redress the miscarriages of justice and human rights violations which occurred at that time.

Many of those still imprisoned for their activities during the 1989 protests were convicted of “counter-revolutionary” offences which are no longer crimes under Chinese law. The National People’s Congress (China’s legislature) removed the “counter-revolutionary” offences from the Criminal Law when it was revised in March 1997. The revised Criminal Law came into force in October 1997, but the cases of people serving sentences for “counter-revolutionary” offences have not yet been reviewed.

Many of these prisoners are prisoners of conscience, arbitrarily held for the peaceful exercise of fundamental human rights, in violation of international human rights standards. Few of those who remain imprisoned had a high profile during the 1989 events but they often received harsh sentences.

Some of those imprisoned during the 1989 crackdown were accused of ordinary criminal offences, such as “theft” for taking away ammunitions or other equipment left in the streets by soldiers, or “destruction of property” for using buses to set up barricades or setting fire to abandoned military vehicles. Most of those charged with such offences were summarily tried while Martial Law was still in force in Beijing during the seven months which followed the 4 June massacre. They usually received very harsh sentences, often totally disproportionate with the offences they allegedly committed. Many were reportedly tortured to extract confessions and may have been wrongly convicted. Amnesty International made repeated calls for a review of their cases in previous years, but these have gone unheeded.

The need to review their cases has become more compelling every year. As the tenth anniversary of the 1989 crackdown approaches, Amnesty International is calling on the Chinese authorities to release immediately and unconditionally all those held for the peaceful exercise of fundamental human rights, and to grant an amnesty to all others imprisoned in connection with the 1989 protests, given the length of time they have spent in prison, the summary and unfair nature of their trials, and the fact that repeated calls for them to be retried, in accordance with international standards, have gone unheeded. The authorities should also follow the example set by the Jilin High Court in quashing convictions for “counter-revolutionary” offences which have now been removed from China’s Criminal Law.

The cases described in the following pages are illustrative of many other little known political prisoners who are serving long sentences in connection with the 1989 events.

<p>Chen Lantao SHANDONG PROVINCE</p>

Chen Lantao, a marine biologist and prisoner of conscience, was sentenced to 18 years' imprisonment for criticizing the government's suppression of the pro-democracy demonstrators in June 1989. Chen Lantao was apprehended in June 1989 with his then pregnant wife, Sun Lijuan. Sun Lijuan was released after 53 days but Chen Lantao, who was 26 years old at the time of his arrest, was later formally charged with "counter-revolutionary propaganda and incitement" and "disturbing public order and traffic". Another accusation made against him was that since 1981 he had been listening to *Voice of America* broadcasts.



Chen is said to have taken part in the peaceful demonstrations in Qingdao before 4 June 1989 and to have made contact with the leaders of the Qingdao Students Autonomous Federation. After the crackdown by the authorities, Chen Lantao made several speeches outside his former university and a nearby factory criticising the government for its ruthless suppression of the protests. He also demanded greater democracy and called upon the Chinese Communist Party to step down. In August 1989, he was sentenced after an unfair trial by the Qingdao Municipal Court to a total of 18 years' imprisonment and five years' deprivation of political rights² but in late 1993 or early 1994 he had his sentence reduced to 13 years' imprisonment for "good behaviour".

In November last year, Chen Lantao's family appealed to the outside world for his release. This appeal followed years of appeals made by the family to the Beijing Supreme Court and to local courts in Shandong Province. Chen's wife, Sun Lijuan said in her appeal, "I have had a lot of difficulties bringing up our seven-year-old child on my own... I hope they can just release him now". Chen Lantao is believed to be held in Shandong Provincial Prison no. 2 in Weifang County.

Chen Lantao is due for release in June 2002, when his son Chen Jue, who he has hardly seen, will be 13 years old.

²"Deprivation of political rights" is a supplementary punishment which begins on the day the prisoner is released. He/she will be denied certain basic freedoms such as the right to be elected or to hold a leading position in any enterprise, institution or organization and usually means being restricted to live within a specified area and having to report regularly to the police.

Amnesty International is concerned that Chen Lantao, a prisoner of conscience, is being held for the peaceful exercise of his right to freedom of expression and association. It is appealing for his immediate and unconditional release.

ADDRESSES

Governor of the Shandong Provincial People's Government

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Salutation: Dear Governor

Director of the Shandong Provincial Department of Justice

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Salutation: Dear Director

<p>Lu Decheng Yu Dongyue and Yu Zhijian HUNAN PROVINCE</p>
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Lu Decheng, Yu Dongyue and Yu Zhijian, all prisoners of conscience from Hunan province, were arrested on 23 May 1989 after throwing paint at Mao Zedong's portrait in Tiananmen Square. They were sentenced to 16 years, 20 years and life imprisonment respectively.

According to a report issued in 1995 by Xinhua, *the New China News Agency*, the sentence passed against Yu Zhijian was subsequently revised to 17 years for "good behaviour".

During the 1989 pro-democracy protests, the three men reportedly tried to organize a Liuyang branch of the *Hunan Delegation in Support of the Beijing Students*. They allegedly tried to hang up a "reactionary slogan" in the Changsha Railway station. On 19 May, they went

to Beijing to join the demonstrations there and four days later defaced the large portrait of Mao Zedong overlooking Tiananmen Square by throwing ink and paint-filled eggs at it. They were reportedly arrested on the spot by student pickets and handed over to the authorities and tortured while detained in Beijing. The three men were sentenced on 11 August 1989 by the Beijing Intermediate People's Court on charges of "counter-revolutionary propaganda and incitement" and "counter-revolutionary sabotage". They were then sent back to Hunan to serve their sentences in Hunan Prison no. 3 at Lingling.

Their conviction on the charge of "counter-revolutionary sabotage" under Article 100 of the Chinese Criminal Law was clearly politically motivated: the minor damage they were accused of causing to the portrait of Mao could have been prosecuted under Article 156 of the law, which deals with "intentional destruction of articles of private or public property" and provides punishment ranging from a fine to a maximum three years' imprisonment. These punishments are much lighter than those provided for "counter-revolutionary sabotage", which range from three years' to life imprisonment. Amnesty International considers that neither the charge of "counter-revolutionary sabotage" nor the sentence they received bore any relation to the minor damage they were accused of having caused. Amnesty International considers therefore that they were convicted and sentenced for the non-violent exercise of their right to freedom of conscience and expression and that they are prisoners of conscience.

All three were reportedly kept in solitary confinement and were tortured at Hunan Prison no. 3. Although prison regulations permit a maximum of 15 days' solitary confinement, Lu Decheng was kept in solitary confinement for six months and Yu Zhijian and Yu Dongyue for over two years because they "failed to reform their reactionary nature". By early 1992, Yu Zhijian was reported to have become extremely thin and in very poor health, Yu Dongyue showed signs of mental disturbance and had lost control of some bodily functions. These allegations were taken up with the Government by the United Nations Special Rapporteur on Torture in 1992.

Later that same year, Yu Dongyue was reportedly transferred from Hunan Prison no. 3 to another prison but despite attempts to confirm his whereabouts he could not be traced. Five years later, a prison official confirmed at the end of 1997 that Yu Dongyue was being held in Ruanjiang Prison in Hunan and, according to unofficial sources, Yu Dongyue is still suffering from mental illness.

Before their arrest, Lu Decheng, now aged 33, was a worker at the Hunan Motor Transport Company in Hunan Province. Yu Dongyue, now aged 31, was a primary school teacher and Yu Zhijian, now aged 34, worked as a fine art sub-editor for the *Liuyang Daily*.

Lu Decheng is due for release in 2005; Yu Dongyue is due for release in 2009 and Yu Zhijian is due for release in 2006.

Amnesty International considers Lu Decheng, Yu Dongyue and Yu Zhijian to be prisoners of conscience held solely for the non-violent exercise of the right to freedom of conscience and expression and calls for their immediate and unconditional release. Amnesty International also calls for the Chinese authorities to make public the investigations into the allegations that they were tortured both in Beijing and after their transfer to prisons in Hunan Province.

ADDRESSES

Governor of the Hunan Provincial People's Government

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Salutation: Dear Governor

Director of the Hunan Provincial Department of Justice

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Salutation: Dear Director

Wang Jiaxiang
BEIJING

Wang Jiaxiang, a man believed to be now aged over 75, is serving a sentence of life imprisonment at Beijing Prison No.2 for his activities during the 1989 pro-democracy protests.

Wang Jiaxiang was apprehended in Beijing in 1989, following the 4 June 1989 crackdown when the army moved in to quell the pro-democracy protests. Wang Jianxiang was later reported to have been sentenced to death with a two-year suspension of execution for “counter-revolutionary sabotage”. It is not known on what accusations this charge was based, but Amnesty International believes that Wang Jiaxiang, like many others who were tried for their activities during the 1989 protests, was denied a fair trial. The information available from official sources about his case shows discrepancies regarding the time of his trial and the exact charges against him.

According to an official notice posted outside a Beijing court on 13 December 1989, Wang Jiaxiang and another man were tried on 7 December 1989 and found guilty of carrying out “counter-revolutionary propaganda” and “incitement to rebellion”. The notice did not specify their sentences, but indicated that Wang Jiaxiang was also accused of “damaging property”, though it gave no detail. At the time, this accusation was used against many civilians who were alleged to have used buses to set up barricades, or damaged other public property or military vehicles in attempts to stop the army moving in towards Tiananmen Square during the night of 3 to 4 June 1989.

Several years later, Chinese official sources stated that Wang Jiaxiang had been sentenced “in 1991”, receiving the death penalty with a two years’ reprieve for “counter-revolutionary sabotage”. They also said that his suspended death sentence had been commuted³ to life imprisonment in December 1993 - thus indicating that the original sentence had been imposed in December 1991. There was no explanation of why Wang Jiaxiang was tried and convicted in December 1989 and sentenced only two years later, nor of the difference in the charges against him between these two dates.

³People sentenced to death with a two years’ suspension of execution can have their sentences commuted to life or fixed-term imprisonment at the end of the two years’ reprieve, but some may be executed. According to Chinese official sources, many have their sentences commuted at the end of the two years.

Most people brought to trial in the aftermath of the 4 June 1989 massacre - during the seven months when Beijing was under martial law - received summary trials and very harsh sentences, often totally disproportionate with the offences they were accused of committing.

Wang Jiayang was last reported to be held with other political prisoners in Beijing Prison No.2. The prison is located to the southeast of Beijing and houses some 2,000 prisoners - including many of those who have been sentenced for their activities during the 1989 protests, on "counter-revolutionary" or other charges. Prisoners, like Wang Jiayang, have to undergo hard labour and some are reportedly forced to work long hours at a number of tasks including checking latex gloves for quality control. Some prisoners are reported to have been ill-treated. Prolonged forced labour is known to have affected the health of prisoners there. Medical care is often inadequate and it is known that many prisoners suffer from serious illnesses such as tuberculosis.

Amnesty International believes that Wang Jiayang was denied a fair trial and that he may be a prisoner of conscience. It is also concerned that, in view of the length of time Wang Jiayang has already spent in prison and his advanced age, he may be in poor health. His case is illustrative of many others who may be prisoners of conscience, who were convicted after unfair trials in the aftermath of the 1989 massacre and whose cases were never reviewed. Amnesty International is now calling for their release.

ADDRESSES

Mayor of Beijing Municipal People's Government

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Salutation: Dear Sir

Chief Procurator of Beijing Municipal People's Procuratorate

HE Fangba Jianchazhang
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Salutation: Dear Sir

President of the Supreme People's Court

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Salutation: Dear Sir

<p>Yao Guisheng HUNAN PROVINCE</p>
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Yao Guisheng, a manual worker who joined the Changsha Workers' Autonomous Federation (WAF) during the 1989 pro-democracy protests was apprehended after 4 June 1989 in Zhuzhou. Yao Guisheng was later sentenced in October 1989 to 15 years' imprisonment by the Changsha Intermediate People's Court.

On 20 May 1989, the Changsha Workers' Autonomous Federation was set up in response to the announcement that martial law had been imposed in Beijing. Several weeks later on 12 June the Hunan provincial government banned the Changsha Workers' Autonomous Federation and as a result a large number of workers were arrested.

There is one official trade union in China, the All China Federation of Trade Unions. Independent labour unions are not allowed. Those who tried to set up independent labour groups in 1989 were arrested and sentenced to long prison terms or assigned to labour camps.

Yao Guisheng was one of a group of three people who reportedly helped leaders of the Workers' Autonomous Federation (WAF) to escape from China after the events of 4 June 1989. In the course of a taxi journey between Changsha and Zhuzhou the three men reportedly had an argument with the taxi-driver concerning the correct fare for the WAF leaders. The taxi-driver denounced them to the police and shortly afterwards the three men were arrested. According to private sources at the time, they were charged

with "robbery and assault" and the three co-defendants received varying sentences in October 1989. Five years later, in a response to the International Labour Organization's Committee on Freedom of Association, the Chinese Government stated that Yao Guisheng had been sentenced to 15 years' imprisonment for "looting". There was no official explanation as to why the charges had changed.

Yao Guisheng is imprisoned at Hunan Provincial No. 6 Prison in Longxi where he is reported to have become mentally ill as a result of repeated ill-treatment. According to former prisoners, he was periodically placed in solitary confinement because he refused to "admit his guilt" and did not work to the standards required of him. He was also regularly beaten and made to wear shackles. Yao Guisheng's case was later taken up by the United Nations Special Rapporteur on Torture. In 1994, the Special Rapporteur reported that the Chinese Government had denied Yao Guisheng had been ill-treated.

In October 1998, China ratified the *United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment* but has failed to introduce effective safeguards against torture. Many people tried in the aftermath of the 4 June 1989 massacre, received summary trials and harsh sentences, often totally disproportionate to the offence they had allegedly committed. Workers at the time received particularly heavy sentences.

Yao Guisheng is due to be released in June 2004.

Amnesty International is concerned that Yao Guisheng did not get a fair trial and that he may be a prisoner of conscience. It is also concerned at reported that he was repeatedly ill-treated in prison and became mentally ill as a result.

His case is illustrative of many others who may be prisoners of conscience, who were convicted after unfair trials in the aftermath of the 1989 massacre and whose cases were never reviewed. Amnesty International is now calling for their release. It is also calling for an independent, open and impartial investigation into the allegations that Yao Guisheng was ill-treated.

ADDRESSES

Governor of the Hunan Provincial People's Government

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Salutation: Dear Governor

Director of the Hunan Provincial Department of Justice

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Salutation: Dear Director

<p>Zhang Jingsheng HUNAN PROVINCE</p>

Song of Changqiao Prison

*When I was young,
I was thrown into prison,
But don't grieve for me, my dearest one.
For society's just that way nowadays,
Nothing but pain and trouble and sadness.*

*I stand here in my cell,
A ball of rice in my hand,
And a bowl of want-to-go-home soup.
That's all there is to life in Changqiao,
An aching heart and tears of remorse.*

*Little bird flying so high in the sky,
You spiral so gaily and free.
Carry my thoughts on back to my hometown,
And bring health and good luck to my loved ones.*

By Zhang Jingsheng

Zhang Jingsheng, a worker, veteran pro-democracy campaigner and prisoner of conscience, was arrested in June 1989 after calling for political reforms at mass rallies. In May 1989, Zhang Jingsheng became a key organizer of the Changsha Workers' Autonomous Federation (see above the case of Yao Guisheng). Seven months later in December 1989, he was tried by the Changsha Intermediate People's Court on charges of

"counter-revolutionary propaganda and incitement" and sentenced to 13 years' imprisonment and three years' deprivation of political rights.

Zhang Jingsheng was accused of having spoken in favour of "democracy and freedom" at Hunan University. He was also accused of inciting workers to strike and students to boycott classes and of writing an anti-government pamphlet.

Zhang Jingsheng has campaigned for workers' rights and democracy in China all his adult life. He spent four years in prison in the early 1980s after becoming involved in the "Democracy Wall" movement of the late 1970s. During his imprisonment at that time he wrote a number of songs which are said to have become popular among other prisoners around the country.

There is one official trade union in China, the All China Federation of Trade Unions. Independent labour unions are not allowed. Those who tried to set up independent labour groups in 1989 were arrested and sentenced to long prison terms or assigned to labour camps.

Prior to his arrest in 1989, Zhang Jingsheng, now aged 43, worked at the Shaoguang Machinery factory in Changsha, Hunan Province. He is now serving his sentence in Hunan No. 1 Prison in Yuanjiang city. He is due for release in June 2002. By that time Zhang Jingsheng will have spent a total of 17 years in prison simply for calling for democratic reforms in China.

Amnesty International considers Zhang Jingsheng to be a prisoner of conscience, held for the peaceful exercise of his right to freedom of expression and association and is appealing for his immediate and unconditional release.

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