

£CHINA

@Dissidents detained without charge or trial since 1994

1994 was marked by an increase in repression against political dissent in China. This included greater use of administrative detention against human rights and pro-democracy activists. Some have been held in incommunicado detention for almost a year and have only recently been sentenced to terms of re-education through labour without being charged or tried. Others remain in incommunicado detention and family and friends have had no official news about their whereabouts since their arrest. This document describes the cases of 19 political dissidents who have been held without charge or trial for almost a year¹ and lists those detained briefly during 1994.

Dissidents in Shanghai and Beijing have been particularly targeted. The authorities curbed attempts to formally establish an independent labour rights group in Beijing, the League for the Protection of the Rights of the Working People (LPRWP) and the Association for Human Rights (HRA) in Shanghai. Members of the two groups were arrested and some were given terms of administrative detention. Founding members of the LPRWP tried unsuccessfully to apply for legal registration with the Ministry of Civil Affairs on 9 March 1994. Their members were threatened and arrested. The LPRWP sought to safeguard the interests of China's workers by establishing a nationwide information network to promote the protection of labour rights. The Association for Human Rights in Shanghai, which had existed informally since 1978 was also refused legal registration in April 1994. Their members too have been arrested and sentenced. Some of those detained are reported to have been ill-treated in the labour camps where they are being held.

Several of those who were arrested and sentenced to re-education through labour were signatories to the "Peace Charter", launched in Beijing in November 1993, which called for democratic reforms in China.

Re-education through labour (*laodong jiaoyang*) was first introduced in 1957² and allows for detention without charge or trial. Those sentenced to re-education through labour are denied access to a defence lawyer and the right to defend themselves.³

¹For further information on the 19 dissidents please see earlier Amnesty International documents entitled: *Three Shanghai Dissidents Sentenced without Trial*, ASA 17/32/94, *Further News on Dissidents Detained in Beijing since March 1994*, ASA 17/30/94, *Update on Dissidents detained in Beijing and Shanghai since March 1994*, ASA 17/26/94, *More Dissidents Arrested in the Run Up to Tiananmen Anniversary*, ASA 17/23/94, *Appeal for Human Rights Activists Detained in Shanghai*, ASA 17/21/94, *Appeal for Dissidents detained in March and April 1994*, ASA 17/17/94.

²The 1957 *Decision of the State Council of the People's Republic of China on the Question of Re-education Through Labour* remains the fundamental law authorizing re-education through labour. Supplementary decrees and regulations have since been introduced.

³On 27 January 1995, an official with the Ministry of Justice, announced that there were "less than 200,000 people who were detained in re-education through labour camps."

The power to impose re-education through labour is vested in administrative bodies composed of members of the Civil Affairs, Public Security and Labour departments of provincial and central government. In practice it is mainly the police who impose the sentences. There is a right of appeal against the decision made by these administrative committees although appeals are rarely successful and are lengthy and complex to pursue.

According to the *Administrative Procedure Law*, appeals against administrative sentences are a three-stage process. First individuals must appeal to an administrative body at a higher level than that which imposed the original sanction. The administrative body can take up to two months to reach its decision. Then if the original decision is upheld, individuals may appeal to a court of first instance within 15 days of the decision. The court then has to decide within seven days whether to accept or refuse to hear the case. If the case is heard, the court must make a judgement within three months. Appellants can then finally appeal to a higher court within 15 days and a judgement can then take up to two-and-a-half months with a possible extension if approved by the Supreme People's Court. In a recent case, **Zhou Guoqiang** (see table) has appealed against the decision of the Beijing Re-education Through Labour Administrative Committee on the grounds that he has been illegally detained and sentenced to three years' re-education through labour. No decision on his appeal has yet been taken.

The maximum length of labour re-education is normally three years, but can be extended by a maximum of one year. In 1981⁴ a new decree made it possible to impose an extension of an unspecified term to recidivists or those who had escaped while serving a term of re-education through labour.

Amnesty International is particularly concerned at the growing number of cases in which dissidents have been sentenced to terms of several years' detention while being denied due judicial process and has long been concerned about the use of detention without charge or trial⁵.

⁴*Decision of the Standing Committee of the National People's Congress Regarding the Handling of Offenders Undergoing Reform Through Labour and Persons Undergoing Reeducation Through Labour who Escape or Commit New Crimes*, adopted on 10 June 1981.

⁵See China: *Punishment without Crime: Administrative Detention*, ASA 17/27/91.

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TABLE OF PROMINENT POLITICAL DISSIDENTS HELD WITHOUT CHARGE OR TRIAL
DURING 1984

NAME	NAME IN CHINESE CHARACTERS	ARREST DATE AND PLACE OF ARREST	SENTENCE/FURTHER NEWS
<p>1. Bao Ge A teacher at the Shanghai Medical School</p>		3 June 1994 Shanghai	<p>Bao Ge was sentenced without charge or trial to three years' re-education through labour on 10 September 1994 and was transferred to the Da Feng Labour Camp in Jiangsu Province. He was arrested after sending an open letter to the Chinese government requesting permission to establish an organization called the Voice of Human Rights. Bao Ge, a member of the Shanghai-based Human Rights Association, was also active in seeking compensation from Japan for victims of wartime atrocities committed by Japanese troops in China.</p> <p>Bao Ge has reportedly been detained for short periods on previous occasions. Following the death of his father last year, he was refused permission to attend his father's funeral.</p>
<p>2. Dai Xuezhong Manager of a wholesale drinks business</p>		3 May 1994 Shanghai	<p>Dai Xuezhong was arrested by the Shanghai police at his home. His brother was also detained but released a few days later. On 22 December 1994 Dai Xuezhong was sentenced without charge or trial to three years' re-education through labour for allegedly evading taxes. An active member of the Shanghai Association for Human Rights, he is reportedly being held at a labour camp in Putuo, north-western Shanghai. Dai Xuezhong had previously been imprisoned in 1989 and had allegedly been tortured so badly that he is now partially disabled.</p>
<p>3. Kuang Lezhuang Journalist</p>		May 1994 Shenzhen	<p>Kuang Lezhuang, Li Wenmin and Liu Hetang were all arrested by the Shenzhen Public Security Bureau. It is believed their arrests relate to their attempts to set up an independent labour rights group and the publication of a newsletter called <i>Workers' Square</i> on the protection of workers' rights. It is not known whether they have been charged or tried nor are their whereabouts known.</p>
<p>4. Li Guotao Businessman at the Municipal</p>		2 May 1994 Shanghai	<p>Li Guotao was sentenced without charge or trial to three years' re-education through labour in September 1994. He was arrested by the Shanghai Public Security Bureau. Li Guotao, president of the Shanghai Human Rights Association, was also detained for a short time in October 1993 and reportedly badly</p>

Computer Development Company in Shanghai			beaten. It is believed that his arrest is linked with his efforts to register the Shanghai Human Rights Association. He had previously served a two-year prison sentence for his role in the 1989 pro-democracy movement. It is not known where Li Guotao is being held.
5. Li Wenmin Journalist		May 1994 Shenzhen	Li Wenmin, Kuang Lezhuang and Liu Hetang were arrested by the Shenzhen Public Security Bureau. It is believed their arrests relate to their attempts to set up an independent labour group and the publication of a newsletter called <i>Workers' Square</i> on the protection of workers' rights. It is not known whether they have been charged or tried nor are their whereabouts known.
6. Lu Honglai Publisher		20 June 1994 Hong Kong	Lu Honglai was sentenced without charge or trial on 26 October 1994 to three years' re-education through labour for illegal crossing the borders. He was reportedly arrested by officers from the Tianjin Public Security Bureau in Hong Kong. He was previously sentenced to re-education through labour for activities relating to the Democracy Wall movement. He was reportedly held for a month in Qingbo detention centre, Tianjin, and was expected to be transferred but it is not known to which labour camp he has been sent.
7. Liu Huanwen Labour activist and member of Protestant church		10 July 94 Beijing	Arrested in Beijing, Liu Huanwen is reported to have been sentenced in August 1994 to two years' re-education through labour. He is believed to have been detained for his involvement with unofficial labour and religious groups. He was previously sentenced in 1989 to re-education through labour for two years. It is not known where he is being held.
8. Liu Hutang Worker		May 1994 Shenzhen	Liu Hutang, Li Wenmin and Kuang Lezhuang were arrested by the Shenzhen Public Security Bureau. It is believed their arrests relate to their attempts to set up an independent labour group and the publication of a newsletter called, <i>Workers' Square</i> , on the protection of workers' rights. It is now known whether they have been charged or tried nor are their whereabouts known.
9. Tong Yi Assistant and translator to Wei Jingsheng (see below)		4 April 1994 Beijing	Tong Yi was sentenced without charge or trial on 22 December 1994 to two-and-a-half years' re-education through labour by the Beijing City Re-education Through Labour Management Committee. She appealed against the decision but was transferred on 9 January 1995 to a labour camp in Hubei Province before the outcome of her appeal was known. She told her family on 16 January 1995 that the Beijing authorities had accused her of being an "accessory" to the country's most famous dissident, Wei

			Jingsheng , (see below). Tong Yi is held at Hankou's No. 1 Re-education Through Labour Centre, Wuhan, Hubei Province, also known as the Hewan Labour Camp. On 16 and 17 January 1995, she was reportedly badly beaten at the camp on her face and body by fellow prisoners who have supervisory powers over other prisoners ⁶ .
10. Wei Jingsheng Prominent dissident		1 April 1994 Beijing	Wei Jingsheng has been held without charge or trial for over ten months. He was arrested by the Beijing Public Security Bureau on the road between Beijing and Tianjin. At the time of his arrest, the authorities announced that Wei Jingsheng was "under surveillance". His family have been told he is being held at a "guesthouse" outside of Beijing but his exact whereabouts are not known. Prior to his arrest, he had been involved in publishing articles outside China and had met foreign journalists and other dissidents. Wei Jingsheng was released from a previous term of imprisonment in September 1993 after serving a fourteen-and-a-half year prison sentence for his Democracy Wall activities.
11. Xiao Biguang Professor of Comparative Literature at Beijing University		12 April 1994 Beijing	Xiao Biguang has been detained without being charged or trial for over ten months. He was arrested by the Beijing Public State Security Bureau and reportedly held at the No. 47 Dahongmen detention centre in Beijing apparently for "shelter and investigation" ⁷ . His arrest is believed to be related to his support for the Protestant church and efforts to formally register the LPRWP. His wife Gou Qinghui , is trying to establish the circumstances of his arrest and detention and is herself under close surveillance by the police. She has been unable to visit her husband. Xiao Biguang was reportedly in poor health before his arrest and suffers from serious eye problems.
12. Yan Zhengxue Artist and representative from a local People's Congress in Zhejiang Province		March 1994 Beijing	Yan Zhengxue was sentenced without charge or trial on 19 April 1994 to two years' re-education through labour by a Committee of the Beijing Municipal Government. He was sentenced for allegedly stealing a bicycle, an unfounded accusation that followed his efforts to bring to justice three police officers who had severely beaten him in Haidian District Police Station in July 1993. In April 1994, Yan Zhengxue , was sent to a labour camp in Heilongjiang Province and is in poor health due to the beatings he sustained in 1993.
13. Yang		10 May 1994	Yang Qingheng was sentenced without charge or trial to three years' re-education through labour in

⁶For further details about the reports of ill-treatment, see Urgent Action, no. 21/95, ASA 17/04/95 dated 26 January 1995.

⁷This is a form of administrative detention used frequently by the police.

<p>Qingheng Businessman</p>		<p>Shanghai</p>	<p>September 1994. He was arrested by the Shanghai Public Security Bureau but it is not known where he is being held. In April 1994, Yang Qingheng sought permission from the Shanghai police to hold a protest march on 1 May seeking human rights improvements. He has been involved in pro-democracy activities in Shanghai since the late 1970s and has spent two years in prison from 1983 to 1985.</p>
<p>14. Yang Zhou Shanghai dissident</p>		<p>12 May 1994 Shanghai</p>	<p>Yang Zhou was sentenced without charge or trial on 11 October 1994 to three years' re-education through labour. Arrested by the Shanghai Public Security Bureau he was accused of publishing reactionary material and stirring up public unrest. Yang Zhou appealed against the decision on 25 October 1994 but the outcome of the appeal has not been made known.</p> <p>Yang Zhou's wife, Li Guoping, who has been active in publicising her husband's arrest, has had her movements closely monitored and was warned by Shanghai's Public Security Bureau in October 1994 to stop campaigning for the release of her husband. Yang Zhou was the spokesman for the Shanghai Human Rights Association and had been imprisoned previously for his dissident activities. Yang Zhou is in poor health and is being held in a labour camp although the precise location is not known.</p>
<p>15. Yuan Hongbing Law Lecturer at Beijing University</p>		<p>2 March 1994 Beijing</p>	<p>Yuan Hongbing has been held without charge or trial for 11 months. Despite repeated inquiries by his wife, Yuan Hongbing's exact whereabouts are not known. He was one of the principal sponsors of the LPRWP and was arrested just a few days before its members were planning to formally register the LPRWP. He was also active in organizing a petition addressed to the National People's Congress and judicial bodies in Beijing seeking justice in the case of alleged police brutality against Yan Zhengxue, (see entry on Yan Zhengxue), a painter and elected member of a local People's Congress in Zhejiang Province.</p>
<p>16. Zhang Lin Physicist and labour activist</p>		<p>28 May 1994 Beijing</p>	<p>At the end of August 1994, Zhang Lin was sentenced without charge or trial to three years' re-education through labour. He was arrested by the Dongcheng Public Security Bureau in Beijing and was reportedly told by police that he was sentenced because his marriage papers were not in order and because he had too many contacts with foreign reporters. Zhang Lin, a member of the LPRWP in Anhui Province, was arrested in Beijing and on 2 June 1994 was sent back to Anhui Province where he is now serving his three-year sentence. He reportedly went on hunger strike for a week in August after police informed him of plans to transfer him to a coal mining labour camp in Anhui province. Zhang Lin has reportedly been ill-treated by guards at the Nanhu Labour Camp where he is being held. He has been arrested and imprisoned several times before for his dissident activities.</p>

<p>17. Zhou Guoqiang Lawyer</p>		<p>3 March 1994 Beijing</p>	<p>Zhou Guoqiang was sentenced without charge or trial to three years' re-education through labour on 3 September 1994. He has appealed twice against the decision; his first appeal was rejected but on 9 January 1995, the Beijing Western District Court decided to consider his second appeal⁸. In his appeal, Zhou Guoqiang, argued that the police had detained him longer than was legally permitted before sentencing him and had failed to cite relevant legislation applicable to his particular case. Zhou Guoqiang was arrested by the Beijing Public Security Bureau. His wife, Wang Hui, was also detained and later released.</p> <p>At the time of his arrest Zhou Guoqiang was accused of "collaborating with hostile organizations and elements both inside and outside the country to carry out anti-government activities". Zhou Guoqiang was a founding member of the LPRWP and was involved in drafting the "Peace Charter". He has reportedly been detained six times since 1989 and his wife's movements are closely monitored by the police. He is being held at a labour camp in Heilongjiang Province.</p>
<p>18. Zhou Qibing Construction worker</p>		<p>1 June 1994 Shanghai</p>	<p>Zhou Qibing was arrested by the Shanghai Public Security Bureau but it is not known whether he has been charged or tried. There has been no official news about Zhou Qibing for over eight months. He was a member of the Shanghai Human Rights Association and his arrest may have been linked to efforts to officially register the Shanghai Human Rights Association. It is not known where he is being held.</p>
<p>19. Zhu Fuming Private sector worker</p>		<p>March 1994 Shanghai</p>	<p>Zhu Fuming was arrested by the Shanghai Public Security Bureau but it is not known whether he has been charged or tried nor where he is being held. There has been no official information about his arrest and detention for over 11 months. Zhu Fuming was a member of the Shanghai Human Rights Association.</p>

⁸According to Articles 42 and 57 of the Administrative Procedure Law, the court must make a judgement within three months.

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BRIEFLY DETAINED IN 1994

The following is a list of prominent dissidents known to have been briefly detained in 1994.

1. **Gao Feng:** Arrested in Beijing on 28 May 1994 for attending a prayer meeting in memory of all those killed during the 1989 pro-democracy protests. **Gao Feng** was a member of the League for the Protection of the Rights of the Working People. He was released in July 1994.
2. **Li Hai:** A student and active in the dissident movement was arrested in Beijing in April 1994 and reportedly released 24 hours later.
3. **Lin Muchen:** Arrested on 6 May 1994 at Shanghai airport as he was about to board a flight to go and study in the USA. **Lin Muchen**, an artist, and founding member of the Shanghai Human Rights Association was released by Shanghai police on 24 June 1994.
4. **Liu Nianchun:** Arrested on 26 May 1994 in Beijing and released five months later on 17 October 1994. **Liu Nianchun** was involved in trying to register the League for the Protection of the Rights of the Working People.
5. **Sha Yuguang:** Arrested by the Beijing Public Security Bureau on 9 July 1994 and released in late 1994. **Sha Yuguang** was involved in trying to register the League for the Protection of the Rights. He was also a signatory of the Peace Charter and wrote open letters demanding the release of **Zhou Guoqiang**.
5. **Wang Fuchen:** Arrested by Shanghai police on 14 April 1994, escaped from house arrest and is now in hiding. His family have been threatened. **Wang Fuchen** was Secretary General of the unofficial Shanghai Association for Human Rights.
5. **Wang Jiaqi:** Arrested in Beijing on 2 March 1994 and escaped on 27 March. **Wang Jiaqi** is now living in the USA. He had been involved in trying to register the League for the Protection of the Rights of the Working People.
6. **Wang Zhongqiu:** Arrested in Beijing at the end of May 1994. **Wang Zhongqiu**, a law student, is now on the run after being released on parole by the police in October 1994.