

TABLE OF CONTENTS

I.INTRODUCTION1

II.POLITICAL IMPRISONMENT2

- 1.Political prisoners convicted under the Criminal Law2
- 2.Increased use of administrative detention3

III.NEW ARRESTS 4

- 1.Arrests of human rights activists and dissidents4
- 2.Crackdown on religious groups6
- 3.Repression in Tibet7

IV.UNFAIR TRIALS9

V.TORTURE AND ILL-TREATMENT11

VI.THE DEATH PENALTY13

VII.RECOMMENDATIONS15

VIII.APPENDIX:

Translation of the Verdict Passed in the Case of Hu Shigen and 14 other defendants on 16 December 1994
in Beijing 17

PEOPLE'S REPUBLIC OF CHINA

@Six years after Tiananmen: Increased political repression and human rights violations

I. INTRODUCTION

Six years after the 4 June 1989 suppression of the pro-democracy protests in China, which resulted in the killing of hundreds of unarmed civilians by the army in Beijing, the Chinese authorities still have taken no step to publicly investigate the circumstances of the killings and bring to justice those found responsible for human rights violations. Instead, the families of victims and people attempting to gather information about those killed are subjected to harassment and intimidation in a continuing attempt by the authorities to conceal the facts.

The government still defines the 1989 protests as a "counter-revolutionary riot". This definition has been used since 1989 to justify the imprisonment of many people who are the victims of human rights violations. Thousands of political prisoners arrested during the crackdown, including prisoners of conscience, are believed to be still imprisoned, often in harsh conditions of detention.

In addition to human rights abuses which are the legacy of the June 1989 crackdown, other serious human rights violations continue in China. During the past year, hundreds of dissidents and members of ethnic and religious groups were arbitrarily detained. Many were held without charge or trial for long periods and some received terms of administrative detention without any judicial process. Others were sentenced to terms of imprisonment after unfair trials, notably a group of political dissidents detained in Beijing since mid-1992 who received heavy prison terms in December 1994. Many detainees were reported to have been tortured or ill-treated in police custody or while serving a sentence. The death penalty continued to be used extensively for a wide range of offences, including many non-violent offences.

The past year was generally marked by increased political repression. Early in 1994 the Chinese authorities stated that "political stability" was essential to ensure continued economic development. This was widely understood to mean increased repression of any activity perceived as a threat to the established political order. This interpretation was confirmed by a new crackdown on dissent across the country and the adoption of new repressive legislation. In July 1994, the government promulgated implementation regulations on state security which banned specific activities "endangering state security", increasing existing restrictions on freedom of expression and association.

II.POLITICAL IMPRISONMENT

1.Political prisoners convicted under the Criminal Law

While a few prisoners of conscience were released during the past year, thousands of political prisoners detained or convicted after unfair trials during the past decade remain held. Many were sentenced under the Criminal law after being convicted of either political or ordinary criminal offences. They include many prisoners of conscience jailed for the peaceful exercise of their fundamental human rights, including members of ethnic and religious groups, and political activists.

The Chinese authorities still argue that there are no political prisoners in China, acknowledging only the existence of "criminals" convicted "according to law". However, this definition includes the acknowledged category of "counter-revolutionary criminals" -a euphemism for political prisoners. In January 1995, a Chinese Ministry of Justice official was cited as stating that 2,678 prisoners convicted of "counter-revolutionary" offences were jailed. This figure - whether or not it accurately reflects the number of prisoners convicted of "counter-revolutionary" offences - is far below the real number of political prisoners: it excludes those held for political reasons but convicted of other offences, those held under various forms of administrative detention without charge or trial, and those detained for long periods for investigation or pending trial.

Cases of political prisoners previously unknown continued to come to light during the past year. They include people convicted of political offences since the early 1980s for a variety of activities, including membership of banned secret religious sects, and scores of political prisoners jailed for their activities during the 1989 pro-democracy protests, many of whom were convicted of ordinary criminal offences, such as "hooliganism", "disturbing public order", or "snatching ammunition" or "firearms" which had been abandoned by soldiers on 4 June 1989 in Beijing.

In many such cases, the information available is insufficient to assess whether or not the prisoners were involved, as charged, in violent or criminal activities. However, Amnesty International is concerned that the prisoners were convicted after unfair trials and that many are reported to have been subjected to torture or ill-treatment in order to extract confessions. This casts strong doubts on the validity of the charges against them. Furthermore, many of those convicted of ordinary criminal offences received sentences totally disproportionate with the offence they were alleged to have committed. For example, Liu Wensheng, a 23 year-old man from Beijing, is reported to be serving a sentence of seven years' imprisonment imposed on a charge of "disturbing the traffic" during the 1989 protests.

Some of those convicted of "counter-revolutionary" offences for their activities during the 1989 protests are serving long prison sentences, such as Tang Yuanjuan, formerly an assistant engineer at a car factory in Jilin province, who received a sentence of 20 years' imprisonment. He was accused of organising a small discussion group with some friends and a protest march in Changchun city following the 4 June 1989 massacre in Beijing. Amnesty International considers him to be a prisoner of conscience held solely for the peaceful exercise of his right to freedom of expression and association. Jailed since 1989, Tang Yuanjuan has been held since 1991 at the Lingyuan No.2 Reform Through Labour Detachment, a large

Six years after Tiananmen; Human rights violations continue

labour camp in Liaoning province, where he and other political prisoners have reportedly been ill-treated¹. Tang Yuanjuan is now reported to be in poor health, suffering from tuberculosis and hepatitis.

2. Increased use of administrative detention

The police continues to use "shelter and investigation" - a form of "preventive" administrative detention - to arbitrarily detain dissidents and suspected opponents for long periods without charge. The detention of dissidents for "shelter and investigation" is not only arbitrary according to international human rights standards, it also appear to be illegal under Chinese law: in many cases it violates the legal provisions which define the type of cases and circumstances in which "shelter and investigation" can be used².

Another widely used form of administrative detention, "re-education through labour", is imposed as a punishment by local government committees without any judicial process: the accused are not charged under the Criminal Law, do not appear before a court of law and have no access to a lawyer. Often, the accused are not even present when their case is examined by the committees which impose such sentences. Once sentenced, the accused can appeal to the court against their detention, but such appeals are rarely successful. To Amnesty International's knowledge, there has been no successful appeal against "re-education through labour" decisions in political cases since the law providing for such appeals came into force in October 1990.

Both "shelter and investigation" and "re-education through labour" have been increasingly used by the authorities during the past year to detain dissidents and others for long periods without charge. Human rights and political activists, members of unapproved religious groups, as well as other people branded as "hooligans" or "troublemakers" because they peacefully exercised fundamental human rights, were sentenced without trial to terms of two or three years' "re-education through labour".

Amnesty International is concerned about the growing use of these two forms of administrative detention against dissidents and people identified as potential opponents. This appears to reflect a deliberate policy to silence both outspoken and potential critics in the most arbitrary fashion permitted by Chinese legislation - by denying them due judicial process.

III. NEW ARRESTS

1. Arrests of human rights activists and dissidents

A crackdown on prominent dissidents and human rights activists took place during the first half of 1994 in a number of cities, particularly Beijing and Shanghai. At least 19 of those arrested are known to be still

¹ See Amnesty International report, *Torture in China*, AI Index ASA 17/55/92, published in December 1992, pp. 10-14.

² For further information, see Amnesty International's report, *China - Punishment without crime: Administrative detention*, AI Index: ASA 17/27/91, published in September 1991.
AI Index: ASA 17/28/95 Amnesty International June 1995

Six years after Tiananmen; Human rights violations continue

detained³. Amnesty international considers that they are prisoners of conscience detained for the peaceful exercise of their right to freedom of expression or association. It is also concerned that many of them have been sentenced to terms of administrative detention without being charged or tried.

Human rights activists were detained in Shanghai during the first half of 1994. Most of them were members of the Shanghai-based Association for Human Rights, which was formed in 1993 but refused legal registration. At least six members of the association were detained between April and June 1994 and held without charge, including Li Guotao, the association's chairman, Yang Zhou, a founding member, and four other members, Yang Qingheng, Dai Xuezhong, Zhou Qibing and Zhu Fuming. Bao Ge, another dissident in Shanghai associated with the human rights group, was detained on 3 June 1994 after sending an open letter to the government asking for a national human rights organization to be set up. Bao Ge had also campaigned to seek reparations from Japan for war crimes committed in China. Bao Ge, Li Guotao, Yang Zhou, Yang Qingheng and Dai Xuezhong were later sentenced without charge or trial to terms of three years' "reeducation through labour" and sent to labour camps to carry out the sentences. Several of them are known to have unsuccessfully appealed to the courts against their sentence.

In Beijing, some of those arrested had attempted to form an independent labour rights group, the League for the Protection of the Rights of the Working People (LPRWP), which applied unsuccessfully for legal registration in March 1994.

Yuan Hongbing, a law professor at Beijing University, and Wang Jiaqi, a law graduate, were among the first to be secretly detained. They were arrested by plainclothes police officers in Beijing on 2 March 1994. Both had sponsored the LPRWP and had initiated a petition in January 1994, addressed to the National People's Congress, seeking justice in a case of police brutality. Wang Jiaqi later escaped and fled the country, while Yuan Hongbing has remained in detention. As of May 1995, he was reported to be held in Guizhou province and was not known to have been charged. According to unofficial sources, his wife has not seen him since his arrest over a year ago.

Zhou Guoqiang, a poet and lawyer in Beijing and a sponsor of the LPRWP, was taken into police custody on 3 March 1994, together with his wife Wang Hui who was released after a week. Zhou Guoqiang remained in detention and was sentenced without charge or trial in September 1994 to three years of "re-education through labour". His wife was again detained in April 1994 and held for three months without charge. She only learnt of her husband's sentence in December 1994, when he wrote to her from the labour camp where he had been sent to serve his sentence. The camp is located in Heilongjiang province, hundreds of miles from Beijing in the far north of China. Zhou Guoqiang has appealed twice against his detention and sentence. His first appeal was rejected in January 1995. As of May 1995, the result of the second appeal had not yet been announced.

Other people associated with the LPRWP were detained between April and June 1994, such as Xiao Biguang, a member of the Christian community in Beijing who was arrested on 12 April 1994. He was brought to a closed trial in April 1995 on a charge of "swindling" but no verdict was announced. Others were sentenced to terms of "reeducation through labour", including Zhang Lin, a graduate in nuclear

³ See Amnesty International's report, *China: Dissidents detained without charge or trial since 1994*, AI Index ASA 17/02/95, issued in February 1995.
Amnesty International June 1995AI Index: ASA 17/28/95

Six years after Tiananmen; Human rights violations continue

physics from Qinghua University in Beijing, who received a three years' term. Zhang Lin is now serving his sentence in his native province of Anhui and is reported to have been ill-treated in the labour camp where he is held.

Others arrested in Beijing in 1994 who remain in detention include Wei Jingsheng, a prominent dissident and former long-term prisoner of conscience, who was detained on 1 April 1994, apparently for his activities and outspoken comments about human rights issues. As of May 1995, he was still held at an undisclosed location outside Beijing, but the authorities had not made public any charges against him. His assistant, Tong Yi, a professor of Chinese literature, was detained on 4 April 1994. She was reportedly charged in August with a forgery offence, but this charge was apparently later dropped: she was sentenced in December 1994 to a term of two and a half years' "re-education through labour" without being charged or tried. She was transferred in January 1995 to a labour camp in Hubei province where she was reportedly ill-treated (see below, page 11).

2. Crackdown on religious groups

Members of religious groups who refuse to join the official churches or have not registered with the authorities continue to be harassed, fined or detained by police because of their peaceful religious activities. Many arrested in previous years remain imprisoned. For example, Zheng Yunsu, the leader of the Jesus Family, a Protestant community in Shandong province, who was arrested in 1992 and sentenced to 12 years' imprisonment on charges of "disrupting public order" and "swindling". Other members of the Jesus Family arrested at the same time are also serving terms of imprisonment or of "reeducation through labour"⁴.

Police raids on religious gatherings organised by independent groups have also continued and scores of Protestants and Catholics have been detained or placed under restriction as a result.

Among recent incidents⁵ were the arrests of some 30 to 40 Roman Catholics in Jiangxi province during and after the Easter celebrations in April 1995. The arrests were carried out on various dates between 13 and 26 April by police from various counties in Jiangxi. The arrests are believed to have been connected to the celebration of the Easter Sunday Mass on Yi Jia Shan mountain, located in Chongren county, which has long been used as a place of worship by Catholics from across Jiangxi province. Over half of those detained were released after short periods in detention. However, 17 people were reported to remain in detention as of mid-May 1995, including 10 lay women and one 23 year-old nun, Zeng Yinzai. Those still detained are reported to be held in several places, including detention centres in Chongren, Yihuang and Linchuan counties. Many were reportedly severely beaten by police at the time of arrest. Two women, Gao Shuyun, 45, held at the Chongren county detention centre, and Huang Guanghua, 43, held at the Linchuan county detention centre, are reported to have been beaten so severely that they could not feed themselves.

⁴ See *China: The imprisonment and harassment of Jesus Family members in Shandong province*, AI Index ASA 17/31/94, issued in November 1994.

⁵ See *China: Christians arrested during Easter and others serving sentences*, AI Index ASA 17/26/95, 12 May 1995.
AI Index: ASA 17/28/95 Amnesty International June 1995

Six years after Tiananmen; Human rights violations continue

Other recent arrests include that of a senior house-church leader detained on 1 April 1995 near Wenzhou, Zhejiang province, reportedly for "itinerant preaching", and of a Roman Catholic priest, Chi Huitian, who was detained on 17 April 1995 in Hebei province, reportedly as he was preparing to celebrate the Easter Mass before a large congregation in an open field near his house. In Shanxi province, six Protestant house-church leaders were arrested on 13 April 1995 at a house-church meeting in Changzhi city. According to reports, all those attending the meeting were detained by police, but most were released after short periods. However, six people were kept in police custody, including three well known house-church leaders who had come from other areas.

Human rights violations perpetrated against Catholics in the course of enforcement of the birth control policy were also reported. An appeal from Catholics from two mountain villages in northern China, which circulated outside China in March 1995, claimed that the villagers had been subjected to arbitrary detention, torture and heavy fines by local officials for breaches of the birth control policy. According to the appeal, many Catholics in the villages of Fengjiazhuang and Lontiangou, in Lingshou county, Hebei province, reject abortion and sterilization and had been fined in the past for having more children than permitted. However, a new birth control campaign was initiated by local family planning officials in spring 1994. In the course of the campaign, they sent teams from the nearby town to the villages, taking away targeted individuals to the county government offices, where they were detained and tortured, the appeal said. When those targeted could not be found, their relatives were detained instead as hostages and similarly tortured or ill-treated⁶. Various sources have confirmed the allegations made in the appeal. They indicate that these abuses were still being perpetrated in late 1994 despite the villagers' complaints to the provincial and local government and people's procurator. According to reports, family planning officials ignored the procurator's order to stop their actions.

3.Repression in Tibet

Repression of dissent increased in the Tibet Autonomous Region (TAR) during the past year as new forms of repression were introduced, targeted primarily against people actively promoting the independence of Tibet. By the end of 1994, at least 628 political detainees were held in Tibet. Most of them were Buddhist monks and nuns detained solely for their peaceful expression of support for independence. Some were held without charge or trial for long periods, while others were sentenced to lengthy terms in prison after unfair trials. Many were reported to have been tortured⁷.

New security measures were introduced to prevent nationalist demonstrations and limit the scope of religious activities. In May 1994, TAR Communist Party members were told to remove any signs of religion from their homes, such as altars, rosaries, shrines or pictures of the Tibetan spiritual leader, the Dalai Lama; Tibetan government officials and employees were told to recall any of their children who had been sent to India for education in schools set up by the Tibetan exile community; and photographs of the Dalai Lama were generally banned.

In September 1994, the TAR authorities published new regulations on security, clearly defining people

⁶ See Urgent Action UA 62/95, ASA 17/15/95, 14 March 1995.

⁷ For further information, see Amnesty International's report, *Persistent Human Rights Violations in Tibet*, AI Index ASA 17/18/95, published in May 1995.
Amnesty International June 1995 AI Index: ASA 17/28/95

Six years after Tiananmen; Human rights violations continue

engaging in "splittist" (nationalist) activities as the first target of surveillance and security measures. The regulations also described a new security "comprehensive management" body which would be empowered to oversee security in all institutions, enterprises, groups, and even temples and monasteries.

In the past few months, a large number of arrests appear to have been related to the enforcement of the new security measures and of the campaign to restrict religious activities. In December 1994, for instance, 14 monks from the Sang-Ngag Kha Monastery, 25 kilometres east of Lhasa, were reported to have been arrested during three protests against "political interference" in their monastery⁸. The protests were believed to have been held in reaction to announcements by local officials that the number of monks in the monastery would be strictly limited, and followed threats by an official that the monastery would be closed down if any of its members showed support for the Tibetan independence movement.

In January 1995, a peaceful pro-independence protest was reportedly staged by monks at the Yamure monastery, in Medro Gongkar county, in protest at the official ban on photographs of the Dalai Lama. Following the protest, the monastery was raided by over 100 troops and four people were arrested. On 29 March 1995, local officials accompanied by a military escort visited the monastery and announced that the abbot and one of the teachers had been expelled from the monastery for "political reasons" - the first such expulsion in recent years. Twenty-four unregistered novices were also expelled.

A series of similar protests involving monks and nuns were held in Penpo Lhundrup county in February 1995, leading to at least 60 arrests. In one incident at Nalanda monastery on 28 February 1995, violent confrontations occurred when an estimated 70 soldiers attempted to raid the monastery. Some monks reportedly threw stones at the soldiers, who responded by firing tear gas shells into the monastery. Police later reportedly beat up all the monks in the monastery.

Altogether, 123 people are reported to have been arrested in Tibet during the first quarter of 1995, in connection with peaceful pro-independence activities or police raids on monasteries and nunneries. Those arrested include 50 nuns and 68 monks. Most of them are believed to be held for the peaceful exercise of fundamental human rights.

IV. UNFAIR TRIALS

Trials continue to fall far short of international fair trial standards, with extreme limitations being placed on the right to defence, and verdicts in political cases being routinely decided by the authorities before trial.

In July 1994, five Tibetan monks were sentenced to terms of between 12 and 15 years' imprisonment for "counter-revolutionary sabotage". They had allegedly broken the name-plate on a government building and pasted up pro-independence slogans in eastern Tibet in March 1994. The sentences were announced by a court in Pakshoe county, Chamdo Prefecture, at a show trial attended by several thousand local inhabitants, and broadcast on Tibetan television.

⁸ See *Fourteen monks arrested in Tibet*, AI Index ASA 17/08/95, issued in February 1995.
AI Index: ASA 17/28/95 Amnesty International June 1995

Six years after Tiananmen; Human rights violations continue

On 16 December 1994, the trial of 15 prisoners of conscience detained since mid-1992 concluded in Beijing. Three of them received the heaviest prison terms to be passed against prisoners of conscience in China for several years. Their joint trial was also the first major political trial to be held in Beijing since 1991.

The 15 defendants were charged with "counter-revolutionary crimes" and accused of having been involved to varying degrees in three underground dissident groups, and of writing, printing and distributing political leaflets before 4 June 1992. Nine of the defendants were sentenced to terms of imprisonment ranging from 20 years to 3 years, one was sentenced to 2 years' "supervision", and the five others were convicted as charged but "exempted from criminal punishment" because their "crime" was considered "minor" or they were deemed to have shown "repentance" or atoned for their crime during the two years or more they had spent in detention before the verdict was announced.

A translation of the court verdict against the 15 defendants - a copy of which was obtained by Amnesty International - is attached in appendix. The verdict states that the main trial hearing of their case took place in July 1994, though the verdict was not announced until December. This followed a series of unfair judicial proceedings and delays which are believed to have been determined by political considerations⁹. None of the court hearings of these cases were publicly announced in advance and they are not known to have been open to the public. According to reports, some of the defendants' relatives were not informed in advance of the trial hearing itself and were unable to attend it. The trial was initially due to take place in September 1993 but was postponed - apparently because the court hearing the case found the prosecution's evidence against some of the defendants to be "insufficient". The court verdict shows that this procedure was again used after the July 1994 hearing. Instead of quashing the case, however, the court each time sent the case back to the procuracy for further investigation. This procedure, which contributes to the unfairness of trials in China, has been used in other political cases. The court verdict does not indicate that any debate of the defence arguments took place during the court hearing. Nor does it indicate that any defence witnesses were called in court. In political cases, this is routinely denied to defendants.

A similar procedure to delay final trial until the prosecution's evidence was deemed to be "sufficient" was used in the case of journalist Gao Yu. Arrested in Beijing on 2 October 1993, two days before she was due to travel to New York to take up a fellowship at Columbia University, Gao Yu was accused of disclosing "important state secrets" in articles she had written for a Hong Kong magazine. On 10 November 1994, she was brought to a secret trial at which she had no legal representation and sentenced to six years' imprisonment on the charge of disclosing "state secrets". Neither her husband nor her lawyers were notified in advance of the trial - her lawyers were later told by the court that it had been "unable to find them". Furthermore, prior to this final trial, the prosecution's case against her was examined in court on four occasions and found each time to be "inadequate" and "needing verification".

Amnesty International is also concerned about other cases in which people were convicted of "stealing" or "leaking state secrets" after unfair trials, such as that of Xi Yang, a reporter for the Hong Kong newspaper *Mingpao*, who was sentenced to 12 years' imprisonment after a secret trial in Beijing on 28

⁹ See *Dissidents Detained Since 1992: Political Trials and Administrative Sentences*, AI Index: ASA 17/05/94, issued in January 1994.
Amnesty International June 1995 AI Index: ASA 17/28/95

Six years after Tiananmen; Human rights violations continue
March 1994.

V. TORTURE AND ILL-TREATMENT

Torture and ill-treatment of detainees and prisoners held in police stations, detention centres, prisons or labour camps has continued to be reported. Many prisoners are also reported to suffer from serious illnesses as a result of harsh conditions of detention, including inadequate medical care and food, and punishments which threaten their physical and psychological well-being.

The cases of torture which have come to Amnesty International's attention during the past year include those of dissidents who claimed they had been ill-treated in the labour camps where they are serving sentences of "reeducation through labour". Some of them reported that ill-treatment of prisoners was a common practice in the labour camp where they were detained.

One such testimony concerned the Guangzhou No.1 Reeducation-Through-Labour Centre, a labour camp in Hua county, Guangdong province, where prisoners have reportedly been subjected to constant abuse and forced to work for as long as 14 hours a day. According to Chen Pokong, a pro-democracy activist held there, prisoners work in a stone quarry during the day, transporting and loading stones into boats, and at night make artificial flowers which are sold for export. "Inmates who labour slightly slower are brutally beaten and misused by supervisors and team leaders (themselves inmates). Inmates are often beaten until they are blood-stained all over, collapse or lose consciousness". In a letter of appeal smuggled out the labour camp last year, Chen Pokong further stated that he too had been beaten several times by a team leader and that injured and sick prisoners were forced to work despite their illnesses. He also described harsh living conditions, with prisoners being given insufficient food and medical treatment being practically non-existent¹⁰.

Many other sources have reported that ill-treatment by prison or camp "trustees" - usually common criminal prisoners who are entrusted by the prison or camp authorities with supervising other prisoners - was common in penal institutions across China. According to former prisoners, such ill-treatment practically always occurs either at the instigation of, or with the knowledge and connivance of prison officials; however, if an investigation takes place, the latter usually deny any responsibility by stating that they were not involved in the ill-treatment.

In one case in January 1995, Tong Yi, assistant to leading dissident Wei Jingsheng, described in a letter how she had been repeatedly beaten by two inmates who were camp trustees at the Hewan labour camp in Wuhan, Hubei province. The beating closely followed a complaint Tong Yi had made to the labour camp authorities about her long hours of work. According to her letter, following the beating, she complained to camp officials about her treatment, but they took no action to protect her or punish the perpetrators. Instead, the following day, Tong Yi underwent another round of beatings, this time by more than 10 women prisoners, as a result of which her face and body were covered with bruises. One week later, her parents were denied permission to see her when they came to the camp to visit her¹¹.

¹⁰ For further information on this case, see Amnesty International's Urgent Action, UA 435/94, ASA 17/38/94, issued on 7 December 1994.

¹¹ For further information, see Amnesty International Urgent Action, UA 21/95, ASA 17/04/95, issued on 26 January 1995.
Amnesty International June 1995AI Index: ASA 17/28/95

Six years after Tiananmen; Human rights violations continue

This is the second time since mid-1994 that specific allegations of ill-treatment have been made by prisoners held at the Hewan Labour camp. The camp, which is one of the largest "reeducation through labour" centres in Hubei province, holds both male and female detainees in separate sections. Qin Yongmin, another prisoner who is held in a section of the camp for male prisoners, was reported to have been severely beaten there by guards and inmates in June and July 1994. Family members who visited him at the camp in July and August 1994 reported that his body was swollen and covered with bruises, and that he was too weak to stand¹². In a letter of appeal sent out of the camp in February 1994, Qin Yongmin had also described the intimidation and abuses to which prisoners were subjected at the camp.

Many other instances of torture or ill-treatment of prisoners were reported during the past year. Police brutality at the time of arrest appears to have been particularly frequent during police raids on religious meetings and during the arrests of suspected pro-independence activists in Tibet. In January 1995, for instance, two young monks from the Jokhang temple in Lhasa who were held in police custody for three days were reportedly severely beaten before being released. One of them, Pasang, was reportedly beaten so severely that he could not stand up and had a severe back pain. Upon release, the two monks were apparently given no explanation as to why they had been detained, and were threatened by police with further punishment if they reported what had happened,

A young Tibetan nun imprisoned in Lhasa died in custody and another one died shortly after being released from prison on medical bail. Both had reportedly been ill-treated in detention.

One of them, Phuntsog Yangkyi, a 20 year-old Tibetan nun serving a five-year sentence in Drapchi prison in Lhasa, the Tibetan capital, died in a police hospital in Lhasa in June 1994. Imprisoned for taking part in a brief demonstration in 1992, she was reportedly beaten by prison guards in February 1994 when she and other jailed nuns started singing nationalist songs. She apparently lost consciousness after medical staff in the prison gave her medication because she was "speaking uncontrollably". On 4 June 1994, she was transferred to the police hospital in Lhasa where she died, a few days after being given a lumbar puncture. The Chinese authorities claimed later that she had been transferred to hospital after the prison administration discovered she had tuberculoma - an illness which would not normally cause death provided proper medical care was available. Furthermore, no inquiry is known to have taken place to establish the cause and circumstances of her death, despite provisions in Chinese law requiring such inquiries in cases of death in custody¹³.

VI. THE DEATH PENALTY

The death penalty is used extensively in China. Chinese legal experts have estimated that as many as 65 criminal offences are currently punishable by death.

In 1994, Amnesty International recorded 2496 death sentences and 1791 executions in China, but it believes that these figures - based mainly on monitoring of published reports - are far below the actual number of death sentences passed and executions carried out during the year. Though some death

¹² For further information, see Amnesty International Urgent Action, UA 317/94, ASA 17/29/94, issued on 30 August 1994.

¹³ See ASA 17/18/95, op. cit. (footnote 4)
AI Index: ASA 17/28/95 Amnesty International June 1995

Six years after Tiananmen; Human rights violations continue

sentences and executions are publicised, the Chinese authorities do not publish statistics about the death penalty - these are treated as a "state secret".

Amnesty International has long been concerned about various aspects of the use of the death penalty in China, including the large number of offences punishable by death, the high number of executions, the use of legislation introduced in 1983 which provides for summary trial procedures in some death penalty cases, the practice of shackling prisoners sentenced to death while they await execution, and other practices which amount to cruel, inhuman or degrading treatment.

Many of the offences currently punishable by death in China are non-violent ones, of a kind which in other countries lead only to imprisonment. In recent years, a growing number of death sentences have been passed for economic offences, theft and drug trafficking. Among cases of execution for theft reported last year were those of two peasants from Henan province convicted of stealing 36 cows and small items of agricultural machinery worth a total of US\$9,300, and 12 people executed for car theft in Shanghai in July 1994¹⁴.

Many people were also sentenced to death or executed for corruption, speculation, fraud and other economic offences. Among the cases reported by official Chinese sources was that of Yu Jianan, former vice-president of the Linxian County No.2 People's Hospital in Henan province. In October 1994, he was executed after being convicted of having taken bribes for issuing false sterilization certificates to women seeking to avoid sterilization. According to the accusations against him, between 1986 and 1991, he "colluded" with five other people at the hospital to issue 448 false sterilization certificates to women who were not sterilized, taking some 200,000 Yuan (about US\$23,000) in bribes in the process. More than half of this amount reportedly went to Yu Jianan alone. The five others were said to have been "punished according to law", but the official reports on the case did not specify what sentences they received.

Though the national figure for the number of people sentenced to death for drug trafficking is not available, Chinese official sources revealed in early 1995 that 466 people had been executed for drug trafficking in the southern province of Yunnan in 1994.

In many places, public sentencing rallies were held to announce death sentences. For example, in Jinjiang, Hainan province, 10,000 people attended a rally in September 1994 to hear the announcement of death sentences against seven prisoners convicted of robbery and other crimes. Five of them were executed immediately after the rally.

During such rallies, condemned prisoners are usually exposed to the public with their head bowed, hands tied behind their back and a placard announcing their name and crimes tied around their neck. Amnesty International considers this practice to amount to cruel and degrading treatment of prisoners. It is also concerned that prisoners sentenced to death are routinely shackled throughout the period between sentence and execution - a practice which also amounts to ill-treatment - and that the use of handcuffs and leg irons on prisoners awaiting execution is specifically permitted by Chinese regulations.

14 For information about cases of death sentences and executions recorded by Amnesty International in 1994, see *China :Death penalty figures recorded for 1994*, issued in March 1995, AI Index: ASA 17/17/95. Amnesty International June 1995AI Index: ASA 17/28/95

Six years after Tiananmen; Human rights violations continue

Amnesty International is also concerned about the use of organs from executed prisoners for transplantation, which is reportedly accounting for the vast majority of organs transplanted in the country¹⁵. While official regulations require the consent of the prisoner or the prisoner's family before removal of organs from the body, numerous sources indicate that consent is rarely, if ever, sought, and the degrading conditions in which condemned prisoners are held would preclude truly free and informed consent even if it were sought. Prisoners selected to serve as a source of organs after their execution are subjected to degrading treatment in the form of medical tests which are not for their benefit and which are performed without the purpose of these tests being revealed to them.

The system of organ procurement from executed prisoners occurs against the background of a judicial process which falls far below international standards, raising the concern that in some cases the imposition and timing of the death penalty will be influenced by the need for organs for transplantation. Even if the imposition and timing of executions was not influenced by transplantation needs, the existence of the organ trade is likely to act as an impediment to restriction of the scope and use of the death penalty in China.

Amnesty International opposes the death penalty unconditionally, on the grounds that it constitutes the ultimate form of cruel, inhuman and degrading punishment, and is a violation of the right to life as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments.

VII.RECOMMENDATIONS

In publishing this report, Amnesty International is calling on the Chinese Government to take the following steps to end human rights violations in China:

- ◆ to launch an impartial and public enquiry into the killings of unarmed civilians and protestors by the army in Beijing on and after 4 June 1989, and bring to justice those found responsible for human rights violations;
- ◆ to release all prisoners of conscience and review the cases of all other political prisoners and grant them a new trial, held in accordance with international standards for fair trial, or release them;
- ◆ to review legislation which allow for detention or imprisonment on political grounds, including the provisions on counter-revolutionary offences in the Criminal Law, with a view to repealing all provisions which allow for the imprisonment of prisoners of conscience;
- ◆ to review legislation providing for administrative detention, with a view to repealing all provisions which allow for arbitrary detention without charge or trial of political detainees, in accordance with international standards;

15 For further information on this issue, see Amnesty International's report, *China: the use of organs from executed prisoners*, AI Index ASA 17/01/95, issued in March 1995.
AI Index: ASA 17/28/95Amnesty International June 1995

Six years after Tiananmen; Human rights violations continue

- ◆ to introduce effective safeguards to prevent torture and ill-treatment, as well as procedures to ensure that all reports and complaints of torture and ill-treatment are impartially investigated and those found responsible punished;
- ◆ to stop all executions, commute all death sentences, and review legislation providing for the death penalty with a view to abolishing it, in line with the current international trend towards abolition of the death penalty.

Six years after Tiananmen; Human rights violations continue

APPENDIX

Translation of the Verdict passed in the case of Hu Shigen and 14 other defendants on 16 December 1994 in Beijing

(Note: the titles in square brackets which appear in this translation were not included in the original Chinese text; they have been added here to make reading easier.)

Beijing Municipal Intermediate People's Court

CRIMINAL COURT VERDICT (1994 Intermediate Criminal Verdict Primary No. 1583)

The public prosecuting authorities: The Sub-Procuratorate of the Beijing Municipal People's Procuratorate

[The defendants and their lawyers]

The accused: **Hu Shigen**, male, 39, Han nationality, born in Nanchang city, Jiangxi province, used to be a teacher at the Beijing Languages Institute and lived at Room 110 of the Institute No. 3 Student Dormitory Building. **Hu Shigen** was detained on 27 May 1992 and arrested on 27 September 1992. **Hu Shigen** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyer: Wu Ben, a lawyer from the China Consultancy International Lawyers' Office.

The accused: **Kang Yuchun**, male, 30, Han nationality, born in Beijing, used to be a doctor at the Anding Hospital in Beijing and lived at 82 Nanwu Village, Sijiqing Xiang, Haidian District in Beijing. **Kang Yuchun** was detained on 29 May 1992 and arrested on 27 September 1992. **Kang Yuchun** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyer: Zhao Zengxin, a lawyer from the Haidian Lawyers' Office, Beijing.

The accused **Liu Jingsheng**, male, 40, Han nationality, born in Li County, Hebei province, used to be a worker at the Yitong Chemical Reagent Plant in Tong County in Beijing and lived at Flat 201, Building 28, Zhongguancun, Haidian District in Beijing. In September 1979 **Liu Jingsheng** was charged with theft but was later released without any criminal penalty. **Liu Jingsheng** was detained on 28 May 1992 and arrested on 27 September 1992. **Liu Jingsheng** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyers: Chen Jianhua and Li Huigeng, lawyers from the Tongzheng Lawyers' Office, Beijing.

Six years after Tiananmen; Human rights violations continue

The accused **Wang Guoqi**, male, 32, Han nationality, born in Beijing, unemployed, lived at 34 Houbajia Village, Dongsheng Xiang, Haidian District in Beijing. In March 1990, **Wang Guoqi** was detained for violating martial law and the regulations on demonstrations in Beijing and was later released after he signed a written statement expressing repentance. In March 1992, **Wang Guoqi** was put under administrative detention for 10 days for picking a quarrel and trouble-making activities; **Wang Guoqi** was detained on 24 June 1992 and arrested on 27 September 1992. **Wang Guoqi** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyer: Ma Yuzhen, a lawyer from the Qingshan Lawyers' Office, Beijing.

The accused **Lu Zhigang**, male, 26, Han nationality, born in Shanghai, used to be a student in the Department of Law, Beijing University, and lived at Room 28, Building 37 in the university. **Lu Zhigang** was detained on 28 May 1992 and arrested on 27 September 1992. **Lu Zhigang** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyer: Liang Zhongxiang, a lawyer from the Chengxin Lawyers' Office, Beijing.

The accused **Wang Tiancheng**, male, 30, Han nationality, born in Shuangpai County, Hunan province, used to be a teacher in the Department of Law, Beijing University, and lived at Room 226, Building 40 in the university. **Wang Tiancheng** was detained on 30 October 1992 and arrested on 14 December 1992. **Wang Tiancheng** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyer: Hong Daode, a lawyer from No. 6 Lawyers' office, Beijing.

The accused **Chen Wei**, male, 25, Han nationality, born in Suining city, Sichuan province, unemployed, lived at Flat 3, 2nd floor, Unit 4, Building 10, 105 Yufengxiajie, Central District in Suining City, Sichuan province. In December 1990, **Chen Wei** was detained for conducting counter-revolutionary propaganda and incitement and was later released after he signed a written statement of repentance. **Chen Wei** was detained on 29 May 1992 and arrested on 27 September 1992. **Chen Wei** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyer: Ding Qin, a lawyer from the Haidian Lawyers' office, Beijing.

The accused **Zhang Chunzhu**, male, 42, Han nationality, born in Huashan County, Shandong province, unemployed, lived at Room 208, Building 915, Baofusi, Haidian District in Beijing. In June 1972, **Zhang Chunzhu** was sentenced to 5 years' imprisonment for theft. In April 1983, **Zhang Chunzhu** was put under shelter and investigation for a month for hooliganism and theft. **Zhang Chunzhu** was detained on 28 May 1992 and arrested on 27 September 1992. **Zhang Chunzhu** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyer: Wang Yueyuan, a lawyer from the Zhongbei Lawyers' office, Beijing.

The accused **Rui Chaohuai**, male, 24, Han nationality, born in Tianjin, used to be a worker at the Beijing Construction Machinery Manufacturing Factory and lived at Flat 22, Building 8, Nanshatan, Deshengmenwai, Chaoyang District in Beijing. **Rui Chaohuai** was detained on 26 October 1992 and

Six years after Tiananmen; Human rights violations continue

arrested on 30 November 1992. **Rui Chaohuai** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyer: Cui Zhiqi, a lawyer from the Hualian Lawyers' office Specialising in Economic Cases, Beijing.

The accused **Li Quanli**, male, 43, Han nationality, born in Beijing, used to be a worker at the Beijing Automobile Electric Distributor Factory and lived at Room 108, Building 9, Shanglong, Anwai, Dongcheng District in Beijing. **Li Quanli** now lives temporarily at Room 202, Building 4, Shaoyaoju, Chaoyang District in Beijing. On 24 November 1992, **Li Quanli** was released on bail, pending trial.

Defence Lawyer: Jiang Honglin, a lawyer from the Chengxin Lawyers' office, Beijing.

The accused **Chen Qinglin**, male, 26, Mongolian nationality, born in Chifeng city, Inner Mongolia, used to be a cadre at the meteorological station, Han'gu Saltworks, Changlu in Tianjin city, and lived at the station's dormitory building. **Chen Qinglin** was detained on 6 June 1992 and arrested on 27 September 1992. **Chen Qinglin** is now held in the Detention Centre of the Beijing Public Security Bureau.

The accused **Wang Peizhong**, male, 26, Han nationality, born in Yuanping County, Shanxi province, used to be a graduate student at the Oil Prospecting and Exploration Research Institute and lived at Room 324, the Graduates' Building, Research Studies Section at the Oil Prospecting and Exploration Research Institute located at 20 Xueyuanlu, Haidian District in Beijing. **Wang Peizhong** was detained 12 June 1992 and arrested on 27 September 1992. **Wang Peizhong** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyers: Liu Yanmin and Shi Xiaoguang, lawyers from the Lutong Lawyers' office.

The accused **Xing Hongwei**, male, 27, Han nationality, born in Weinan city, Shaanxi province, used to be a cadre at the Lide Grinding Factory of Jianjiang Coal Mine, Chengdu city, Sichuan province, and lived at the dormitory building of the coal mine. **Xing Hongwei** was detained on 28 May 1992 and arrested on 27 September 1992. **Xing Hongwei** is now held in the Detention Centre of the Beijing Public Security Bureau.

Defence Lawyer: Jin Xueqiang, a lawyer from the Haidian Lawyers' office, Beijing.

The accused **Xu Dongling**, male, 38, Han nationality, born in Suning County, Hebei province, used to be a worker at the Dongbeiwang Paper Mill, Haidian District in Beijing and lived at Flat 408, Unit 3, Building 915 in the living quarters of the Chinese Academy of Sciences in Zhongguancun, Haidian District in Beijing. **Xu Dongling** was detained on 28 May 1992 and arrested on 27 September 1992. **Xu Dongling** is now held in the Detention Centre of the Beijing Public Security Bureau.

The accused **Zhang Guojun**, male, 32, Han nationality, born in Shenyang, Liaoning province, used to be a private entrepreneur and lived at Flat 3, Unit 3, Building 1, Liuyingmen, Donggaodi, Fengtai District in Beijing. **Zhang Guojun** was detained on 28 May 1992 and arrested on 27 September 1992. **Zhang Guojun** is now held in the Detention Centre of the Beijing Public Security Bureau.

Six years after Tiananmen; Human rights violations continue

Defence Lawyers: Yuan Guili and Li Xianqin, lawyers from the Zhicheng Lawyers' office, Beijing.

[The Charges]

The Sub-Procuratorate of the Beijing Municipal People's Procuratorate has instituted proceedings with this court against the accused Hu Shigen, Kang Yuchun, Lu Zhigang and Liu Jingsheng who are charged with organising and leading a counter-revolutionary group and conducting counter-revolutionary propaganda and incitement; against the accused Wang Guoqi who is charged with organising and leading a counter-revolutionary group; against the accused Wang Tiancheng and Wang Peizhong who are charged with actively joining a counter-revolutionary group and conducting counter-revolutionary propaganda and incitement; against the accused Chen Qinglin and Li Quanli who are charged for actively joining a counter-revolutionary group; against the accused Chen Wei, Zhang Chunzhu, Rui Chaohuai, Xing Hongwei, Xu Dongling and Zhang Guojun who are charged with conducting counter-revolutionary propaganda and incitement.

[The Court Proceedings]

On receipt of the formal indictment from the Sub-Procuratorate of the Beijing Municipal People's Procuratorate on 4 July 1994, this court formed a collegiate bench and heard the case openly in accordance with the law. Wang Zhonghua and Wang Huajun, procurators from the Sub-Procuratorate of the Beijing Municipal People's Procuratorate were present at the court hearings in support of the prosecution; the accused Hu Shigen and his defence lawyer Wu Ben, the accused Kang Yuchun and his defence lawyer Zhao Zengxin, the accused Wang Guoqi and his defence lawyer Ma Yuzhen, the accused Lu Zhigang and his defence lawyer Liang Zhongxiang, the accused Liu Jingsheng and his defence lawyer Chen Jianhua, the accused Wang Tiancheng and his defence lawyer Hong Daode, the accused Wang Peizhong and his defence lawyer Liu Yanmin, the accused Chen Qinglin and Chen Wei and their defence lawyer Ding Qin, the accused Zhang Chunzhu and his defence lawyer Wang Yueyuan, the accused Rui Chaohuai and his defence lawyer Cui Zhiqi, the accused Xing Hongwei and his defence lawyer Jin Xueqiang, the accused Li Quanli and his defence lawyer Jiang Honglin, the accused Xu Dongling, and the accused Zhang Guojun and his defence lawyer Li Xianqin, were all present at the court hearings.

During the court hearings, this court decided at one stage to return the case to the Sub-Procuratorate of the Beijing Municipal People's Procuratorate for further investigation because the court found that part of the evidence of this case needed to be further verified. The case has gone through deliberation by the collegiate bench and the trial has now come to a conclusion.

The accusations made in the formal indictment by the Sub-Procuratorate of the Beijing Municipal People's Procuratorate are as follows:

[The Accusations]

1. The accused Hu Shigen and Wang Guoqi, after secret plotting, formed in January 1991 the so-called "Liberal Democratic Party of China," a counter-revolutionary group, and then separately recruited the

Amnesty International June 1995AI Index: ASA 17/28/95

Six years after Tiananmen; Human rights violations continue

accused Liu Jingsheng, Chen Qinglin, Wang Tiancheng and others as its members.

From June to October 1991, Hu Shigen held two secret meetings which were attended separately by Liu Jingsheng, Li Quanli, Chen Qinglin and others, and decided on the division of labour within the organisation. Thereafter, Chen Qinglin, incited by Hu Shigen, went to Shihezi and other locations in Xinjiang in an attempt to recruit more people as members in order to develop the organisation.

On 20 December 1991, Hu Shigen, Liu Jingsheng, Wang Guoqi and Wang Tiancheng convened a "meeting of the core members of the Liberal Democratic Party of China", adopted the "Political Principles of the Liberal Democratic Party of China" and the "Regulations on the Organisation of the Liberal Democratic Party of China", both of which were drafted by Hu Shigen, and decided on the code names for the core members and the secret methods of liaising between them.

In December 1991, Hu Shigen, Liu Jingsheng, Li Quanli and others again plotted together and formed the so-called "Preparatory Committee for the for Free Labour Unions of China" and Hu Shigen drafted the documents such as the "Regulations on the Preparatory Committee for Free Labour Unions of China (Draft)" and the "Action Policy and Work Methods for the Near Future," thus drawing up concrete plans in order to conduct counter-revolutionary organisational activities.

The accused Kang Yuchun and Lu Zhigang, in league with An Ning, Wang Jianping and Lu Mingxia, after secret plotting, formed the counter-revolutionary group -- the "China Progressive Alliance" on 27 June 1991, then decided on the division of labour within the organisation and recruited the accused Wang Peizhong into it. Kang Yuchun, Lu Zhigang and An Ning then held a consultation session and decided that An Ning and Kang Yuchun should draft respectively the "Outline of the Principles of the China Progressive Alliance (Draft)" and other documents. In January 1992, Kang Yuchun, Lu Zhigang and others went to Zhengzhou, Henan province, where they contacted An Ning and others, and enquired about the development of the "Henan Work Committee of the China Progressive Alliance". They decided with An Ning and others on the methods of liaising with each other.

In addition, the accused Hu Shigen and Liu Jingsheng recruited Kang Yuchun and An Ning as members of the "Liberal Democratic Party of China" at Kang Yuchun's place in October 1991 so as to strengthen their liaison with Kang Yuchun and the "China Progressive Alliance"; at the same time, Kang Yuchun and others recruited Hu Shigen and Liu Jingsheng as members of the "China Progressive Alliance."

2. In November 1991, the accused Hu Shigen drafted the counter-revolutionary leaflet, entitled the "Statement on the Issue of Human Rights in China". After An Ning and others printed out the leaflet, the accused Liu Jingsheng and Zhang Chunzhu mailed and distributed the leaflet separately in Beijing and Baoding city, Hebei province.

In December 1991, the accused Hu Shigen drafted the counter-revolutionary leaflet, entitled the "Proposal of the Preparatory Committee for the Free Labour Unions of China" . The leaflet was revised by the accused Wang Tiancheng, printed by the accused Lu Zhigang and Liu Jingsheng, and mailed and displayed by Liu Jingsheng, Zhang Chunzhu and others in the districts of Haidian, Xicheng and Chaoyang in Beijing.

Six years after Tiananmen; Human rights violations continue

In January 1992, the accused Hu Shigen and Liu Jingsheng separately drafted the counter-revolutionary leaflets, entitled "On Free Trade Unions" and "Propaganda Materials of the Preparatory Committee for Free Labour Unions of China", which were then respectively typed, printed, packaged and mailed by the accused Lu Zhigang, Liu Jingsheng and Zhang Chunzhu.

In April 1992, the accused Kang Yuchun, Lu Zhigang, Wang Peizhong and others commissioned people to write articles and initiated the journal of the so-called "China Progressive Alliance" -- the "Freedom Forum". The accused Wang Peizhong mailed Issue No. 3 of the "Freedom Forum" in Beijing.

In April and May 1992, the accused Hu Shigen, Liu Jingsheng and others secretly plotted to distribute and mail counter-revolutionary leaflets in Beijing, Shanghai, Wuhan, Chengdu and Shenyang around 4 June 1992 so as to conduct counter-revolutionary propaganda and incitement. For this purpose, Lu Zhigang went to Shenzhen city, where he secretly contacted people from outside of China and received from them financial support and a model helicopter to distribute counter-revolutionary leaflets.

Liu Jingsheng drafted the counter-revolutionary leaflet "Heroic Souls of 4 June Will Live Forever" and Chen Wei drafted the counter-revolutionary leaflet "Letter to the Whole Citizenry from the Chinese United Democratic League." Wang Peizhong typed the leaflets and Liu Jingsheng printed more than 6000 copies of them at Zhang Guojun's place; Xu Dongling, Zhang Guojun and others addressed the envelopes for distribution. Later on Liu Jingsheng, Xu Dongling and others transferred more than 6,000 envelopes with their enclosure of the counter-revolutionary leaflets. Incited by Chen Wei, the accused Rui Chaohuai and others later hid all the leaflets in a secret place. On the afternoon of May 28, 1992, the accused Xing Hongwei followed Chen Wei's instructions, contacted Rui Chaohuai and took from him more than 700 copies of the counter-revolutionary leaflets with a view to mail and distribute them in Chengdu, Sichuan province, when he was caught.

[The Defence Arguments]

The accused Hu Shigen argued during the court hearings that forming of the "Liberal Democratic Party of China", the "China Progressive Alliance" and the "Preparatory Committee for the Free Labour Unions of China" is all legitimate; that drafting the organisational documents and conducting organisational work are not in violation of any law; that [such activities] did not have the purpose of overthrowing the political power, and therefore do not constitute a counter-revolutionary crime; and that the leaflets mailed and distributed are not counter-revolutionary leaflets, instead, they are legal leaflets.

Wu Ben, the defence lawyer for the accused Hu Shigen, expressed the view that China's current law has no provision on procedures to establish political parties, that the 5 documents drafted by Hu Shigen listed in the formal indictment did not mention anywhere the purpose of overthrowing the political power of the dictatorship of the proletariat and the socialist system; and that all the accused involved in the case maintained in their defence that they did not oppose the leadership of the Chinese Communist Party.

The accused Kang Yuchun argued during the court hearings that Wang Peizhong did not join the "China Progressive Alliance" and did not take part in the discussion of the "Outline of the Principles of the China Progressive Alliance (Draft)"; that the "Freedom Forum" was not the journal of the "China Progressive

Six years after Tiananmen; Human rights violations continue

Alliance"; that the attempt to use a model helicopter to distribute leaflets was given up at the early stage of its preparation; and that the "China Progressive Alliance" was not a counter-revolutionary group and its actions did not have a counter-revolutionary purpose, and therefore did not constitute the crime of counter-revolutionary propaganda and incitement.

Zhao Zengxin, the defence lawyer for the accused Kang Yuchun, expressed the view that the "Outline of the Principles of the China Progressive Alliance (Draft)" was drafted by An Ning, and Kang Yuchun had no knowledge of how it was input into a computer and stored in a floppy disk; that Kang Yuchun only provided articles for the "Freedom Forum"; that he played a role in stopping the use of the model helicopter to distribute leaflets, and therefore his involvement in the crime of counter-revolutionary propaganda and incitement was very light; and that furthermore, Kang Yuchun's attitude to the admission of his crime was correct. The defence lawyer, therefore recommended that the court should consider a lenient punishment to Kang Yuchun.

The accused Wang Guoqi argued during the court hearings that the accusations against him listed in the formal indictment were not supported by the facts and that he did not subjectively cherish any intention of overthrowing the political power of the dictatorship of the proletariat and the socialist system.

Ma Yuzhen, the defence lawyer for the accused Wang Guoqi, expressed the view that the accusation in the formal indictment that Wang Guoqi played the role of an organiser and leader in forming the counter-revolutionary group was not adequately proved.

The accused Lu Zhigang argued during the court hearings that he was not a founding member of the "China Progressive Alliance", nor was he involved in discussing or finalising the "Outline of the Principles of the China Progressive Alliance (Draft)"; and that his role in printing and distributing the leaflets was only secondary, and therefore the accusation made in the formal indictment that he has committed the crime of organising and leading a counter-revolutionary group is not supported by the facts.

Liang Zhongxiang, the defence lawyer for the accused Lu Zhigang, expressed the view that Lu Zhigang's conduct did not constitute the crime of organising and leading a counter-revolutionary group, and that Lu Zhigang had confessed his crimes according to the facts. Therefore the defence lawyer recommended that the court should consider a lenient punishment for Lu Zhigang.

The accused Liu Jingsheng argued during the court hearings that he admits all the facts in the accusation listed in the formal indictment against him, but he does not think they constitute any counter-revolutionary crime.

Chen Jianhua, the defence lawyer for the accused Liu Jingsheng, expressed the view that the accusation in the formal indictment that Liu Jingsheng has committed the crime of organising and leading a counter-revolutionary group is not adequately proved and that the facts are not clearly verified. The defence lawyer therefore recommended that the court should make its judgement in accordance with the law.

The accused Wang Tiancheng argued during the court hearings that the accusation in the formal indictment that he took part in a counter-revolutionary group is not adequately proved and he doubted

Six years after Tiananmen; Human rights violations continue

that his conduct had constituted the crime of counter-revolutionary propaganda and incitement.

Hong Daode, the defence lawyer for the accused Wang Tiancheng, expressed the view that Wang Tiancheng's participation in the "Liberal Democratic Party of China" was passive and inactive and therefore the accusation that Wang Tiancheng actively joined a counter-revolutionary group is not adequately proved. The defence lawyer challenged the accusation in the formal indictment that Wang Tiancheng had taken part in the drafting of the "Letter to the Whole Citizenry from the Chinese United Democratic League". The defence lawyer pointed out that Wang Tiancheng only made some language corrections when he revised the "Proposal of the Preparatory Committee for the Free Labour Unions of China". The defence lawyer therefore hoped that the court would give consideration to whether Wang Tiancheng's conduct constituted the crime of counter-revolutionary propaganda and incitement.

The accused Wang Peizhong argued during the court hearings that he did not cherish the purpose of overthrowing the political power of the dictatorship of the proletariat and the socialist system, nor did he join the "China Progressive Alliance", and that his role in helping other people to type and print materials objectively violated the law and he hoped that the court would be lenient to him in meting out punishment.

Liu Yanmin, the defence lawyer for the accused Wang Peizhong, expressed the view that the accusation listed in the formal indictment that Wang Peizhong had joined the "China Progressive Alliance" is not adequately proved; the accusation that Wang Peizhong had input the "Outline of the Principles of the China Progressive Alliance (Draft)" into the computer and stored it in a floppy disk is not supported by evidence; and that Wang Peizhong's role in the counter-revolutionary propaganda and incitement activities is one of an accomplice and the degree of his subjective criminal intention is not serious. The defence lawyer therefore recommended that the court should be lenient to Wang Peizhong or give him a light punishment.

The accused Chen Qinglin argued during the court hearings that he did not cherish the purpose of overthrowing the dictatorship of the proletariat and the socialist system and therefore his conduct did not constitute a counter-revolutionary crime; He further argued that he had not gone to Xinjiang to develop the organisation, but went there as a tourist and to visit friends.

The accused Chen Wei, during the proceeding of cross-examination, violated the court order in circumstances which were serious. Furthermore, Chen Wei ignored the warning given to him, and therefore he was ordered to leave the court room in accordance with Article 119 of the Criminal Procedure Law of the People's Republic of China.

Ding Qin, the defence lawyer for the accused Chen Wei, expressed the view that Chen Wei's conduct belonged to the category of preparing for a crime, and as an offender of preparing for a crime, Chen Wei should be treated differently from offenders who have carried out a crime and accordingly been given a lenient treatment, a light punishment, or be exempted from any punishment. Therefore the defence lawyer recommended that the court should consider all the circumstances when passing judgement.

The accused Zhang Chunzhu argued during the court hearings that he had no knowledge of the contents of the leaflets, nor did he cherish any counter-revolutionary purpose.

Amnesty International June 1995AI Index: ASA 17/28/95

Six years after Tiananmen; Human rights violations continue

Wang Yueyuan, the defence lawyer for the accused Zhang Chunzhu, expressed the view that Zhang Chunzhu had no knowledge of the contents of the leaflets and played the role of an accomplice in the crime. Therefore the defence lawyer recommended that the court should consider a light punishment for Zhang Chunzhu.

The accused Rui Chaohuai argued during the court hearings that distribution of leaflets belonged to the category of free expression, that he did not cherish any purpose of overthrowing the dictatorship of the proletariat and the socialist system, and therefore he is innocent.

Cui Zhiqi, the defence lawyer for the accused Rui Chaohuai, expressed the view that Rui Chaohuai's conduct belonged to the category of preparing for a crime, and taking into account the fact that Rui Chaohuai was only an accomplice in the crime and it was his first offence, the defence lawyer recommended that the court should exempt Rui Chaohuai from any punishment.

The accused Xing Hongwei argued during the court hearings that he did not subjectively cherish any intention of committing a counter-revolutionary action. Jin Xueqiang, the defence lawyer for the accused Xing Hongwei, expressed the view that the accusation in the formal indictment that Xing Hongwei had committed the crime of counter-revolutionary propaganda and incitement was not adequately proved, and that if the court confirms Xing Hongwei's crime, it should take into account the fact that Xing Hongwei only played a minor role. The defence lawyer therefore recommended that the court should exempt Xing Hongwei from any punishment.

The accused Li Quanli argued during the court hearings that he did not subjectively cherish any intention of committing a counter-revolutionary crime and therefore he should not be convicted of the crime of actively joining a counter-revolutionary group.

Jiang Honglin, the defence lawyer for the accused Li Quanli, expressed the view that the accusation in the formal indictment that Li Quanli had committed the crime of actively joining the counter-revolutionary group is not adequately proved and that if the court confirms Li Quanli's crime it should take into account the fact that Li Quanli has already shown repentance to a certain degree. Therefore the defence lawyer recommended that the court should exempt Li Quanli from any punishment.

The accused Xu Dongling argued during the court hearings that he did not subjectively cherish any counter-revolutionary intention and the accusation against him is not supported by the facts.

The accused Zhang Guojun did not, during the court hearings, raise any objection to the accusation against him in the formal indictment.

Li Xianqin, the defence lawyer for the accused Zhang Guojun, expressed the view that Zhang Guojun's subjective criminal intention was not serious and did not result in any consequences and thus belonged to the category 'of preparing for a crime'. The defence lawyer concluded that Zhang Guojun's attitude toward the admission of his crime was good and his role in the crime was that of an accomplice. Therefore the defence lawyer recommended that the court should take a lenient attitude and consider a light punishment to Zhang Guojun.

Six years after Tiananmen; Human rights violations continue

[The Court's Findings]

The court hearings of the case have revealed that:

1. Organising and Leading a Counter-Revolutionary Group, and actively taking part in a Counter-Revolutionary Group

1.1 The accused Hu Shigen and Wang Guoqi, after secretly plotting together, formed in January 1991 the "Liberal Democratic Party of China". They recruited the accused Liu Jingsheng, Chen Qinglin, Li Quanli, Wang Tiancheng and others as its members in accordance with the pledge and rituals for new members designed by Hu Shigen and Wang Guoqi.

In June 1991 the accused Hu Shigen gathered together Liu Jingsheng, Li Quanli, Chen Qinglin and others, held a meeting at Hu Shigen's place in Haidian District in Beijing, decided to set up the Beijing Branch, discussed and decided on the division of labour within the organisation. After the meeting, Chen Qinglin, incited by Hu Shigen, went to Shihezi and other places in Xinjiang, in an attempt to further develop their organisation, but their attempt ended without any accomplishment. In October 1991 Hu Shigen again gathered together Liu Jingsheng, Li Quanli and others and held a meeting at Hu Shigen's place and once again discussed and confirmed the division of labour within the organisation.

On 20 December 1991 Hu Shigen, Liu Jingsheng, Wang Guoqi and Wang Tiancheng convened a "meeting of the core members of the Liberal Democratic Party of China" at Liu Jingsheng's place in Xicheng District in Beijing, discussed and adopted the "Political Principles of the Liberal Democratic Party of China" and the "Regulations on the Organisation of the Liberal Democratic Party of China", both drafted by Hu Shigen, and they also decided on the code names for the core members and the secret methods of liaising with each other.

The "Political Principles of the Liberal Democratic Party of China" made wanton and slanderous allegations that the Chinese Communist Party is "Chinese feudal despotism", "Stalin's terrorism" and "Hitler's national socialism". It clamoured to "overthrow the Communist Party" and "when the conditions are ripe for the armed struggle, members of the Liberal Democratic Party of China will not hesitate for a moment to organise the people in an uprising and they will be well prepared for both the peaceful transformation and armed struggle."

Entrusted by Kang Yuchun, Chen Qinglin took the "Political Principles" to the meteorological station at the Tanggu Saltworks in Tianjin and input the document into a computer, printed it out and stored it on a floppy disk in collaboration with others. Later, the task of storing the document in a new floppy disk was entrusted to Wang Peizhong.

From October to December 1991, Liu Jingsheng proposed to set up "free trade unions" and Hu Shigen later gathered together Liu Jingsheng and Li Quanli and held repeated secret meetings. After some plotting, they set up the so-called "Preparatory Committee for Free Labour Unions of China" and confirmed the division of labour among them. In May 1992, the accused Hu Shigen, Liu Jingsheng, Wang Guoqi, Wang Tiancheng and others discussed the documents such as the "Regulations on the Preparatory

Six years after Tiananmen; Human rights violations continue

Committee for Free Labour Unions of China (Draft)" and the "Action Policy and Work Methods for the Near Future", both of which were drafted by Hu Shigen.

1.2 The accused Kang Yuchun and An Ning, Wang Jianping and Lu Mingxia (to be dealt with in a separate case), in league with the accused Lu Zhigang and others, after some plotting at the two preparatory meetings in June 1991, set up the "China Progressive Alliance" on 27 June 1991, discussed and confirmed the division of labour within the organisation. Kang Yuchun then recruited the accused Wang Peizhong as a member and Wang Peizhong later quitted the organisation.

In October 1991 Kang Yuchun, together with An Ning and Lu Mingxia, held a consultation session and decided that An Ning and Lu Mingxia should draft the political principles of the "China Progressive Alliance" and they did draft the document -- the "Outline of the Principles of the CPA (Draft)". The "principles" made slanderous allegations that the socialist system prevailing in our country is "a one-party dictatorship centralist system" and further clamoured to "end the centralist system and oligarchy of the Chinese Communist Party one-party dictatorship". After Kang Yuchun, Lu Zhigang and others read the "principles", Lu Zhigang input it into a computer and stored it on a floppy disk, and a hard copy was made from the floppy disk later which was then handed over by An Ning to a magazine outside of China for publication.

Kang Yuchun and Lu Zhigang together wrote the "Provisional Regulations on Managing the Funds of the China Progressive Alliance." An Ning also drafted the organisational documents such as "Provisional Regulations on Recruiting Members of the CPA" and the "Temporary Work System". On many occasions Wang Peizhong typed and printed out the Summary of Internal Meetings of the organisation.

From January to April in 1992, Kang Yuchun and Lu Zhigang, together with An Ning and others, contacted each other on many occasions in Zhengzhou, Henan province, and in Beijing, passed on their organisational documents, and studied matters concerning setting up the "Henan Work Committee of the China Progressive Alliance" and confirmed the methods of liaising between the two groups.

In addition, Hu Shigen and Liu Jingsheng, in order to further their liaison with Kang Yuchun and the "China Progressive Alliance", recruited Kang Yuchun and An Ning as members of the "Liberal Democratic Party of China" at Kang Yuchun's place. At the same time Kang Yuchun and others also recruited Hu Shigen and Liu Jingsheng as members of the "China Progressive Alliance"

2. Counter-Revolutionary Propaganda and Incitement

2.1 The accused Hu Shigen drafted the "Statement on the Issue of Human Rights in China" of the "Liberal Democratic Party of China" in November 1991. The statement made slanderous allegations that the Chinese Communist Party "has practised a bureaucratic monopoly of power and instituted a military and police rule" that it has "practised a comprehensive dictatorship over the Chinese people" and so on. An Ning and others printed 100 copies of the statement; The accused Liu Jingsheng, Zhang Chunzhu and others separately mailed them to places all over the country from Baoding city in Hebei province and from Beijing; they also distributed and displayed the statement in Beijing.

2.2 The accused Hu Shigen drafted the "Proposal of the Preparatory Committee for Free Labour
AI Index: ASA 17/28/95Amnesty International June 1995

Six years after Tiananmen; Human rights violations continue

Unions of China" in December 1991. The proposal made the slanderous allegation that the Chinese Communist Party "has implemented the one-party dictatorship and practised a one-man autocracy", and so on and so forth. After Wang Tiancheng revised the proposal, Lu Zhigang and Liu Jingsheng printed more than 200 copies of it; then Liu Jingsheng, Zhang Chunzhu and others mailed and displayed them in the districts of Haidian, Xicheng and Chaoyang in Beijing.

2.3 The accused Hu Shigen and Liu Jingsheng drafted "On Free Trade Unions" and the "Propaganda Materials of the Preparatory Committee for the Free Labour Unions of China" separately in January 1992. "On Free Trade Unions" made slanderous allegations that the Chinese Communist Party "has stripped workers of their right to organise free trade unions during its rule of more than 40 years"; the "Propaganda Materials of the Preparatory Committee for the Free Labour Unions of China" made the slanderous allegation that the Chinese Communist Party "has practised the rule of a dictator," and so on and so forth. Lu Zhigang, Liu Jingsheng and Zhang Chunzhu separately typed, printed, packaged more than 2000 copies of the two leaflets and mailed them respectively to factories, mines and enterprises in Beijing.

2.4 In April 1992, incited by Kang Yuchun, Lu Zhigang, Wang Peizhong and others printed 70 copies of Issue No. 3 of the illegal journal -- "Freedom Forum" and Wang Peizhong mailed more than 50 copies in Beijing. Wang Peizhong wrote the article "To Our Readers" for the journal. In Issue No. 3 of the "Freedom Forum", (they) slandered the Chinese Communist Party and the socialist system.

2.5 The accused Kang Yuchun, Liu Jingsheng, Hu Shigen, Lu Zhigang and others, secretly plotted a new scheme from March to May 1992 and decided to distribute and mail counter-revolutionary leaflets in Beijing, Shanghai, Wuhan, Chengdu and Shenyang in June 1992. For this purpose, Lu Zhigang scurried to Shenzhen city, secretly contacted people from outside of China and received financial support and a model helicopter from a certain organisation outside of China, the model helicopter being intended to facilitate the distribution of leaflets over Tiananmen Square; Lu Zhigang then took the money and the model helicopter to Beijing.

Liu Jingsheng drafted the leaflet "Heroic Souls of 4 June Will Live Forever" which slandered the political power of the dictatorship of the proletariat. Chen Wei drafted the leaflet "Letter to the Whole Citizenry from the Chinese United Democratic League" which slandered the socialist system and the Chinese Communist Party. Wang Peizhong typed the two leaflets and then Liu Jingsheng printed more than 6000 copies of them at the Pot-stewed Duck Restaurant owned by Zhang Guojun at 51 Weigezhuang Village, Wangzuo Xiang, Fengtai District in Beijing. Xu Dongling and Zhang Guojun helped Liu Jingsheng address the envelopes for the distribution of these leaflets. Thereafter, Liu Jingsheng, Xu Dongling and others separately transferred the printing facilities and materials and the leaflets from the restaurant. Later, incited by Chen Wei, Rui Chaohuai and others again transferred the above-mentioned leaflets to a new place for hiding. On the afternoon of 28 May, 1992, Xing Hongwei followed Chen Wei's instructions, contacted Rui Chaohuai in order to take more than 700 copies of the leaflets which he intended to take to Chengdu for mailing. Xing Hongwei was caught when he was leaving the place where all the leaflets were hidden. The rest of the accused mentioned above were also respectively caught and brought to justice.

The facts mentioned above are confirmed and proved by the written statements, material evidence, and
Amnesty International June 1995AI Index: ASA 17/28/95

Six years after Tiananmen; Human rights violations continue

the results of the forensic examinations that are on record in the files of the case; They are also supported and proved by the statements, oral testimonies given by the witnesses such as Liang Jinglu, Tao Shiguang, Wang Dongping, Liu Guokang, Wang Jianping and Chen Yuan, as well as by the confessions made by Meng Zhongwei and An Ning that are on record in the files of case; all the above evidence has confirmed the time, places and the circumstances of the crimes committed by the accused mentioned above, which are on the whole in agreement with the confessions made by the accused themselves.

[The Court's Summary of Each Case]

This court believes that the accused Hu Shigen, Kang Yuchun, Liu Jingsheng, Wang Guoqi, Lu Zhigang, Wang Tiancheng, Chen Wei, Zhang Chunzhu, Rui Chaohuai, Wang Peizhong, Chen Qinglin, Xing Hongwei, Li Quanli, Xu Dongling and Zhang Guojun have cherished the purpose of overthrowing the political power of the dictatorship of the proletariat and the socialist system, and wantonly engaged in activities detrimental to the People's Republic of China.

The accused Hu Shigen drew up principles, recruited members, held meetings and drafted leaflets, and his conduct constituted the crime of organising and leading a counter-revolutionary group and the crime of counter-revolutionary propaganda and incitement. The circumstances of his crime of organising and leading the counter-revolutionary group are serious and he played the role of a principal culprit in the crime of counter-revolutionary propaganda and incitement, and therefore should be severely punished in accordance with the law.

The accused Kang Yuchun convened meetings to draw up action plans and incited other people to print counter-revolutionary leaflets. His conduct constitutes the crime of organising and leading a counter-revolutionary group and the crime of counter-revolutionary propaganda and incitement. The circumstances of his crime of organising and leading the counter-revolutionary group are serious and he played the role of a principal culprit in the crime of counter-revolutionary propaganda and incitement. Therefore he should be severely punished in accordance with the law.

The accused Liu Jingsheng had been charged for criminal activities before, though he was exempted from any criminal penalty, but he never showed any sign of repentance. This time Liu Jingsheng once again schemed together with Hu Shigen, Wang Guoqi and others, organised and led a counter-revolutionary group and became a core member; in addition, he drafted, printed and mailed a large number of counter-revolutionary leaflets. His conduct constitutes the crime of organising and leading a counter-revolutionary group and the crime of counter-revolutionary propaganda and incitement. The circumstances of his crime of organising and leading the counter-revolutionary group are serious and he played the role of a principal culprit in the crime of counter-revolutionary propaganda and incitement. Therefore he should be severely punished in accordance with the law.

The accused Wang Guoqi had been detained [previously] for violating martial law and the regulations on demonstrations in Beijing and was later released after he signed a statement of repentance. Wang was again placed under administrative detention for 10 days for picking a quarrel and trouble-making activities, but he did not show any sign of repentance. Instead, he once again schemed together with Hu Shigen and others, organised and led a counter-revolutionary group and became its core member; his conduct constituted the crime of organising and leading a counter-revolutionary group. The circumstances

Six years after Tiananmen; Human rights violations continue

of his crime are serious and he should be severely punished in accordance with the law.

The accused Lu Zhigang actively joined a counter-revolutionary group and actively took part in its activities, printed and mailed counter-revolutionary leaflets and received financial support from outside of China; his conduct constitutes the crime of actively joining the counter-revolutionary group and the crime of counter-revolutionary propaganda and incitement. Taking into account the fact that he is a young student, and in the spirit of educating and saving him, this court shall consider a lesser punishment for him.

The accused Wang Tiancheng actively joined a counter-revolutionary group and revised the counter-revolutionary leaflets; his conduct constitutes the crime of actively joining a counter-revolutionary group and the crime of counter-revolutionary propaganda and incitement. He should be punished in accordance with the law.

The accused Chen Wei had been charged [previously] with conducting counter-revolutionary propaganda and incitement and later released after he signed a statement of repentance, but he did not show any sign of repentance. Instead, he drafted counter-revolutionary leaflets and incited other people to transfer and mail the leaflets. His conduct constitutes the crime of counter-revolutionary propaganda and incitement. The circumstances of his crime were vile and he should be severely punished in accordance with the law.

The accused Zhang Chunzhu had been imprisoned for theft before. When he was released after the completion of his sentence, he did not abide by the law. Instead, he mailed and displayed counter-revolutionary leaflets. His conduct has constituted the crime of counter-revolutionary propaganda and incitement. He should be given a harsh punishment in accordance with the law.

The accused Rui Chaohuai transferred a large number of counter-revolutionary leaflets and again transferred and hid counter-revolutionary leaflets posted by other people. His conduct constitutes the crime of counter-revolutionary propaganda and incitement. He should be punished in accordance with the law.

The accused Wang Peizhong repeatedly typed and printed counter-revolutionary leaflets and documents issued by the counter-revolutionary groups; in addition, he drafted counter-revolutionary articles. His conduct constitutes the crime of counter-revolutionary propaganda and incitement. Taking into account the fact that he can admit his guilt and show repentance, he can therefore be exempted from punishment.

The accused Chen Qinglin actively joined a counter-revolutionary group and took part in its activities. His conduct has constituted the crime of actively joining a counter-revolutionary group. Taking into account the fact that he can admit his guilt and show repentance, he can therefore be exempted from punishment.

The accused Li Quanli had been charged [previously] with violation of the law and was released after signing a statement of repentance. But he did not show any sign of repentance. Instead, he actively joined a counter-revolutionary group. His conduct constitutes the crime of actively joining the counter-revolutionary group. He should be punished in accordance with the law.

The accused Xing Hongwei, incited by others, mailed counter-revolutionary leaflets, and his conduct

Six years after Tiananmen; Human rights violations continue

constitutes the crime of counter-revolutionary propaganda and incitement. Taking into account the fact that Xing Hongwei has shown repentance, he shall therefore be exempted from punishment.

The accused Xu Dongling addressed a large number of envelopes for mailing counter-revolutionary leaflets and transferred equipment that had been used for printing counter-revolutionary leaflets; His conduct constitutes the crime of counter-revolutionary propaganda and incitement. Taking into account the fact that the circumstances of his crime are not serious, he can therefore be exempted from punishment.

The accused Zhang Guojun addressed a large number of envelopes for mailing counter-revolutionary leaflets. His conduct constitutes the crime of counter-revolutionary propaganda and incitement. Taking into account the fact that the circumstances of his crime are not serious, he can therefore be exempted from punishment.

The accusations made by the Sub-Procuratorate of the Beijing Municipal People's Procuratorate against the accused Hu Shigen, Kang Yuchun and Liu Jingsheng for their crimes of organising and leading a counter-revolutionary group, and conducting counter-revolutionary propaganda and incitement; against the accused Wang Guoqi for his crime organising and leading a counter-revolutionary group; against the accused Wang Tiancheng for his crimes of actively joining a counter-revolutionary group and conducting counter-revolutionary propaganda and incitement; against the accused Chen Qinglin and Li Quanli for their crime of actively joining a counter-revolutionary group; against the accused Chen Wei, Zhang Chunzhu, Rui Chaohuai, Xing Hongwei, Xu Dongling and Zhang Guojun for their crime of counter-revolutionary propaganda and incitement, and against the accused Lu Zhigang and Wang Peizhong for their crime of counter-revolutionary propaganda and incitement; are all clearly presented and supported by irrefutable evidence.

However, taking into account the facts concerning Lu Zhigang's crime, he should be convicted of the crime of actively joining a counter-revolutionary group. Furthermore, in accordance with the verified facts, this court cannot confirm that Wang Peizhong has committed the crime of actively joining a counter-revolutionary group.

[The Court's View of the Defence Arguments]

The argument made by the accused Hu Shigen that his conduct did not constitute a counter-revolutionary crime does not correspond with the verified facts, and is thus untenable. The defence made by Hu Shigen's lawyer that Hu Shigen does not have the vital subjective elements for the [commission of a] counter-revolutionary crime cannot be verified by adequate facts, and therefore shall not be considered.

The argument made by the accused Kang Yuchun that his conduct did not constitute a counter-revolutionary crime does not correspond with the verified facts, and is thus untenable. The defence made by Kang Yuchun's lawyer that the circumstances of Kang Yuchun's crime of counter-revolutionary propaganda and incitement were not serious, that furthermore part of the evidence is not clearly verified and thus Kang Yuchun should be given a light punishment cannot be verified by adequate facts and therefore shall not be considered.

Six years after Tiananmen; Human rights violations continue

The accused Wang Guoqi flatly denied all the accusations brought against him in the indictment during the court hearings and therefore his argument shall not be trusted or considered. The defence made by Wang Guoqi's lawyer that the accusation against Wang Guoqi for the crime of organising and leading a counter-revolutionary group is not adequately proven is untenable, and therefore shall not be considered.

The argument made by the accused Lu Zhigang that his conduct did not constitute the crime of organising and leading a counter-revolutionary group is tenable and shall be considered. But his argument that he played the role of an accomplice in the crime of counter-revolutionary propaganda and incitement is untenable, and shall not be considered. The defence by Lu Zhigang's lawyer that Lu Zhigang's conduct did not constitute the crime of organising and leading a counter-revolutionary group and the defence lawyer's recommendation that Lu Zhigang should be given a lenient punishment is tenable, and therefore shall be considered.

The argument by the accused Liu Jingsheng that his conduct did not constitute a counter-revolutionary crime cannot be confirmed by the facts, and shall not be considered. The defence made by Liu Jingsheng's lawyer that the facts concerning Liu Jingsheng's case are neither clear nor adequately proven is untenable and shall not be considered.

The argument by the accused Wang Tiancheng that his conduct did not constitute the crime of actively joining a counter-revolutionary group and that he doubted whether it constituted the crime of counter-revolutionary propaganda and incitement is untenable, and shall not be considered. The objection raised by Wang Tiancheng's lawyer to the accusation against Wang Tiancheng for participating in drafting the "Letter to the Whole Citizenry from the Chinese United Democratic League" shall be accepted in accordance with evidence verified during the court hearings. But the defence made by Wang Tiancheng's lawyer that Wang Tiancheng's conduct did not constitute the crime of actively joining a counter-revolutionary group is untenable, and therefore shall not be considered.

The denial by the accused Wang Peizhong that his conduct constituted the crime of actively joining a counter-revolutionary group and his hope that he should be given a light punishment shall be accepted. But his argument that he does not cherish any subjective intention in the crime cannot be confirmed by the facts, and is thus untenable. The defence made by Wang Peizhong's lawyer that Wang Peizhong played the role of an accomplice cannot be verified by adequate facts, and thus shall not be considered. But the defence argument that the accusation that Wang Peizhong joined the "China Progressive Alliance" is not adequately proved is tenable, and therefore shall be considered.

The argument by the accused Chen Qinglin that his conduct did not constitute a counter-revolutionary crime is untenable, and shall not be considered.

The defence made by Chen Wei's lawyer that Chen Wei's conduct belonged to the category of preparing for a crime is untenable, and shall not be considered.

The denial made by the accused Zhang Chunzhu during the court hearings that his conduct constitutes the crime of counter-revolutionary propaganda and incitement cannot be verified by the facts, and shall not be trusted or considered. The defence made by Zhang Chunzhu's lawyer that Zhang Chunzhu did not know the content of the leaflets cannot be verified by the facts either, and thus shall not be considered.

Six years after Tiananmen; Human rights violations continue

The argument by the accused Rui Chaohuai that he did not commit any crime cannot be supported by any current laws, and shall not be considered. The defence made by Rui Chaohuai's lawyer that Rui Chaohuai's case belong to the category of first offence is tenable, but the argument that Rui Chaohuai's conduct belongs to the category of preparing for a crime is untenable, and shall not be considered.

The argument by the accused Xing Hongwei and the defence made by his lawyer that his conduct did not constitute a counter- revolutionary crime is untenable. But taking into account all the facts of Xing Hongwei's crime and his show of repentance, the defence lawyer's recommendation that Xing Hongwei should be exempted from punishment can be accepted.

The denial by the accused Li Quanli that his conduct constituted the crime of actively joining a counter-revolutionary group cannot be verified by the facts, and thus shall not be considered. The defence argument by Li Quanli's lawyer that the accusation that Li Quanli actively joined a counter- revolutionary group is not adequately proved and Li Quanli should therefore be exempted from punishment cannot be verified by the facts, or supported by sufficient arguments, and shall not be considered.

The argument made by the accused Xu Dongling during the court hearings that he does not cherish any subjective intention for the crime and that the accusation against him is not adequately proven does not correspond to the verified facts, and shall not be considered.

The defence made by Zhang Guojun's lawyer that Zhang Guojun does not have any serious subjective intention for the crime, and further that Zhang Guojun has shown a correct attitude toward admission of his guilt, and the lawyer's subsequent recommendation that Zhang Guojun should be given a lenient and light punishment can be accepted. But the other aspects of the defence are untenable, and shall not be considered.

[The Verdict]

In order to enforce the state laws with rigour, safeguard the political power of the people's democratic dictatorship and the socialist system, guarantee the smooth progress of the socialist economic structure, and ensure the vital interests of the broad masses of the people, and in accordance with Articles 90, 98, 102, 52, sections 1 and 2 of Article 51, Articles 57 and 64, section 1 of Article 22, Articles 23, 32, 33, 36 and 60 of the Criminal Law of the People's Republic of China, and according to section 2 of Article 2 of the "Decision on the Handling of Criminals Who Escape or Commit New Crimes while Serving Criminal Sentences or Terms of Re-Education Through Labour", while promulgated by the Standing Committee of the National People's Congress, this court hereby pronounces the verdict as follows in accordance with the facts, nature, and the circumstances of the crimes committed by the accused mentioned above and their degree of detriment to society:

1. The accused Hu Shigen is sentenced to 13 years' imprisonment, with deprivation of political rights for 3 years, for the crime of organising and leading a counter-revolutionary group, and 10 years' imprisonment, with deprivation of political rights for 2 years, for the crime of counter-revolutionary propaganda and incitement; it is decided that he shall serve an aggregate sentence of 20 years' imprisonment, plus deprivation of political rights for 5 years (the term of imprisonment shall start on the

Six years after Tiananmen; Human rights violations continue

date of the execution of this verdict, and the days spent in detention before the execution of this verdict shall be deducted from the term of imprisonment, so that the sentence will be counted as starting on 27 May 1992 and will finish on 26 May 2012).

2. The accused Kang Yuchun is sentenced to 12 years' imprisonment, with deprivation of political rights for 3 years, for the crime of organising and leading a counter-revolutionary group and 7 years' imprisonment, with deprivation of political rights for one year, for the crime of counter-revolutionary propaganda and incitement; he will serve an aggregate sentence of 17 years' imprisonment, plus deprivation of political rights for 4 years (the term of imprisonment shall start on the date of the execution of this verdict, and the days spent in detention before the execution of this verdict shall be deducted from the term of imprisonment, so that the sentence will be counted as starting on 29 May 1992 and will be completed on 28 May 2009).

3. The accused Liu Jingsheng is sentenced to 8 years' imprisonment, with deprivation of political rights for 2 years, for the crime of organising and leading a counter-revolutionary group and 8 years' imprisonment, with deprivation of political rights for 2 years, for the crime of counter-revolutionary propaganda and incitement; he will serve an aggregate sentence of 15 years' imprisonment, plus deprivation of political rights for 4 years (the term of imprisonment shall start on the date of the execution of this verdict, and the days spent in detention before the execution of this verdict shall be deducted from the term of imprisonment, so that the sentence will be counted as starting on 28 May and will be completed on 27 May 2007).

4. The accused Wang Guoqi is sentenced to 11 years' imprisonment, with deprivation of political rights for 3 years, for the crime of organising and leading a counter-revolutionary group (the term of imprisonment shall start on the date of the execution of this verdict, and the days spent in detention before the execution of this verdict shall be deducted from the term of imprisonment, so that the sentence will be counted as starting on 24 June 1992 and will be completed on 23 June 2003).

5. The accused Lu Zhigang is sentenced to 3 years' imprisonment, with deprivation of political rights for 1 year, for the crime of actively joining a counter-revolutionary group, and 3 years' imprisonment, with deprivation of political rights for 1 year, for the crime of counter-revolutionary propaganda and incitement; he will serve an aggregate sentence of 5 years' imprisonment plus deprivation of political rights for 2 years (the term of imprisonment shall start on the date of the execution of this verdict, and the days spent in detention before the execution of this verdict shall be deducted from the term of imprisonment, so that the sentence will be counted as starting on 28 May 1992 and will be completed on 27 May 1997).

6. The accused Wang Tiancheng is sentenced to 4 years' imprisonment, with deprivation of political rights for 1 year, for the crime of actively joining a counter-revolutionary group, and 2 years' imprisonment, with deprivation of political rights for 1 year, for the crime of counter-revolutionary propaganda and incitement; he will serve an aggregate sentence of 5 years' imprisonment plus deprivation of political rights for 2 years (the term of imprisonment shall start on the date of the execution of this verdict, and the days spent in detention before the execution of this verdict shall be deducted from the term of imprisonment, so that the sentence will be counted as starting on 30 October 1992 and will be completed on 29 October 1997).

Six years after Tiananmen; Human rights violations continue

7. The accused Chen Wei is sentenced to 5 years' imprisonment, with deprivation of political rights for 2 years, for the crime of counter-revolutionary propaganda and incitement (the term of imprisonment shall start on the date of the execution of this verdict, and the days spent in detention before the execution of this verdict shall be deducted from the term of imprisonment, so that the sentence will be counted as starting on 29 May 1992 and will be completed on 28 May 1997).

8. The accused Zhang Chunzhu is sentenced to 5 years' imprisonment, with deprivation of political rights for 2 years, for the crime of counter-revolutionary propaganda and incitement (the term of imprisonment shall start on the date of the execution of this verdict, and the days spent in detention before the execution of this verdict shall be deducted from the term of imprisonment, so that the sentence will be counted as starting on 28 May 1992 and will be completed on 27 May 1997).

9. The accused Rui Chaohuai is sentenced to 3 years' imprisonment, with deprivation of political rights for 1 year, for the crime of counter-revolutionary propaganda and incitement (the term of imprisonment shall start on the date of the execution of this verdict, and the days spent in detention before the execution of this verdict shall be deducted from the term of imprisonment, so that the sentence will be counted as starting on 26 October 1992 and will be completed on 25 October 1995).

10. The accused Li Quanli is sentenced to 2 years' under surveillance, with deprivation of political rights for 2 years, for the crime of actively joining a counter-revolutionary group (the term of surveillance shall start on the date of the execution of this verdict).

11. The accused Chen Qinglin has committed the crime of actively joining a counter-revolutionary group, but shall be exempted from any criminal punishment.

12. The accused Wang Peizhong has committed the crime of counter-revolutionary propaganda and incitement, but shall be exempted from criminal punishment.

13. The accused Xing Hongwei has committed the crime of counter-revolutionary propaganda and incitement, but shall be exempted from any criminal punishment.

14. The accused Xu Dongling has committed the crime of counter-revolutionary propaganda and incitement, but shall be exempted from criminal punishment.

15. The accused Zhang Guojun has committed the crime of counter-revolutionary propaganda and incitement, but shall be exempted from criminal punishment.

16. The items of the written evidence, material evidence and the cash which had been tracked down and seized shall be impounded (See appendix for a complete list).

If the accused refuse to accept this verdict, they can appeal to the Beijing Municipal High People's Court within ten days from the second day of receiving the court verdict, by submitting the written appeal and a duplicate copy of the appeal to the Beijing Municipal Intermediate People's Court.

Six years after Tiananmen; Human rights violations continue

The Presiding Judge: Wang Huiqing

The Acting Judge: Wang Yan

The Acting Judge: Wang Jian

16 December 1994

Beijing Municipal Intermediate People's Court

(With the official seal)

This copy has been checked with the original copy and no discrepancies have been found.

The Minutes Clerk: Zhao Jing