

**EXTERNAL (for general distribution)**

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**UA 396/91      Medical/legal concern**

**14 November 1991**

**PEOPLE'S REPUBLIC OF CHINA:      FAN Zhe**

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According to information received by Amnesty International, Fan Zhe, a 71 year-old retired engineer who is in poor health, has been detained without charge since July 1991 in Shanghai for criticising the Chinese Communist Party (CCP) in public. He is reported to have a medical history of hepatitis, hernia and epilepsy and to have taken medication on a daily basis before his arrest. His family has reportedly been denied access to him since his arrest and it is feared that his health may have further deteriorated in prison.

Before his retirement, Fan Zhe worked as a senior engineer for the Tongling Locomotive Works in Shanghai. A graduate of Jiaotong university in Shanghai, he was promoted to senior engineer at the age of 38. In 1988 and 1989, he published articles in two American and British design-engineering magazines. He is reported to have been imprisoned during the cultural revolution (1966-1968) and to have been shocked by the massacre in Beijing in June 1989.

On 1 July 1991 - the 70th anniversary of the foundation of the CCP - Fan Zhe reportedly distributed leaflets and hung a large banner criticizing the CCP at a busy crossroad in Shanghai. He was arrested on the spot by police. He has since been arbitrarily detained without charge for "shelter and investigation" by the Huangpu district branch of Shanghai Public Security Bureau. "Shelter and investigation" is a form of administrative detention imposed by police without any judicial supervision, and which bypasses the procedures for arrest and detention provided by state laws.

Fan Zhe appears to be illegally detained: according to known regulations, "shelter and investigation" should not be used to detain suspects whose identity and address are known and verifiable - as was the case for Fan Zhe. It is common, however, for the police to use "shelter and investigation" in breach of regulations for convenience's sake. Following the 1989 crackdown on pro-democracy protesters, it has also been used frequently to detain political dissidents without charge.

Amnesty International is concerned about Fan Zhe's reported arbitrary detention and poor state of health. It is calling on the authorities to investigate the case without delay and ensure that he be released immediately unless he is charged with recognizably criminal offences in accordance with international standards.

**RECOMMENDED ACTION: Telexes/faxes/airmail letters:**

- expressing concern about Fan Zhe's reported arbitrary detention for "shelter and investigation" by the Huangpu branch of Shanghai Public Security Bureau;
- expressing concern about his poor state of health and urging that he be provided with all necessary medical care;

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- urging the authorities to investigate the case without delay and to release him immediately and unconditionally unless he is charged with recognizably criminal offences in accordance with international human rights standards.

**APPEALS TO:**

1) Vice Premier of the People's Republic of China:

ZHU Rongji

**Your Excellency**

9 Xihuangchenggenbeijie

Beijingshi 100032

People's Republic of China

**Telexes: 210070 FMPC CN or 22478 MFERT CN**

**Faxes: + 86 1 512 0309; + 86 1 601 4562;**

**+ 86 1 512 5810**

2) Procurator General of the People's Republic of China:

LIU Fuzhi Jianchazhang

**Dear Procurator**

Zuigao Renmin Jianchayuan

Beijingshi

People's Republic of China

**Faxes: +86 1 512 1158**

**Telexes: 210070 FMPC CN or 22478 MFERT CN**

**(Please forward to LIU Fuzhi Jianchazhang)**

3) Mayor of Shanghai:

HUANG Ju Shizhang

**Dear Mayor**

Shanghaishi Renmin Zhengfu

12 Zhongshandongyilu

Shanghaishi 200002

Shanghai Municipality

People's Republic of China

**Telexes: 33289 SHFAO CN (please forward to HUANG Ju Shizhang)**

4) Shanghai Chief Procurator:

SHI Zhusan Jianchazhang

**Dear Procurator**

Shanghaishi Renmin Jianchayuan

Shanghaishi

People's Republic of China

**Telexes: 33289 SHFAO CN (Please forward to SHI Zhusan Jianchazhang)**

**COPIES TO:** diplomatic representatives of the People's Republic of China in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,

or your section office, if sending appeals after copies to 25 December 1991.