PUBLIC Al Index: ASA 17/001/2003

07 January 2003

Further Information on UA 104/02 (ASA 17/019/2002, 5 April 2002) and follow-ups (ASA 17/021/2002 24 May 2002) - Fear of Torture/Arbitrary Arrest/unfair trial

PEOPLE'S REPUBLIC OF CHINA Yao Fuxin, (m)

Xiao Yunliang (m)

Gu Baoshu (m)] workers' representatives

Wang Dawei (m)] Wang Zhaoming (m)]

Released: Pang Qingxiang (m)]

After nine months in detention, Wang Zhaoming and Pang Qinxiang were reportedly released on bail on 20 December 2002, although the precise conditions of their release remains unclear. On 31 December, Wang Zhaoming was detained once again after he had reportedly hired a lawyer to sue the authorities for his ninemonth detention.

Yao Fuxin and Xiao Yunliang who have been in detention since March 2002, initially faced a lesser charge of "illegal assembly and demonstration". However, an official from the Liaoyang Intermediate People's Court announced recently that they have now been charged with subversion. This carries a maximum penalty of death or life in prison.

In response to the charges, Guo Xiujing, Yao Fuxin's wife, told Agence France Presse (AFP) that the investigating magistrates "will not be able to establish the crime. All they (Yao Fuxin and Xiao Yunliang) did was to denounce corruption to protect the interests of the nation. They did nothing against the (Communist) party or the social order." On 4 January 2003, Yao Fuxin's telephone line at home was reportedly cut off. Su Anhua, Xiao Yunliang's wife added that her husband was in poor health, although the exact details of his medical condition remain unclear.

The four were arrested in Liaoyang on 20 March 2002 for their alleged role in organising demonstrations involving 30,000 workers from 20 bankrupt state-run firms. There is no new information about Wang Dawei's whereabouts, nor is it known whether an investigation into Gu Baoshu's allegations of torture has taken place.

BACKGROUND INFORMATION

Labour unrest has been increasing throughout China in recent years due to the closure of many State-Owned Enterprises (SOEs) and resulting unemployment for thousands of workers. In March 2002, the workers' representatives named above were involved in organizing large-scale demonstrations in Liaoyang city, Liaoning Province, which involved up to 30,000 workers from around 20 factories in the city. The workers were protesting against layoffs, alleged management corruption and delayed welfare payments. The factory and the local government have reportedly met some of the demands relating to back pay and medical expenses.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- welcoming the release on bail of Pang Qinxiang, but urging that he be released unconditionally unless he is charged with a recognizable criminal offence;
- expressing concern that Wang Zhaoming has been re-arrested following his release on bail;
- urging that Wang Zhaoming is released immediately and unconditionally, unless he is to be charged with a recognizable criminal offence;
- expressing concern that Yao Fuxin and Xiao Yunliang are reportedly detained for the peaceful exercise of fundamental human rights and have now been charged with subversion;
- urging that Yao Fuxin and Xiao Yunliang be released immediately and unconditionally unless they are charged with a recognizable criminal offence and pending their release they be granted all necessary medical attention;
- expressing concern that Gu Baoshu has allegedly been tortured;
- calling for an impartial investigation into the torture allegations and that those responsible be brought to justice;
- calling for the whereabouts of Wang Dawei to be clarified and that his safety be guaranteed.

APPEALS TO:

Governor of the Liaoning Provincial People's Government

BO Xilai Shengzhang

Liaoningsheng Renmin Zhengfu

45 Huangguqu, Beiling Dajie Shenyangshi 110032

Liaoningsheng

People's Republic of China

Telegram: Governor, Shenyang, Liaoning Province, China

Telexes: 80039 LFAO CN or 80040 SYFAO CN (Please forward to the Governor)

Fax: + 8624 8689 2112 Salutation: Dear Governor

Director of the Liaoning Provincial Department of Public Security

WANG Enfu Tingzhang

Gong'anting

2 Qishan Zhonglu, Beiling Dajie

Huangguqu

Shenyangshi 110032

Liaoningsheng

People's Republic of China

Telegram: Director of the Provincial Department of Public Security, Shenyang, Liaoning

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Salutation: Dear Director

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and to diplomatic representatives of the People's Republic of China accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 February 2003.