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**OPEN LETTER FROM AMNESTY INTERNATIONAL TO EU
GOVERNMENTS ON THE EVE OF EU-CHINA HUMAN RIGHTS DIALOGUE**

As EU governments prepare for their next round of human rights dialogue with China on 8 February, and as the 55th UN Commission on Human Rights approaches, there has been a serious deterioration in human rights in China.

Since October 1998, more than 70 dissenters have been detained and at least 15 high profile dissidents given heavy prison sentences or assigned to "re-education through labour" in the face of international protests. The Chinese authorities have begun to use draconian national security provisions in the revised Criminal Law against people exercising fundamental freedoms of expression and association. A widespread crackdown on suspected Uighur nationalists and independent Muslim leaders continues in the Xinjiang Uighur Autonomous Region (XUAR). Reports persist of the torture and death in custody of prisoners of conscience in Tibet and an ongoing "patriotic education" campaign involving closure of monasteries or the expulsion of "unpatriotic" monks and nuns. Unofficial Christian groups also reported intensified repression at the end of 1998, involving numerous arrests.

These developments detailed in the attached briefing constitute one of the most disturbing crackdowns seen in China in the past decade. They are not simply serious abuses of human rights, but strike at the heart of the EU and other human rights dialogues. They call into question China's sincerity in signing key human rights conventions in 1997 & 1998 and represent a serious setback on many of the core issues the EU and others have claimed to be pursuing.

The timing of recent trials of high profile dissidents is significant, coming in the lead-up to the Human Rights Commission and what Chinese foreign ministry representatives had termed "the most important dialogue" with the US government. It would appear the Chinese government has calculated it is secure from any significant international censure and can afford once again to intensify its repression of non-violent advocates for change.

Even the rhetoric has gone backwards. The Chinese government has once again rejected criticism as interference in "*the domestic affairs of China*" and stated it does "*not wish to hear irresponsible remarks from other countries*"(14.1.99). Foreign ministry spokesmen have also boasted of the lack of change: "*In spite of some international and domestic turbulence and the political and economic pressures from the West, the reforms and opening up policy of the Chinese government and its human rights policy have remained unchanged for the past two decades*".(14.1.99).

The developments come at a time when China's economic reforms have reached a critical juncture. With the restructuring of state enterprises leading to unemployment on an unprecedented scale, rampant corruption and numerous other problems, the authorities cannot afford to exacerbate existing tensions. Recent crackdowns have been justified as necessary to "ensure stability". Amnesty International believes that allowing people to air their views and grievances without persecution is essential to stability. Measures to "ensure stability" should be aimed at establishing credible public participation, scrutiny and accountability not at curbing freedom of expression and association.

Amnesty International's worldwide membership is deeply concerned at these recent developments in China and is calling on EU and other governments to reevaluate their approach and use all the means available to them to ensure serious consideration of human rights in China.

Amnesty International has never been opposed to dialogue with China. The organization has for many years pursued any opportunity to raise its concerns with relevant Chinese officials, as it does with governments worldwide. On this basis, Amnesty International has itself been prepared to participate in good faith in some dialogue sessions. However, the organization has become progressively disenchanted with the process, with the continuing lack of transparency and limits on participation, circular argumentation, indications of a lack of serious intent, and fundamentally the lack of concrete improvements in human rights.

A willingness on the part of Chinese officials to speak on a limited range of human rights issues, behind closed doors, to a carefully vetted foreign audience cannot be deemed progress when outside, Chinese citizens who discuss similar issues, who attempt to provide UN mechanisms and foreign observers with information on human rights violations, or who attempt to organize around their concerns are increasingly being harassed and imprisoned.

Amnesty International believes human rights dialogue is a means to an end, but is corrupted when it becomes an end in itself. The value of dialogue can only be measured in terms of concrete improvements for victims of human rights violations. As EU Commissioner Sir Leon Brittan himself warned in February 1998, "a dialogue without results will soon run out of steam and will not be acceptable to public opinion in Europe."

Amnesty International recognizes that engagement with China is a long term process and that dialogue cannot be expected to produce major changes overnight. But the potential of dialogue to produce results over time will be fatally compromised unless a line is drawn on fundamental issues from the very beginning.

Dialogue relies for its very effectiveness on accompanying public pressure, both bilaterally and through the UN's mechanisms. There is a grave risk that EU and other governments are becoming captive to the dialogue process in the face of Chinese pressure to remain silent on human rights in other forums. As Wang Guangya, the vice-minister of foreign affairs, warned in January 1999, "*any country which wishes to*

resume the Geneva scenario would certainly do damage not only to the bilateral relations but also to the possibility of continuing the human rights dialogue".

It is not acceptable that bilateral co-operation programmes, opportunities to discuss human rights and bilateral relations in general, are openly held hostage to silence in relevant international human rights mechanisms. Reducing human rights concerns to bargaining chips risks undermining the credibility of the mechanisms themselves, with implications far wider than China.

As the EU General Affairs Council (GAC) undertook in February 1998, "The EU will continue, as required and including in the UN framework, to make public concerns regarding the human rights situation in China". At the last Commission on Human Rights, the EU promised to keep the question of a resolution on China "under close review in the light of progress in the dialogue and developments on the ground.."

The time has now come to honour those commitments. Amnesty International calls on EU governments to:

- **protest recent developments in China publicly and unequivocally**
- **take preparatory steps towards tabling a resolution at the forthcoming Human Rights Commission highlighting concerns and the need for concrete progress**
- **evaluate the dialogue progress, with a view to**
 - **setting concrete objectives and a time frame for their achievement**
 - **improving public accountability and reporting on the content of dialogue sessions**
 - **ensuring the format of dialogue allows for the greatest possible diversity of participation on both sides**
 - **improving coordination with other dialogue partners (such as the US, Australia and Canada) to avoid duplication and maximize effect**

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RECENT DEVELOPMENTS ON ISSUES OF CONCERN IN CHINA

FEBRUARY 1999

- **Arbitrary Detention**

Since China signed the International Covenant on Civil and Political Rights (ICCPR) in October 1988 Amnesty International has monitored the detention of over 70 political activists as well as concerned citizens previously unknown to the organization. At least half are believed to be still in detention, most of the rest had been detained repeatedly during 1998. Many were detained after taking their government's signature of the convention at face value, exercising their right to freedom of association by simply attempting to register organizations such as "China Labour Monitor", "Chinese People's Civil Rights Organization", "Corrupt Behavior Observers". They are being detained and new restrictive regulations have been published governing the formation of "social organizations" whilst Chinese government representatives in bilateral dialogues repeatedly assert that their government highly value the role of non-government organizations.

- **Imprisonment for offences against national security**

In one category alone - those identified as Chinese dissidents - Amnesty International knows of at least 28 prisoners of conscience and possible prisoners of conscience who have been sentenced since January 1998. They either received long prison terms after unfair trials or were assigned without trial to up to 3 years' re-education through labour. The majority were prosecuted under revised national security offences in the 1997 Criminal Law, which the UN Working Group on Arbitrary Detention believes have significantly increased the potential for the imprisonment of people simply exercising fundamental rights. This legislation, and its incompatibility with international standards has been a central concern in several dialogues. In response, Chinese government representatives had given assurances that the draconian provisions would not be used as frequently as the Counter-Revolutionary crimes they replaced. Meanwhile EU calls for a review of the cases of nearly 2,000 prisoners convicted of Counter-Revolutionary crimes which no longer exist in the law have been consistently rebuffed.

Prominent dissidents Xu Wenli, Qin Yongmin and Wang Youcai, who had attempted to register the Chinese Democratic Party, were tried in December in different cities and sentenced to prison terms of 13, 12 and 11 years respectively on charges of "plotting to subvert the state power". Only Xu had a lawyer, appointed by the State. Wang's chosen lawyer was reportedly detained several times to prevent him undertaking the defence, and Qin's family was unable to hire a defence lawyer after lawyers in their home city of Wuhan were reportedly warned against defending him.

Several people were punished for "divulging state secrets" after providing foreign media with information on human rights concerns. Labour activist Zhang Shanguang was sentenced to 10 years imprisonment in December 1998, accused of "illegally providing information to overseas hostile organizations and individuals" reportedly for speaking about farmers' protests in his province in a Radio Free Asia interview. Li Yi and Wu Ruojie, a businessman and a rock singer from Guiyang, Guizhou province were accused of "divulging state secrets" when they informed foreign journalists and friends outside China about the arrest of Wu's brother and three other poets who had been planning to launch an independent

literary magazine. The pair were sentenced without charge or trial to three years “re-education through labour”.

In December 1998 a general crackdown on illegal publications was initiated with several people jailed for up to seven years for printing and selling books containing “serious political problems”. Computer software developers, artists, the media and publishing industries were warned that endangering “social order” or attempting to “overthrow state power” could be punished by life imprisonment. In January 1999 Lin Hai was sentenced to two years’ imprisonment for “inciting the subversion of state power” for passing on E-mail addresses to an overseas Chinese E-mail news network.

- **Disregard for criminal procedures**

In several of the high profile prosecutions of prisoners of conscience in 1998, the authorities blatantly disregarded provisions in the 1996 revised Criminal Procedure Law which provide for greater access to legal representation, notification of relatives and public trial. These provisions had been welcomed internationally as positive steps towards enhancing protection for defendants. For example, in April 1998 Turgan Tay, a 27 year-old Uighur businessman from Gulja (*Yining*), XUAR, was reportedly sentenced to 10 years’ imprisonment for involvement in “illegal” religious activities. His trial was reportedly held in secret with no lawyer or relative present.

- **Targeting of those who attempt to contact human rights monitors**

Not one of the dialogue or other high profile diplomatic visits in 1998 were given unimpeded access to the full range of public opinion in China. High profile dissidents were routinely detained, moved or placed under house arrest or surveillance for the duration of such visits. Those Chinese citizens who attempted unauthorized contact suffered serious consequences. Chu Hailan, wife of dissident Liu Nianchun was detained and beaten up when she attempted to meet UN High Commissioner on Human Rights, Mary Robinson, in Beijing. Two Tibetan monks, Kyonmed and Samdrul, have reportedly been detained since December on suspicion of involvement in preparing a letter for presentation to Mary Robinson during her visit to Tibet. Prisoners have also faced severe reprisals for protests timed around visits by international delegations, for example during the UN Working Group on Arbitrary Detention’s visit to Drapchi Prison in October 1997 and around the time of the visit of the EU Troika representatives to the same prison in Early May 1998.

- **The death penalty**

The death penalty continues to be used extensively for a wide range of crimes including non violent and economic offences. National statistics on the use of the death penalty remain a state secret.

Most recently, publicity has been given to the resumption of executions for “organizing prostitution” or “pimping” in Beijing and Hangzhou, where elsewhere in China police are themselves authorized to collect tax from “escort ladies”. Reportedly following calls for a stronger anti-corruption crackdown from Zhu Rongji, executions for corruption cases resumed in 1999, reversing a 1998 trend towards greater use of suspended death sentences for these crimes. In Xinjiang, political prisoners are being sentenced to death.

- **Torture**

As part of the 1998 anti-corruption campaign, reports of prosecutions of the police for torture featured heavily in some local newspapers. However in December 1998, some of the most active investigative newspapers, such as Southern Weekend, were reportedly ordered to stop their exposes and concentrate on good news for the Party.

In cases of torture reported by unofficial sources, perpetrators are seldom brought to justice. Allegations do not appear to be properly investigated. Several prisoners of conscience died in custody in 1998 in suspicious circumstances following allegations of torture and ill-treatment. All these deaths were officially passed off as “suicide” once they were brought to international attention.