

# £THE PEOPLE'S REPUBLIC OF CHINA @The 1989 pro-democracy movement: restrictions against released prisoners

## INTRODUCTION

"We still have to see what your attitude is like over several months; if your attitude is poor, you will have to stay behind and find work."

This is what Liu Shanqing, a prisoner of conscience, was told by a prison official in Huaiji Prison before the completion of his ten-year sentence on 28 December 1991. Liu Shanqing was not held for his involvement in the 1989 pro-democracy movement but the warnings he received before his release are typical of those addressed to others who have been held and subsequently released following the 1989 pro-democracy demonstrations.

The government has not published figures giving the total number of people released throughout the country following the 1989 protests. However in 1991, the authorities announced that almost 1,000 pro-democracy activists had been released from detention since 1989 or "exempted from criminal punishment" although this figure seems to refer mainly to people who had been held in Beijing and Shanghai.

Amnesty International has documented the cases of some 350 political prisoners who were released since 1989 after spending periods in detention - usually without charge - varying from a few months to over two years. All had been detained for their alleged activities during the 1989 pro-democracy movement.

This document describes some of the measures taken by the authorities to restrict the freedom of movement and other fundamental rights of released prisoners of conscience who were detained following the 1989 pro-democracy demonstrations. Amnesty International also knows of many other former political detainees not involved in the 1989 protests who are under house arrest or subjected to similar restrictions.

Amnesty International is concerned that many former prisoners of conscience in China have been released subject to restrictions that may constitute a form of continued detention and imposes further limits on their basic civil, economic and political rights following their release.

## **SUPPLEMENTARY PUNISHMENTS TO A PRISON SENTENCE**

### Deprivation of Political Rights

Many of those sentenced following the 1989 protests are prisoners of conscience held for the peaceful exercise of their right to freedom of expression and association. Their sentence usually includes a term of imprisonment and a supplementary punishment called "deprivation of political rights". Thus, once released, they are deprived of certain rights for a particular period. This measure applies to all political prisoners.

According to Article 52 of the Criminal Law all those sentenced to prison terms for "counter-revolutionary" offences shall be sentenced to "deprivation of political rights" as a supplementary punishment to the term of imprisonment. The supplementary punishment starts on the day that the term of imprisonment expires or the date that parole begins and can range from one to five years. Deprivation of political rights means that a prisoner on his/her release is denied the right to elect or be elected, of freedom of speech, of freedom of the press, of assembly, of association, of procession and of demonstration or to hold a leading position in any enterprise, institution or organization. This usually also means being restricted to live within a specified area and having to report regularly to the police.

### Retention after Completion of Sentence

According to a decree adopted in 1981<sup>1</sup>, prisoners convicted under the criminal law who have already served a term of imprisonment can be forced to stay indefinitely in the labour camp as "employees" after serving their term of imprisonment. Some prisoners are also sentenced by the police or administrative authorities, without trial, to "re-education through labour" immediately after completing their term of imprisonment, often simply because they continued to hold political beliefs deemed by the authorities to be unsatisfactory. Thus they go straight from a sentence of "reform through labour" into serving a period of "re-education through labour". They can then be forcibly retained indefinitely in a labour camp as "employees", without any further legal process.

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<sup>1</sup>"Decision on the Handling of Offenders Undergoing Reform Through Labour and Persons Undergoing Reeducation Through Labour Who Escape or Commit New Crimes", adopted by the National People's Congress Standing Committee on 10 June 1981.

In an interview with the Hong Kong magazine *Baixing* dated 16 January 1992, Liu Shanqing, who spent 10 years in prison from 1981 to 1991, said that while in prison he was threatened with an additional term of "re-education through labour" if he "continued to maintain his innocence". Liu Shanqing was released in December 1991. In other cases, the threat is real. One example is the case of Francis Wang Yijun, an elderly Roman Catholic priest from Wenzhou in Zhejiang Province, who was sentenced in February 1990 to three years of "re-education through labour" immediately after he completed an eight-year prison term because of his religious convictions. The authorities deemed that while he was serving his prison sentence he had "resisted reform" and "refused to repent".

## THE PATTERN OF RESTRICTIONS

It is a standard practice in China to formally restrict the rights of "counter-revolutionaries" after their release. These punitive measures appear to be intended to control and curb political dissent.

The restrictions on fundamental rights and freedoms after release take many forms. In practice it would seem that those most affected are students and intellectuals who refuse to "confess" or who are considered for political reasons to continue to pose a threat, and workers, whose cases are less well documented. The families and friends of those released have also suffered intimidation. In some cases, the children of some of those involved in the 1989 protests are known to have been denied employment or entry into local schools.

Restrictions on freedom of movement and association take various forms, including restriction to a particular area, house arrest, regular and mandatory reporting to the local Public Security Office and close monitoring of contacts and communications by members of the security bureau. Many former prisoners lose their jobs and residence rights and are forced to live in isolated rural areas. Many have great difficulty finding work after their release as many public sector work units are reluctant to employ those suspected of being involved in political opposition to the Chinese Communist Party (CCP). Travel restrictions also apply both within China and abroad. Many are allowed to travel only within certain designated areas and some are forbidden to leave China or to study or live abroad.<sup>2</sup> Many students have been barred from continuing their studies at university.

Cases documented by Amnesty International also show that many former political prisoners face considerable difficulties adapting to a life outside prison. Some are rejected and ostracised by their peers after their release. Many return home in very poor health or are suffering from the ill-effects of inadequate prison conditions or even ill-treatment received in prison.

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<sup>2</sup>According to a recent official announcement (reported in *Reuters* on 8 May 1992), exit permits have now been granted to two prominent dissidents, Han Dongfang and Liu Qing, and it was announced that others would follow.

Medical care in prison is notably poor and in some cases appears to be non-existent. The families of detainees are required to meet the costs of medical care and hospitalization when the relative is detained.

The use of such restrictions and other discriminatory measures continue despite calls by some CCP leaders to end these discriminations. Last year, Li Wei, a member of the Chinese Communist Party Central Committee Political Bureau, was reported as saying that those held for their involvement in the 1989 protests should not be discriminated against and that such measures could be a destabilizing factor in Chinese society. This was endorsed by the General Secretary Jiang Zemin, who said "...these people should not be excluded and still less discriminated against. Conditions should be created for their specialities. Those who have done well and made achievements in work should be commended, awarded and promoted" (Hong Kong Ching Pao newspaper, 5 September 1991). According to press reports, however, in December 1991 in an internal party document Chinese Communist Party leaders are reported to have ordered authorities to prevent pro-democracy activists from joining private enterprises (South China Morning Post 20 December 1991).

## CASES

The cases listed below illustrate restrictions imposed on former pro-democracy detainees after their release. These are only a few examples of the cases known to Amnesty International since 1989.

**Wang Ruowang**, a prominent 74-year-old writer and journalist from Shanghai, was arrested on 8 September 1989 and released in October 1990 without charge. At the time of his release in October 1990, a set of conditions were placed on Wang Ruowang's release: his "case" was said to be still pending and accordingly Wang Ruowang would be expected to appear in court when necessary; he had to report on his political beliefs every two weeks to the authorities and he could not leave Shanghai without prior approval from the authorities concerned.

During the 1989 student protests, Wang Ruowang and other writers in Shanghai had taken part in demonstrations in support of the pro-democracy movement. In late April 1989 he addressed an open letter to Deng Xiaoping, the then chairman of China's Central Military Commission, in which he expressed support for the students. Wang Ruowang had long been known as a critic of the Chinese Communist Party.

Following the crackdown by the authorities in 1989, Wang Ruowang was placed under constant police surveillance and is believed to have been under some form of house arrest until his arrest in September 1989.

In April 1991 Wang Ruowang, his wife, and seven other people were reportedly suspected by the police of being involved in writing a pro-democracy publication. Wang and his wife were taken away from their home by members of the Public Security Bureau, detained and interrogated for almost two days before being released.

To this day Wang Ruowang has never been charged or tried although he is reportedly not permitted to go beyond the city limits or to travel abroad. His house is reportedly under constant surveillance, his telephone has been cut off to prevent him from talking to foreign journalists and he is under instructions from the Public Security Bureau not to write for overseas publications.

**Chen Xiaoping**, aged 30, a lecturer in constitutional law at Beijing's University of Politics and Law was arrested in June 1989 and detained without trial for 18 months. He went on trial on 5 February 1991, charged with "plotting to overthrow the government", but was "exempted from criminal punishment" and released. Shortly after his release Chen Xiaoping was expelled from the Chinese Communist Party and his former University. He lost his right to live in Beijing and was forced to return to his family home in Hengyang, Hunan Province. He is reportedly in poor health and has no means of earning a livelihood.

Describing Chen's fate after his release in February 1991, a friend reportedly said, "He would be better off in prison; what can he possibly do with no job and a bad reputation in a small village in Hunan".

**Gao Xin**, aged 36, a former editor of a University newspaper in Beijing was detained in 1989, released after six months, placed under house arrest and detained again at a "guesthouse" before finally being released in June 1990. During his period of detention Gao Xin was never charged.

Gao Xin was one of four people who began a hunger-strike on 2 June 1989 in Tiananmen Square in support of student demands for democracy and freedom at the time of the 1989 pro-democracy demonstrations.

Gao Xin was arrested by plain clothes police outside his home on 14 June 1989. Six months later on 14 December 1989 he was released and told that the investigation into his activities during the protests were completed. After his release in December the police informed him that he would not be charged, but that he would be placed under house arrest. This meant that Gao Xin had to report to the police once a week, he was not allowed to leave Beijing and if he left his house for more than two hours, he had to inform the police. He was not allowed to sleep anywhere but at his own house and was kept under close surveillance.

Several weeks after the house arrest restrictions were lifted, he was detained again by police on 30 May 1990 and held at a "guesthouse" on the outskirts of Beijing. Gao Xin had been involved in organizing a news conference to commemorate the events of 4 June 1989.

Following his release from the "guesthouse" on 22 June 1990, Gao Xin was not permitted to return to his former job as editor of the Beijing Normal University newspaper. As he was not

allowed to resign from his former job he was unable to look for other work. With no means of earning a living Gao sought permission from the authorities to go abroad. In February 1991 the authorities gave him a passport and Gao Xin is now living and studying in the USA.

**Zhang Weiguo**, a 36-year-old Beijing journalist with the former World Economic Herald, has been detained twice following the 1989 pro-democracy demonstrations and has faced restrictions ever since his release. In early 1989, when the authorities closed down the World Economic Herald Zhang Weiguo publicly criticized the Shanghai CCP. Zhang Weiguo was first arrested in Shanghai in June 1989 and charged in September 1989 with "counter-revolutionary" offences. He was released in February 1991 and charges were dropped. During the following months, he received visitors and gave interviews to foreign journalists.

In July 1991, Zhang Weiguo was re-arrested and held for 23 days in a Shanghai army barracks where he was extensively interrogated on his alleged contacts with the foreign press and foreign personalities. He was released on bail, pending further investigation. He is not allowed to leave Shanghai and has to report to the police whenever required. He was told he could be re-arrested at any time. Zhang Weiguo has no job. He would like to continue working as a journalist, but he has reportedly been told that he has to find work in an area other than journalism.

**Yu Haocheng**, a 67-year-old, Director of the China Legal System and Social Development Research Institute, was arrested in Beijing on 27 June 1989. He was held for six months without charge or trial. In December 1990, Yu Haocheng was "released" from Qincheng prison and placed under house arrest in a "guesthouse" in a suburb of Beijing. According to a report in the Hong Kong magazine, Kaifeng, dated 15 June 1990, Yu Haocheng was "living under surveillance", had no freedom of action and was allowed to meet his family only once a month. Yu Haocheng was reportedly in poor health and has been unable to find employment. His current situation is not known.

During the student protests in Beijing, Yu Haocheng was one of 12 intellectuals who made a public appeal on 14 May 1989 to the government to declare the student movement a "patriotic democratic movement".

**Yang Tao**, a student at the History Department of Beijing University, was arrested in Lanzhou, Gansu Province, in June 1989. After 13 months' imprisonment without charge or trial, Yang Tao was released in August 1990 and banished to his hometown of Fuzhou, Fujian Province. He was also reportedly expelled from his university and reportedly barred from future entry into any other Chinese university. He has apparently been unemployed since his release. At the time of the 1989 protests, Yang Tao was a leading member of the Beijing Students Autonomous Federation (BSAF).

**Xiao Xuehui**, a political science teacher at the Southwestern Minority Nationalities College, in Chengdu, Sichuan Province, was arrested in 1989 for her involvement in pro-democracy demonstrations and charged with "counter-revolutionary propaganda and incitement". During her

detention Amnesty International publicised its concerns about reports that she had been ill-treated.

Xiao Xuehui was released in February 1991 and "deprived of political rights" for two years. "Deprivation of political rights" is a supplementary punishment to the term of imprisonment and imposes restrictions on her freedom of movement and association (see page 2). Xiao Xuehui is currently appealing against the court-ordered two-year deprivation of political rights. Since her release Xiao Xuehui has not been allowed to resume her profession as a teacher.

**In some cases the relatives of political prisoners also suffer harassment and restrictions as a result of the imprisonment of their relative.**

**Hou Xiaotian**, wife of Wang Juntao who was sentenced to 13 years' imprisonment and four years' deprivation of political rights in February 1991, has faced arrest and other restrictions. Wang Juntao, considered by the authorities to be one of the "instigators" behind the 1989 protests, was charged with counter-revolutionary offences and is now ill with hepatitis.

Following the arrest of her husband in November 1989, Hou Xiaotian has faced persistent harassment by the authorities apparently solely because of her relation to Wang Juntao. Mrs Hou has been detained on three occasions, is subject to constant surveillance by the police and has been warned not to speak to foreign journalists. She has lost her job and her home. Hou Xiaotian has no means of livelihood and permission to travel abroad has been withheld by the authorities.