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CHINA: UNITED NATIONS COMMITTEE AGAINST TORTURE

The Chinese government is still failing to fulfil its major obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Amnesty International said today, as China's implementation of the Convention is about to be reviewed by the UN.

Torture and ill-treatment remain widespread and systemic in China, Amnesty International said. These violations occur in police stations, detention centres, labour camps and prisons across the country, sometimes resulting in the death of the victims. Basic safeguards to prevent torture, such as prompt access to lawyers, are still lacking.

Many acts which constitute torture or ill-treatment - notably the use of torture to punish, intimidate or coerce a person - are not offences under the law. Many torturers therefore escape prosecution and punishment, the organization said.

In a recent case, Wang Jingbo, a 33 year-old employee at the Capital Iron and Steel Works, was reportedly beaten to death while detained at the Chaoyang district Public Security Detention Centre in Beijing. Wang's parents were given a death certificate which said he had died of cerebral bleeding on 3 December 1995. An autopsy, however, showed that, in addition to brain haemorrhage, Wang had suffered 12 broken ribs. In March 1996, the head of the detention centre where Wang had been held told his parents that Wang had died of pneumonia and of injuries sustained when beaten by other prisoners. Similar claims have been made by the authorities in other cases of deaths in custody believed to be due to torture. In several such cases reported to Amnesty International, no judicial investigation is known to have been carried out.

China ratified the Convention against Torture more than seven years ago, but the authorities have failed to bring Chinese law into line with its provisions. The Chinese government has taken some positive measures in recent years to strengthen and implement the existing prohibition of torture in law. While Amnesty International welcomes these measures, it believes that the government is still failing to acknowledge the true extent of torture in China and the reasons why it continues.

The provisions against torture in Chinese law are inadequate, Amnesty International said. The Criminal Law prohibits only one form of torture, "torture to extract confessions", and some forms of ill-treatment in limited circumstances.

These provisions have not been reviewed since the Criminal Law came into force in 1980, even though China ratified the Convention against Torture in 1988. The Convention obliges each State Party to ensure that "all acts of torture are offences in its criminal law" and that punishments for these offences should reflect "their grave nature" (Article 4). The Chinese authorities have obviously failed to meet these requirements.

Incommunicado detention - a major factor facilitating torture - remains the norm for most detainees in China. People taken into police custody are held for long periods without access to lawyers, judges or relatives. Though China's Criminal Procedure Law was recently revised, the revised law, due to come into force in January 1997, guarantees access to a lawyer only after periods varying from two to seven months. Given that torture often occurs in the first few days or weeks of detention, the revised provisions do not increase protection against torture.

Articles 12 and 7 of the Convention against Torture require State Parties to investigate "promptly and impartially" whenever there are reasonable grounds to believe that torture has taken place and to prosecute those responsible for torture. The Chinese government's second periodic report to the UN does not comment on its implementation of these articles of the Convention.

According to Chinese official statistics, however, the number of cases of "torture to extract confessions" investigated by the authorities was 412 in 1995, 409 in 1994 and 378 in 1993. While these figures show that some cases are investigated, Amnesty International believes that they do not reflect the real incidence of torture.

The UN Committee against Torture (CAT), meeting in Geneva in early May 1996, will examine the Chinese government's second periodic report on its implementation of the Convention against Torture. China submitted its first periodic report in 1989. This was found to be inadequate by the CAT and the government submitted a supplementary report in 1992.

Amnesty International is calling on the Committee against Torture to look at these crucial areas of law and practice in which the Chinese government is failing to meet its obligations under the Convention. The Committee should also look at the extent of deaths in custody in China, which remains largely unacknowledged by the authorities. No independent body, whether domestic or international, is allowed to monitor the treatment of prisoners in China. The International Committee of the Red Cross had been refused access to Chinese prisons by the government.

The Committee against Torture should ask the Chinese government to address its major obligations under the Convention against Torture, notably:

- to clearly prohibit by law all acts of torture and ill-treatment,
- to promptly and impartially investigate all reports and complaints of torture,
- to prosecute all perpetrators, and
- to take other effective measures to prevent torture, including by allowing detainees prompt and regular access to lawyers, relatives and judges.

This briefing is a summary of *People's Republic of China - Torture and Ill-treatment: Comments on China's second periodic report to the UN Committee against Torture* (ASA 17/51/96, April 1996). If you would like a full copy of the report, or more information on Amnesty International's concerns in China, please contact:

Mark Ogle, Press Office, International Secretariat:

Tel. (+44) 171 413 5729

Fax. 171 413 5815/5835