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Summary of "Torture in China"

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Torture has become endemic in many places of detention in China and the extent of the practice is far more widespread than it was ten years ago. The Chinese authorities' continuing campaigns to crush crime and political opposition during the past decade have contributed to this trend. In late 1991, an official Chinese newspaper described the use of torture to extract confessions as "a stubborn illness that has not yet seen a recovery in spite of a long treatment." (People's Public Security News, No.661, 27 September 1991).

Though Chinese law forbids torture, police and other state personnel continue to use it to extract confessions, or to intimidate or punish prisoners. According to Chinese official sources, in 1991 the Chinese procuracies investigated and prosecuted 407 cases of "extorting confessions by torture" and in 1990 and 1991 there was a total of 24 wardens and guards sentenced to imprisonment for administering "corporal punishment" to prisoners. These official figures do not reflect the real incidence of torture, which is reported to be far higher than the number of cases officially investigated and prosecuted.

In a report entitled *Torture in China* (AI Index: ASA 17/55/92) issued on 9 December 1992, Amnesty International cites the cases of dozens of untried detainees and convicted prisoners who are reported to have been tortured or ill-treated by police officers or other state personnel, or with their connivance. The report also describes the most common methods of torture, the circumstances in which torture is used and the factors which facilitate its use.

The report details many different kinds of torture used in jails across China. Severe beating is common, and use of electric cattle prods, which give powerful electric shocks, is widespread. Prisoners are often shackled with handcuffs or leg-irons, sometimes with extremely tight shackles or in positions which cause excruciating pain. Other common methods include incarceration in tiny or pitch dark cells without heat, ventilation or sanitation. Some torture methods are extremely cruel and brutal and have led to deaths.

The report notes that since 1988, when China ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the

Chinese authorities have taken no effective measures to lessen the risks of detainees being subjected to torture or ill-treatment. During that period, the incidence of torture in Chinese jails has, if anything, increased.

The cases of torture cited in the report concern prisoners held in a variety of places of detention, including detention centres, prisons and labour camps, in several provinces and cities in China. Some examples are given below.

Liu Gang, a physics graduate and student leader in Beijing during the 1989 pro-democracy protests, is reported to have been repeatedly tortured since 1991 at the Lingyuan No.2 Labour-Reform Detachment in Liaoning province, in north-east China. He is one of at least 13 political prisoners who were severely ill-treated by prison officials at Lingyuan. On several occasions, Liu Gang and others were beaten, repeatedly given electric shocks with electric batons applied to sensitive parts of their bodies, and confined in tiny, dark and damp solitary confinement cells. Some of this ill-treatment was inflicted as a punishment when the prisoners demanded to be treated according to the standards described by the Chinese Government in a "white paper" on human rights in China issued in early November 1991. Following the protest, Liu Gang was confined in isolation in a "strict regime" unit of the prison where he is said to have been repeatedly tortured. He was apparently still held there in mid-1992 and it is feared that his ill-treatment may have continued. There has been no recent news about him.

In one case in Fujian province, a 50 year-old farmer from Putian county was reportedly hung upside down in a window frame and repeatedly beaten by police during interrogation following his arrest in December 1991. He was also reportedly subjected to gross abuse throughout his detention, including whipping by guards all over his body and head, and beatings by other inmates which was condoned by prison guards. The farmer, Chen Zhuman, was apparently arrested for joining a Christian group, the New Testament Church, which was banned by the local authorities. According to information received by Amnesty International, he now suffers from severe hearing impairment and is in poor health due to repeated beatings.

Torture and ill-treatment of prisoners are also reported to be particularly severe in the Tibet Autonomous Region and in other areas, such as Hunan and Shaanxi provinces.

According to numerous accounts, torture of Tibetan political detainees has been routine in Tibet for a number of years. Many cases of torture have been publicly reported by various sources. Yet, there has been no official report of perpetrators having been brought to justice. Among the cases reported to Amnesty International is that of Laba Dunzhu (Lhakpa Dondrup), a young Tibetan aged 18 or 19 at the time of his arrest in 1989, who is reported to have died in November 1991 in a hospital in Lhasa, the Tibetan capital, after being transferred there from the Gutsa Detention Centre in Lhasa. The cause of his death is not known, but he was reported to have been severely tortured in detention, suffering many injuries as a result, including a ruptured spleen. The torture inflicted on him reportedly included repeated beatings with truncheons and fists; kicks on his back and abdomen; being hung up by the arms with the arms chained behind his back in a twisted position; and being made to lie down on the ground completely naked in the bitter cold. There has been

no official report about his death.

In Hunan province, criminal and political prisoners alike are reportedly subjected to a high degree of brutality in various places of detention. Political prisoners arrested following the 4 June 1989 crackdown and others are reported to have been severely beaten, given electric shocks with cattle prods, shackled, or tied continuously to a device known as the "shackle board" for months on end. Some prisoners became mentally disturbed and severely affected physically as a result of such torture. Yu Zhijian and Yu Dongyue, two political prisoners held since 1989, were reported in 1992 to be in very poor mental and physical conditions as a result of torture and over 30 months of cruel and inhuman treatment at the Hunan Provincial No.3 Prison at Lingling. Both were reportedly ill-treated and held for over two years in tiny, dark and damp solitary confinement cells which have no heating or ventilation. By early 1992, Yu Zhijian was said to have become skeletal and Yu Dongyue reportedly showed signs of mental disturbance and had lost control of some bodily functions.

The cases described above are only a few of those cited in the recent Amnesty International report. Other cases and information available to Amnesty International demonstrate that such torture or other abuses of prisoners are common in many places of detention across China.

The report describes various aspects of the law-enforcement and justice system in China which contribute to the practice of torture. The major factors which facilitate torture are: a near total lack of safeguards for prisoners' rights; a lack of impartial investigations into torture allegations; and the impunity frequently extended to torturers.

Prisoners have very few rights in law and in practice are considered to have none at all. They are often held incommunicado for months on end after their arrest and are totally at the mercy of their jailers throughout their detention or imprisonment. The law effectively allows the police to hold people in custody without any contact with people outside the prison for weeks or months, or even years if they so wish. Many detainees are held under administrative regulations and have no right of access to lawyers or judges. Those charged under the criminal law have a right of access to lawyers only at the time of trial, usually several months after their arrest. The law does not guarantee access to the family, and this is usually only granted after a prisoner has been tried and sentenced or "assigned" a term of administrative detention. Furthermore, family visits can be denied at any time when it suits prison officials. When they are allowed, they are closely monitored by guards and the prisoners' mail is censored.

Thus prisoners can be tortured without anyone outside the prison knowing about it. The only people they can usually complain to are prison guards or officials who, even if they are not themselves involved in torture, often cover-up for their colleagues. Few prisoners therefore dare to make complaints, knowing that they have little chance of being heard and fearing reprisals.

Though some cases of torture are officially investigated, few such investigations take place. The Chinese procuracies - which are responsible for investigating reports of torture -

often take no action. According to former prisoners, in places of detention where torture is common, procurators often know that torture is practised but turn a blind eye. The procuracies' primary role is to act as state prosecutor in criminal cases: they are responsible for approving arrests; they take part in criminal investigations and they initiate prosecution. In this process, they cooperate closely with the police and often close their eyes if a police officer uses force against detainees to obtain "results".

When investigations are carried out, many are dropped without the alleged torturers being prosecuted. Often, the perpetrators of torture only receive administrative sanctions, such as a demotion or transfer. When they are prosecuted, the punishments are often light. Thus many perpetrators escape punishment or receive only light sentences, which fosters the feeling in others that they can abuse prisoners with impunity. Some articles in the Chinese official press have described the sense of impunity felt by police officers, due to cover-up by their superiors and the lack of legal action against them.

Other factors which facilitate the practice of torture include: the general reliance put on confessions in the judicial process (very few cases go to trial without a confession from the accused); the lack of supervision over the actions of the police; and the lack of proper procedures for making complaints.

In its report, Amnesty International described fundamental measures which it believes are needed to eradicate torture in China. It called on the Chinese Government to introduce such measures, in line with China's obligations as a State Party to the UN Convention against Torture. These measures should include the introduction of fundamental legal safeguards for the rights of all detainees and prisoners - in particular granting them the right of access to relatives, lawyers and doctors of their choice promptly after arrest and regularly thereafter - and the introduction of mechanisms to ensure the effective application of these safeguards. Another fundamental step is to ensure that all torture allegations are impartially investigated by independent bodies, that the methods and findings of such investigations are made public, and that the perpetrators of torture are brought to justice. Other important measures should include: introducing safeguards during interrogation and custody; introducing specific procedures to enable prisoners to make complaints without fear of reprisals; and ending the reliance on confessions in the judicial process.

Amnesty International also urged the Chinese government to take immediate steps to ensure that all reports of torture, including those described in the report, be impartially and thoroughly investigated, to make public the findings of such investigations and to bring the perpetrators of torture to justice.

<p>KEYWORDS: TORTURE/ILL-TREATMENT1 / CONFESSIONS / DEATH IN CUSTODY / ADMINISTRATIVE DETENTION / INCOMMUNICADO DETENTION / IMPUNITY / SOLITARY CONFINEMENT / POLICE / PRISON STAFF / ILL-HEALTH / STUDENTS / JUVENILES / FARMERS / RELIGIOUS GROUP MEMBERS - PROTESTANT / POLITICAL PRISONERS / INVESTIGATION OF ABUSES / UN CONVENTION AGAINST TORTURE / PHOTOGRAPHS /</p>

This document summarizes a 60-page report (23,780 words), *Torture in China* (AI Index:

ASA 17/55/92), issued by Amnesty International in December 1992. Anyone wanting further details should consult the full document.

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